

BEFORE THE NATIONAL GREEN TRIBUNAL,  
(EASTERN ZONE BENCH, KOLKATA)  
MEMORANDUM OF APPLICATION

[Under Section 18(1) read with Sections 14, 15 and 17 of National Green  
Tribunal Act, 2010]

ORIGINAL APPLICATION NO. OF 2023/EZB  
BISWAJIT MUKHERJEE & ANOTHER

....APPLICANTS

Versus  
UNION OF INDIA & ORS.

...RESPONDENTS

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Applicant

*Bikash Shaw*

Mr. Bikash Shaw, Advocate for the Applicant,  
87, Bakar Mahal, Sadar Bazar,  
Barrackpore, North 24- Parganas-PIN - 700120

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SRI BISWAJIT MUKHERJEE & ANOTHER

....Applicants

VERSUS

STATE OF WEST BENGAL & OTHERS

....Respondents

SYNOPSIS

That the applicant no. 1 has filed various representations before the concerned statutory authorities for framing of a comprehensive guidelines to manage and operate fire cracker manufacturing unit as well as on distributing and selling of fire crackers. The applicant by the said representation also prayed to close the illegal fire cracker manufacturing unit. The said concerned authorities failed and neglected to either consider or to take any step against the said representation. Such fact was compelled to the applicant no. 1 to file an application being O.A. No. 101 of 2015 before this Hon'ble Tribunal thereby praying for a direction upon the respondent authorities to forthwith take steps to stop the illegal and unauthorized fireworks manufacturing units which are being run within the State of West Bengal without obtaining proper licenses from appropriate authorities and other various reliefs before this Hon'ble Tribunal. 22. That on 16.10.2015, this Hon'ble Tribunal was, inter alia, pleased to direct the concerned respondents to take all possible steps and measures to close down illegal and unauthorized fire cracker manufacturing units and to file an action taken report. During the pendency of the said application the concerned statutory authority filed various affidavits thereby stating that a proper and comprehensive guideline will be frame for manage and operate fire cracker manufacturing unit as well as on distributing and selling of fire crackers. Furthermore, also states that they will indentify land in the State of West Bengal to prepare the zone of high concentration of fire manufacturing units and relocating them in dedicated industrial zone taking into account all safety and security aspects and better centralized supervision emulating the Sivakasi Tamil Nadu Model. After filing of the aforesaid various affidavits, the aforesaid matter was heard on length and by an order dated 20.03.2020,

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this Hon'ble Tribunal pleased to dispose off the aforesaid application directing the State Government to frame appropriate guidelines for operation fire cracker manufacturing unit at West Bengal. Unfortunately till now no such appropriate guidelines for operation fire cracker manufacturing unit at West Bengal has been framed by the State Government. Since the year 2023 till date the applicants have filed various representations before the various statutory authorities thereby praying for taking all possible steps to close down unauthorized and illegal fire cracker manufacturing unit and also to take precautionary measures for disposal of seized fire crackers which were recovered from the said unauthorized and illegal fire cracker manufacturing unit. Moreover the applicant also prayed for providing compensation to those persons or their legal heirs, who suffered injuries or succumbed to death due to illegal activities and/or running and/or operating and/or storing and/or selling of unauthorized and illegal fire cracker units. In this regard, a meeting, held in the office of the Chief Secretary, Government of West Bengal on 5<sup>th</sup> August, 2023 wherein it was recorded that on a survey caused by the respective District Magistrates it was found that 5556 nos. of fire cracker manufacturing/selling/storage units are running and almost none of them have proper licenses to run the same. In the said meeting the Chief Secretary requested the concerned District Magistrates, Superintendent of Police and Commissioner of Police to identify if there are any more units and obtain the status of the same within 15 days. Till date no fruitful steps were taken by the respondent authorities regard to framing of appropriate guidelines for operation fire cracker manufacturing unit at West Bengal also no steps were taken to close down illegal firecracker units.

LIST OF DATES

Date	Particulars
2015	The applicant no. 1 being aggrieved by and/or dissatisfied with the impugned action and/or inaction of the respondent authorities, filed an application being O.A. No. 101 of 2015 before this Hon'ble Tribunal.
16.10.2015	This Hon'ble Tribunal was, inter alia, pleased to direct the concerned respondents to take all possible steps and measures to close down illegal and unauthorized fire cracker manufacturing units and to file an action taken report
20.03.2020	After filing of the aforesaid various affidavits, the aforesaid matter was heard on length and by an order dated, this Hon'ble Tribunal pleased to dispose off the aforesaid application directing the State Government to frame appropriate guidelines for operation fire cracker

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	manufacturing unit at West Bengal.
01.09.2021	The aforesaid order was duly communicated by the Learned Advocate of the applicant to the Chief Secretary of the State of West Bengal, who was requested to take appropriate step in compliance of the said solemn order.
2019-2023	Since the year 2023 till date the applicants have filed various representations before the various statutory authorities thereby praying for taking all possible steps to close down unauthorized and illegal fire cracker manufacturing unit and also to take precautionary measures for disposal of seized fire crackers which were recovered from the said unauthorized and illegal fire cracker manufacturing unit. Moreover the applicant also prayed for providing compensation to those persons or their legal heirs, who suffered injuries or succumbed to death due to illegal activities and/or running and/or operating and/or storing and/or selling of unauthorized and illegal fire cracker units.
05.08.2023	In this regard, a meeting, held in the office of the Chief Secretary, Government of West Bengal on 5 <sup>th</sup> August, 2023 wherein it was recorded that on a survey caused by the respective District Magistrates it was found that 5556 nos. of fire cracker manufacturing/selling/storage units are running and almost none of them have proper licenses to run the same. In the said meeting the Chief Secretary requested the concerned District Magistrates, Superintendent of Police and Commissioner of Police to identify if there are any more units and obtain the status of the same within 15 days.
	Hence this application

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(EASTERN ZONE BENCH, KOLKATA)  
MEMORANDUM OF APPLICATION  
[Under Section 18(1) read with Sections 14, 15 and 17 of National Green  
Tribunal Act, 2010]

ORIGINAL APPLICATION NO.                      OF 2023/EZB

IN THE MATTER OF:

1.        SRI    BISWAJIT    MUKHERJEE,  
Secretary of "Paribesh Academy", a legal aid  
centre for the poor and backward classes of  
our society, having his present office at  
Sabujer            Abhijan            Burrabazar,  
Chandannagar, District Hooghly, Pin Code  
- 712136.

2.        BAAZI    O    DJ    BOX    BIRODHI  
MANCHA, having their office at 6/11/4,  
Chaitnya    Sarani    (Khaldhar    Lane),  
Sreerampore, Hooghly- 712201 being  
represented by their General Secretary Sri  
Gautam Sarkar

.... APPLICANTS

Versus

1.        UNION OF INDIA, service through  
the Joint Chief Controller of Explosives,  
Petroleum    and    Explosive    Safety  
Organization, Department for Promotion of  
Industry and Internal Trade, East Circle,  
having its office at 8, Esplanade East, 1<sup>st</sup>  
Floor, Kolkata - 700 069.

Email id: [jtccekkolkata@explosives.gov.in](mailto:jtccekkolkata@explosives.gov.in)

2. STATE OF WEST BENGAL, service through the Chief Secretary, having office at NABANNA, 325, Sarat Chatterjee Road, Shibpur, Howrah – 711 102.

Email id: cs-westbengal@nic.in

3. THE PRINCIPAL SECRETARY, Government of West Bengal Department of Environment, having his office at 5<sup>th</sup> Floor, Pranisampad Bhawan, Block LB-II, Salt Lake, Sector III, Bidhannagar, Kolkata – 700 106. Email id: psecy.env-wb@gov.in

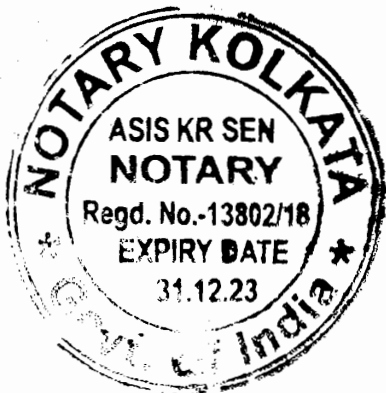
4. THE CHAIRMAN, West Bengal Pollution Control Board, Government of West Bengal, having office at Paribesh Bhavan, 10-A, Block – LA, Sector – III, Salt Lake City, Kolkata – 700 098.

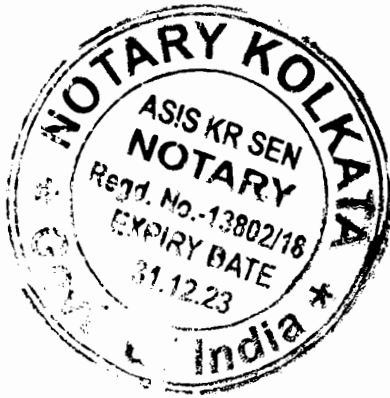
Email id: net.wbpcb-wb@bangla.gov.in

5. THE ADDITIONAL CHIEF SECRETARY, Department of Fire and Emergency Services, Government of West Bengal, having its office at Bikash Bhavan, South Block, Salt Lake, Kolkata-700091.

Email id: firedepartment@rediffmail.com

6. THE COMMISSIONER OF POLICE, Kolkata, having office at Police Head Quarters, 18, Lal Bazar Street, Kolkata – 700001. Email id: cp@kolkatapolice.gov.in





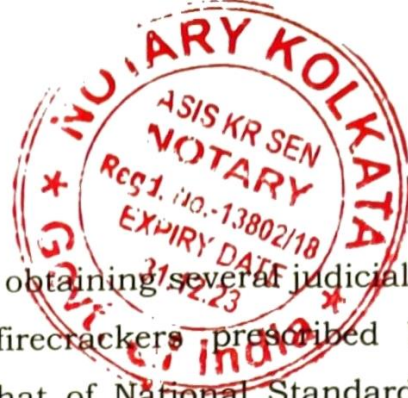
7. THE DIRECTOR GENERAL AND INSPECTOR GENERAL OF POLICE, West Bengal Police, having its office at 'Nabanna', 11<sup>th</sup> Floor, 325, Sarat Chandra Chatterjee Road, P.O. Shibpur, Howrah – 711102.  
Email id: dgwestbengal@gmail.com

.... RESPONDENTS

1. The address of the applicants are as given above for the service of notices of this application and that of their representatives.
2. The addresses of the respondents are as given above for service of notice of this application and that of their representatives.
3. The applicants above named begs to present the Memorandum of Application against inaction/wrong action on the part of the respondent Nos. 1 to 7 on the grounds set out hereunder:

**FACTS IN BRIEF:**

1. That the applicant no. 1, Biswajit Mukherjee retired as a Chief Law Officer from the West Bengal Pollution Control Board and Department of Environment, Government of West Bengal. He was also the former Member Secretary of the West Bengal State Noise Monitoring Committee.
2. The applicant no. 1 was awarded the Indira Gandhi Paryavaran Puraskar, 2012 by the Ministry of Environmental Forest, Government of India which is a highest award being given by the Central Government in the field of environment protection. The applicant no. 1 received this award by the Government of India in recognition of his outstanding contribution of control of pollution, environmental conservation and awareness. Mr. Mukherjee while in employment of the Government of West Bengal, made significant contribution for controlling noise pollution caused by fireworks, microphone, air horn and other sources. The



applicant no. 1 was also instrumental in obtaining several judicial orders for meeting the noise standard for firecrackers prescribed by the Government of West Bengal same as that of National Standard of 90 dB(A) instead of 125.

3. The applicant no. 1 established Paribesh Academy in West Bengal for training students on the environment and he regularly arranges "Environment Fair" for generating awareness amongst the public at large regarding environment pollution. The applicant no. 1 also wrote several books regarding causes of environment pollution and now to restrict them. *Copies of the Letter of Authorization and Registration certificate and annexed hereto and collectively marked as "Annexure- A/1"*
4. The applicant no. 2 is a society registered under the West Bengal Societies Registration Act, 1961 bearing Registration No. S0034944 of 2022-23. The Objectives for which the applicant no. 2 society has been established, amongst other are, to organize campaign, build awareness, act as whistle-blower among citizens, against unlawful and harmful use of DJ Sound Box, Fire Cracker, sound pollution in-general, as part of larger movement to save our environment and conserve bio-diversity and to take up matters with Government bodies and administration to stop and raise concern on unlawful and harmful use of DJ Sound Box, Fire Cracker, sound pollution in-general and to publish or cause to be published useful literatures, Magazines, News Paper etc. and to organize press conferences and to work towards betterment of society & environment and be part of social welfare and to take part in all types of environmental movement for the wellness of public and to alleviate the sufferings of animals or other living creature as may be deemed appropriate. *Copies of the Letter of Authorization and Registration Certificate and annexed hereto and collectively marked as "Annexure- A/1/A"*
5. The instant petition filed by the applicants is directed against the fireworks manufactured by illegal, unauthorized and unlicensed fire works manufacturing units situated all over the State of West Bengal, who are manufacturing fireworks illegally without obtaining either any

licence from the concerned department of the Central Government managing manufacture of explosives as well as from the West Bengal Pollution Control Board.

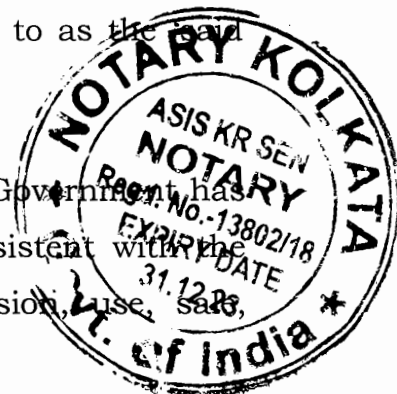
6. The term “explosive” has been defined under Section 4(d) of The Explosive Act, 1884 which runs as follows:

*“4(d) “Explosive” means gunpowder, nitroglycerine, nitroglycol, and gun cotton di-nitro-toluene, tri-nitro-toluene picric acid, di-nitro-phenol, tri-nitro-resorcinol (styphnic acid), cyclotrimethylene trinitramine, pentaerythritol-tetranitrate, totryl, nitro gannidine, lead azide, lead styphynate, fulminate of mercury or any other metal diazo-di-nitrophenol, coloured fires or any other substance whether a single chemical compound or a mixture of substances, whether solid or liquid or gaseous used or manufactured with a view to produce a practical effect by explosion or pyrotechnic effect; and includes fog signals, fireworks, fuses, rockets, percussion-caps, detonators, cartridges, ammunition of all description and every adaptation of preparation of an explosive as defined in this clause.”*

7. Therefore, it is clear that any fireworks, which the public at large uses during public festivals or various types of domestic functions like marriage, birth day etc. squarely fall within the category of explosive as defined in The Explosive Act, 1884 (hereinafter referred to as the said Act).

8. Under Section 5 of the Explosive Act, 1884 the Central Government has been empowered throughout India to make Rules consistent with the said Act to regulate or prohibit manufacture, possession, use, sale, transport, import and export of explosive.

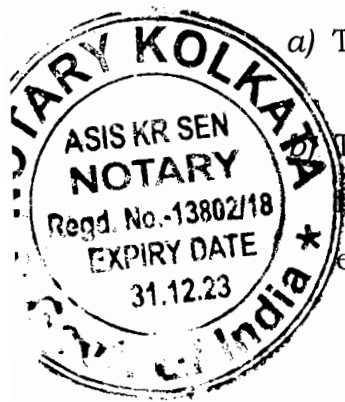
9. Further, it has been provided in the said Act that every person who has engaged themselves in the business of manufacture, sale, transport, import and export of any explosive, will have to apply and obtain necessary licence from the appropriate authority under the said Act.



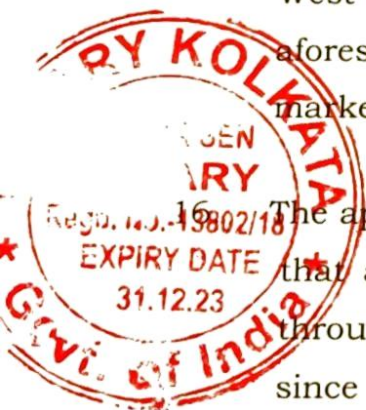
10. Accordingly, the respondent No. 1 made the Explosive Rules, 2008 in exercise of power conferred by Sections 5 and 7 of the said Act of 1884. The said Rule was amended from time to time and at present is in vogue.
11. Fireworks have been categorized into four different categories under Rule 4(3)(1) of the Explosive Rules, 2008 which are as follows:
- (i) Sound emitting fireworks.—Fireworks with sound level not exceeding 125 dB (AI) or 145 dB (C) pk at 4 meters distance from the point of bursting. For individual fire-cracker constituting the series (joined fire-crackers), the above mentioned limit be reduced by  $5 \log_{10}(N)$  dB, where N = number of crackers joined together;
  - (ii) Colour or light emitting fireworks.—such fireworks which emit colour or light and having sound level not exceeding 90 dB (AI) at 4 m distance from the point of bursting
  - (iii) Display Fireworks.— Any product of fireworks assembled at the site for the purpose of display including shell of diameter exceeding 25 mm, multiple shots or cake products of any diameter exceeding 25 nos., of shots in a product and lance network or other products as approved by the Chief Controller; and
  - (iv) Fireworks for export purpose.—Firecrackers for the purpose of export may be manufactured with high sound level or product of such size and design as approved by the Chief Controller subject to following conditions

a) The manufacturer shall have a valid export order with him; and

The sound level for these fire crackers shall conform to the sound level prescribed in the country to which these are intended to be exported.

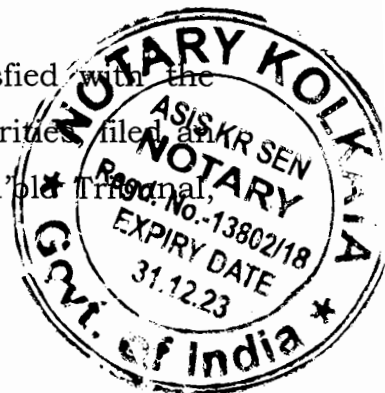


12. Rule 6(1) of the Explosive Rules, 2008 provides that no person shall manufacture, import, export, transport, possess, sell or use any explosive unless the same has been declared as an authorized explosive by an order issued by the Chief Controller and published by the Central Government in Official Gazette.
13. Rule 7 of the Explosive Rules, 2008 provides that no person shall manufacture, import, export, transport, possess for sell or use an explosive except authorized or licenced under this Rule. The applicant craves leave to refer to the said Act of 1884 and Rules framed thereunder at the time of hearing, if necessary.
14. In addition to the above, the applicants submit that any person who wishes to establish and run a firework and/or explosive manufacturing unit/industry will have to mandatorily obtain 'consent to establish' and 'consent to operate' from the authority of West Bengal Pollution Control Board i.e. the respondent no. 2. The applicants crave leave to refer to the relevant provisions in this regard at the time of hearing, if necessary.
15. The applicants submit that on or about 27<sup>th</sup> August, 2015 a news item was published in "The Telegraph", a daily newspaper of our country under the Headlines "*only 3 legal cracker units*". In the said news article it was alleged that almost all fire crackers are manufactured illegally in West Bengal since the State has only three licensed units. A copy of the aforesaid article published in the "The Telegraph" is annexed hereto and marked with the letter "A-1/6".
- The applicant no. 1 was shocked to find from the said news paper article that almost all the fireworks manufacturing units which are situated throughout the entire State of West Bengal are illegal and unauthorized since none of them have the requisite licence and/or permission to manufacture such fireworks. These units do not have any permission either from the Petroleum and Explosive Safety Organization (PESO)



under the Central Government, or from the West Bengal Pollution Control Board and also from the Fire Department of the Government of West Bengal.

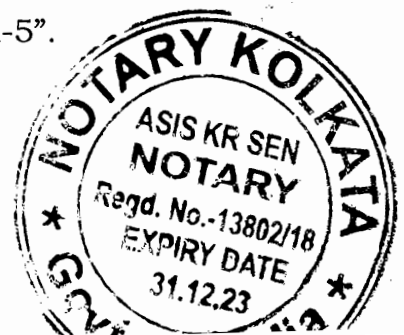
17. The applicant no. 1 subsequently obtained necessary information from the website of the PESO that within the State of West Bengal only 3 fireworks manufacturing units/industries have the necessary certificate for manufacturing fireworks within the State of West Bengal. Relevant documents in this regard are annexed and marked with the Letter "A-2".
18. The applicants submit that numerous fireworks manufacturing units are situated in the District Howrah, Hooghly, Nadia, Paschim Medinipore, Purba Medinipore, North and South 24-Parganas. The areas in which these numerous number of fireworks manufacturing units are located within the aforesaid districts are hereunder mentioned in a separate sheet, which is annexed and marked with the Letter "A-3".
19. The applicant no. 1 by a letter dated 31.8.2015, informed the respondent authorities about existence of numerous illegal and unauthorized fire cracker manufacturing units all over the State of West Bengal and requested them to take appropriate steps against such unauthorized and unlicensed fireworks manufacturing units in the State of West Bengal. A copy of the said letter dated 31.8.2015 is annexed hereto and marked with the letter "A-4".
20. That unfortunately no effective steps were taken in respect of the representation filed by the applicant no. 1 by the concerned respondent authorities.
21. The applicant no. 1 being aggrieved by and/or dissatisfied with the impugned action and/or inaction of the respondent authorities, filed an application being O.A. No. 101 of 2015 before this Hon'ble Tribunal, thereby praying following reliefs:



- a) An order do issue directing the respondent authorities to forthwith take steps to stop the illegal and unauthorized fireworks manufacturing units which are being run within the State of West Bengal without obtaining proper licenses from appropriate authorities;
- b) An order do issue direction the respondent authorities to forthwith take appropriate steps against the illegal and unauthorized fireworks manufacturers so that they cannot run such unit any further in future without obtaining proper licenses from appropriate authorities;
- c) An order directing the respondent authorities to submit a compliance report in respect of the prayers (a) and (b) above within a time frame to be decided by the Hon'ble Tribunal;
- d) Pending disposal of the application, ad-interim orders in respect of prayers (a), and (b) above;
- e) Such further and/or other order or orders be passed, direction or directions be given as the Hon'ble Tribunal may deem fit and proper.

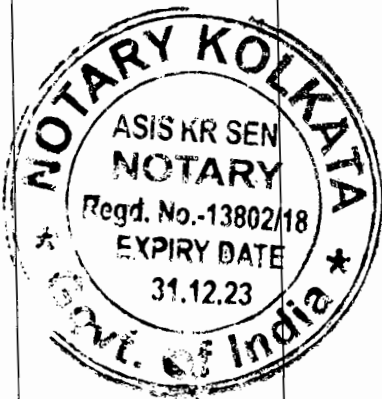
The applicants crave leave to refer to a copy of the said original application at the time of hearing, if so required.

22. That on 16.10.2015, this Hon'ble Tribunal was, inter alia, pleased to direct the concerned respondents to take all possible steps and measures to close down illegal and unauthorized fire cracker manufacturing units and to file an action taken report. A copy of the order dated 16.10.2015 is annexed hereto and marked with the letter "A-5".

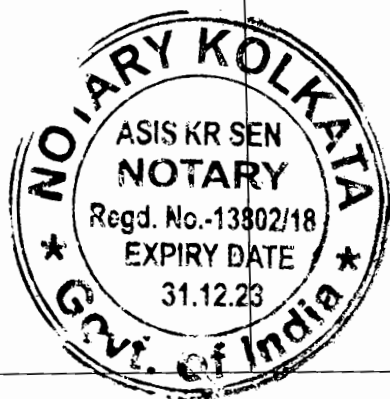


23. That during the pendency of the proceeding, being O.A. No. 101 of 2015, various affidavits were filed by the respondent authorities as well as by the applicant no. 1 from time to time, the gist of which are mentioned herein after in the following table:

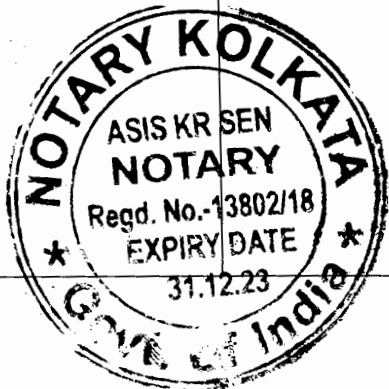
AFFIDAVIT FILED BY	DATE OF AFFIRMATION	PARTICULARS
<p>Inspector of Police, Kolkata Police, posted as Officer-In-Charge, Law Section, Kolkata Police Directorate.</p>	19.11.2015	<p>No illegal and/or unauthorized fire cracker manufacturing unit is running within the jurisdiction of Kolkata Police.</p> <p>Kolkata Police took various measures to cause awareness amongst the citizens against the bursting of illegal firecrackers and also took steps to ensure that the issue/guidelines related with fire safety and pollutions are being followed.</p> <p>On and from 21.09.2015 to 15.11.2015, Kolkata Police conducted drive against illegal fireworks and seized 4583.30 Kgs unclaimed banned fireworks, registered 17 specific case and 20 accused persons were arrested for using and/or having in possession of illegal firecrackers and those cases are under investigation.</p>
<p>Senior Law Officer,</p>	27.11.2015	<p>State Board vide Memo dated 04.11.2015 requested D.G. of Police</p>



WBPCB		<p>and I.G. of Police, West Bengal to take necessary steps to close down the unauthorized fire crackers manufacturing unit located in the State of West Bengal and to submit action taken report to Pollution Board for submission before the Hon'ble National Green Tribunal.</p> <p>No report has been filed till date.</p>
Senior Law Officer, WBPCB	18.12.2015	<p>State Board has received a report from the Assistant Inspector General of Police vide Memo dated 14.12.2015. According to such report some steps have been taken.</p>
Deputy Secretary, Fire and Emergency Services Department, Government of West Bengal	05.01.2016	<p>The respective Divisional Fire Officers of the districts of Howrah, Hooghly, Nadia, East Midnapore, West Midnapore, North 24 Parganas &amp; South 24 Parganas were instructed to submit report on the issue of fire cracker manufacturing units operating within their concerned division or districts. After inspection the department made following observation</p> <p>a. In Nadia district, there is no such fire cracker manufacturing unit;</p> <p>b. Most of the fire cracker manufacturing units in the district of Hooghly and South 24 Parganas do</p>

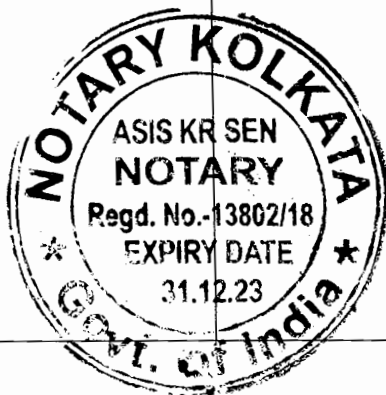


		<p>not posses any license;</p> <p>c. Total 37 numbers of fire cracker manufacturing units or firecracker storing units are situated within Howrah, Hooghly, Nadia, East Midnapore, West Midnapore, North 24 Parganas &amp; South 24 Parganas and amongst them 18 numbers have license;</p> <p>d. The fire department issued direction upon DG of West Bengal Fire &amp; Emergency Service to lodge FIR against those illegal fire cracker manufacturing units;</p> <p>e. Thereafter DG of West Bengal Fire &amp; Emergency Service made a fresh inspection against the illegal fire cracker manufacturing units and most of them shown their license save and except one S.K.Z. Fire Works and against the said unit FIR lodged.</p>
<p>Deputy Chief Controller of Explosive, Eastern Circle, Kolkata on behalf of Union of India</p>	<p>04.01.2016</p>	<p>Only three Units obtained license for manufacturing of fire cracker from Chief Controller of explosive. Except these three, no one has applied for grant of any license for manufacturing of fireworks, neither any application is pending with the said office for the same.</p> <p>As per Rules 128(4) of Explosive Rule, 2008 the Executive Magistrate or Police Officer is authorized to carry out</p>

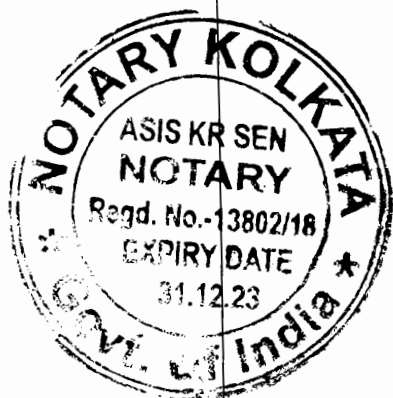


the inspection of the said fire cracker manufacturing unit once in a six months in order to ascertain whether there has been any violation of the Act or Rules thereof. It is also stated that the said inspection report be submitted before the District Magistrate or Superintendent of Police or Commissioner of Police.

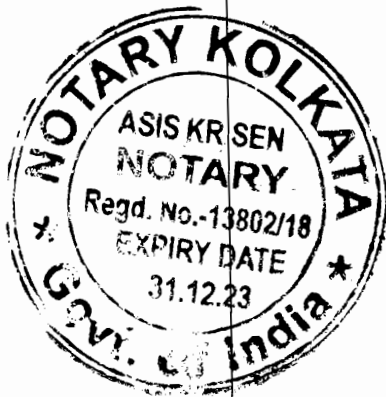
The Joint Chief Controller of Explosive, Eastern Circle, Kolkata has informed all the District Magistrates and Commissioner of Police vide Letter No. PESO/EC/KOL/Report/General dated 17<sup>th</sup> July, 2014, dated 8<sup>th</sup> September, 2015 and Letter No. PESO/EC/Fireworks/Misc. dated 5<sup>th</sup> November, 2015 to comply with the requirements of Explosive Rules, 2008 and forward the copies of licenses granted by the District Authorities under their jurisdiction for fire workshops, fire work manufacturing factories, store house, magazine etc. In some cases details of licenses have been received from the District Authorities but this office has no information about the illegal manufacturing, sale, storage of fireworks. They also state that their office has meagre strength of eight officers only for entire Eastern Region



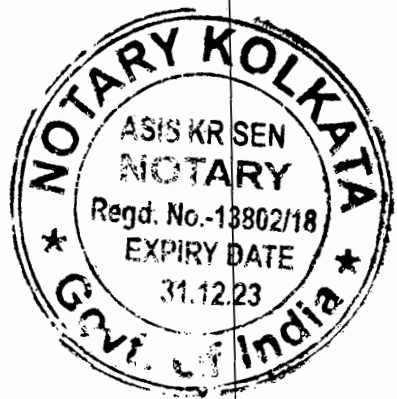
		comprising of 12 States.
Deputy Superintendent of Police, West Bengal Police Directorate	02.02.2016	The respondent no. 7 has filed details of the owners and other particulars of fire cracker manufacturing units operated in the State of West Bengal.
Senior Law Officer, WBPCB	05.04.2016	WBPCB submits a list of fire cracker manufacturing unit having license of consent to operate from the State of West Bengal. From the said list it appears that only 30 nos. of fire cracker manufacturing units obtained the consent to operate from WBPCB. (out of 30 nos. only 24 nos. have applied for consent to operate and 6 nos. only having status of consent to establish).
Deputy Superintendent of Police, West Bengal Police Directorate	05.04.2016	Submitted a list of fire cracker manufacturing units and traders who are operating illegally in violations of provisions of law.
Senior Law Officer, WBPCB	28.06.2016	State Board vide its Memo dated 20 <sup>th</sup> June, 2016 has issued an order of not to operate against 13 nos. of fire cracker manufacturing units. Some of those units do not possess consent to operate from the State Board.
Inspector of Police (Un-	01.07.2016	The DG and IG of West Bengal Police made a communication to the Chief



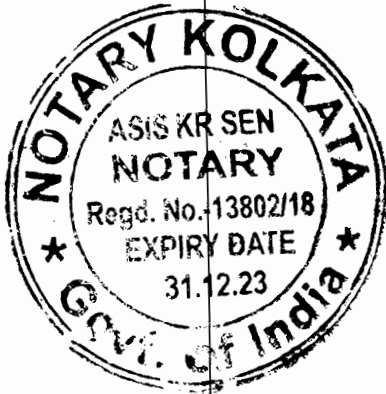
<p>armed Branch), West Bengal Police.</p>		<p>Controller of Explosive, Principal Secretary, Department of Fire and Emergency Services and the Chairman of West Bengal Pollution Control Board with a request to endorse a copy of each of the licenses granted by them to the police authorities to enable them to monitor the license. The Chairman of West Bengal Pollution Control Board and the Chairman of West Bengal Pollution Control Board duly replied by enclosing their copies of licenses but no such communication and/or copy of license has been received from Department of Fire and Emergency Services.</p>
<p>Inspector of Police, Kolkata Police, posted as Officer-In-Charge, Law Section, Kolkata Police Directorate.</p>	<p>19.08.2016</p>	<p>Kolkata Police stated that no fire cracker manufacturing unit is present within the jurisdiction of Kolkata Police. An action taken report has already been submitted before this Hon'ble Tribunal.</p>
<p>Deputy Secretary, Department of Fire and Emergency Services</p>	<p>August 2016</p>	<p>Fire cracker manufacturer in order to make the finished goods have to obtain step-wise license such as (1) for procuring chemical or explosive, (2) storing, (3) manufacturing fireworks or processing those procured or stored items and (4) selling fire crackers.</p>



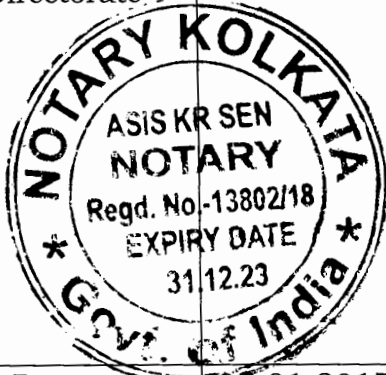
		<p>The Collector issues license for storing and/or manufacturing or processing or processing hazardous upon submission of application and annual fees and after inspection and satisfactory report of for storing and/or manufacturing or processing or processing hazardous substances. As such any premises used for fireworks manufacturing must obtain a license from Collector for storing and/or manufacturing or processing those hazardous substances. The licenses are issued after ensuring all required fire prevention and safety measures are installed and working in good condition.</p> <p>By a letter dated 10<sup>th</sup> August, 2017 the Collector of Fire License stated that only 4 nos. of licenses issued for fire cracker manufacturing units and 37 nos. fire license is issued for selling of fireworks.</p>
<p>Senior Law Officer, WBPCB</p>	<p>19.08.2016</p>	<p>WBPCB issued a letter vide Memo no. 598(04)-294/WPB/O&amp;E/2016 dated 18.08.2016 thereby requesting the Officer-in-Charge of respective police station to implement the closure order issued by the WBPCB against 13 illegal fireworks manufacturing units.</p>



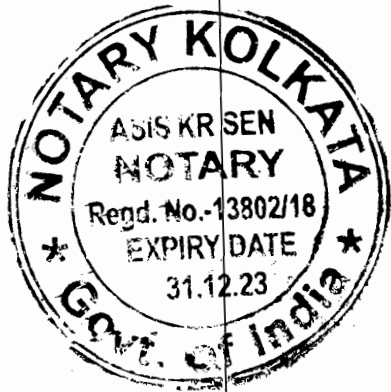
The applicant no. 1	22.09.2016	Applicant filed a Supplementary Affidavit thereby disclosing the incident took place on 07.05.2015, 02.03.2016, 19.05.2016, 20.06.2016, 28.08.2016, 08.09.2016 & 15.09.2016 due to illegal Fireworks operating in the Various parts of the State of West Bengal.
Inspector of Police (Un- armed Branch), West Bengal Police	22.09.2016	The DG and IG of West Bengal Police issued an intimation to all Superintendent of Police Of various Districts and all Commissioners of Police Commissionerates under West Bengal Police to direct respective Officers-in-charge in their respective jurisdiction to undertake verification of existing units whether those are operating within the limit permissible under the Rules and send a comprehensive report to that effect.
Inspector of Police (Un- armed Branch), West Bengal Police	04.11.2016	The DG and IG of West Bengal Police furnish a detail report regarding the incident took place on 07.05.2015, 02.03.2016, 19.05.2016, 20.06.2016, 28.08.2016, 08.09.2016 & 15.09.2016 due to illegal Fireworks operating in the various parts of the State of West Bengal.
Senior Law Officer,	08.12.2016	West Bengal Pollution Control Board filed compliance report as received by the Superintendent of Police, South 24



WBPCB		Parganas pursuant to West Bengal Pollution Control Board dated 27.10.2016. West Bengal Pollution Control Board also states that by an earlier affidavit dated 28.06.2016 they issued closure order in respect to 13 Fireworks manufacturing unit out of the said 13 units, two units approached the West Bengal Pollution Control Board to obtain consent operate and the same is pending for consideration
Deputy Superintendent of Police, Law Cell, West Bengal Police Directorate	17.01.2017	As per direction issued by the Hon'ble National Green Tribunal, Eastern Bench, Kolkata dated 07.11.2016 a meeting was held on 05.12.2016 in the Chamber of Additional Chief Secretary, Home Department, Government of West Bengal regarding framing of detailed policy guidelines as the grant licenses firecracker establishment of Fire Cracker manufacturing unit in the State of West Bengal.
Deputy Secretary, Department of Fire and Emergency Services	05.01.2017	As per direction issued by the Hon'ble National Green Tribunal, Eastern Bench, Kolkata dated 07.11.2016 a meeting was held on 05.12.2016 in the Chamber of Additional Chief Secretary, Home Department, Government of West Bengal regarding framing of detailed policy guidelines as the grant



		licenses firecracker establishment of Fire Cracker manufacturing unit in the State of West Bengal.
Deputy Secretary, Department of Fire and Emergency Services	28.03.2017	Additional Chief Secretary of the Government of the State of West Bengal issued a Notification vide NO. 317-I.S.S. dated 303.03.2017 thereby framing policy guidelines to grant the licenses for setting up fire cracker manufacturing units.
Applicant no. 1	12.07.2017	Applicant stated that the aforesaid policy guideline vide Notification No. 317-I.S.S. dated 303.03.2017 is not a detailed policy guideline as only some departments are earmarked for interchanging the information and also stated that no proper guideline for storing, selling, manufacturing and transporting of fireworks has been framed.
Deputy Secretary, Department of Fire and Emergency Services	10.08.2017	Fire Departments stated that a letter was issued on 09.08.2017 to the Additional Chief Secretary, Industry, Commerce and Enterprise Department thereby proposing that a dedicated industrial area, adequately equipped with proper fire prevention and safety measures can be made for the purpose of business of storing and manufacturing fire crackers so that the risk of fire incident will reduce and

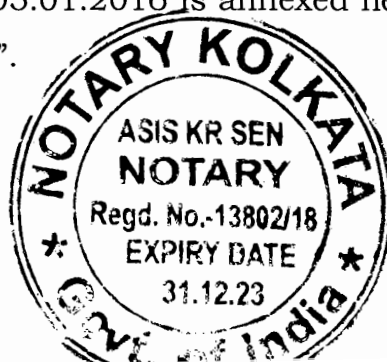


		proper vigil can be maintained.
Principal Secretary, Department Of Industries and Commerce, Government of West Bengal	06.11.2017	The Additional Chief Secretary, Department Of Industries , Commerce And Enterprises Of Government Of West Bengal is looking into the issue for creating conducive infrastructure of firecrackers units operating in the state being in helm of the combined departments.
Additional Chief Secretary, Department of Micro, Small and Medium Enterprises and Textiles	27.02.2018	They are identifying lands in the districts of South 24 Parganas, Hooghly, Howrah, Murshidabad and Bardhaman being the zone of high concentration of fire manufacturing units and relocating them in dedicated industrial zone taking into account all safety and security aspects and better centralized supervision emulating the Sivakasi Tamil Nadu Model.

A copy of the aforesaid affidavit dated 19.11.2015 is annexed hereto and collectively marked with the Letter "A-6".

A copy of the aforesaid affidavit dated 27.11.2015 is annexed hereto and collectively marked with the Letter "A-7".

A copy of the aforesaid affidavit dated 05.01.2016 is annexed hereto and collectively marked with the Letter "A-8".



A copy of the aforesaid affidavit dated 04.01.2016 is annexed hereto and collectively marked with the Letter "A-9".

A copy of the aforesaid affidavit dated 05.04.2016 is annexed hereto and collectively marked with the Letter "A-10".

A copy of the aforesaid affidavit dated 28.06.2016 is annexed hereto and collectively marked with the Letter "A-11".

A copy of the aforesaid affidavit dated August 2016 is annexed hereto and collectively marked with the Letter "A-12".

A copy of the aforesaid affidavit dated 19.08.2016 is annexed hereto and collectively marked with the Letter "A-13".

A copy of the aforesaid affidavit dated 22.09.2016 is annexed hereto and collectively marked with the Letter "A-14".

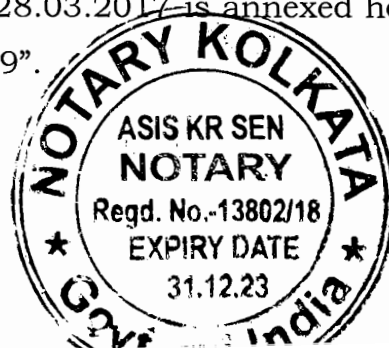
A copy of the aforesaid affidavit dated 22.09.2016 is annexed hereto and collectively marked with the Letter "A-15".

A copy of the aforesaid affidavit dated 04.11.2016 is annexed hereto and collectively marked with the Letter "A-16".

A copy of the aforesaid affidavit dated 08.12.2016 is annexed hereto and collectively marked with the Letter "A-17".

A copy of the aforesaid affidavit dated 17.01.2017 is annexed hereto and collectively marked with the Letter "A-18".

A copy of the aforesaid affidavit dated 28.03.2017 is annexed hereto and collectively marked with the Letter "A-19".





A copy of the aforesaid affidavit dated 12.07.2017 is annexed hereto and collectively marked with the Letter "A-20".

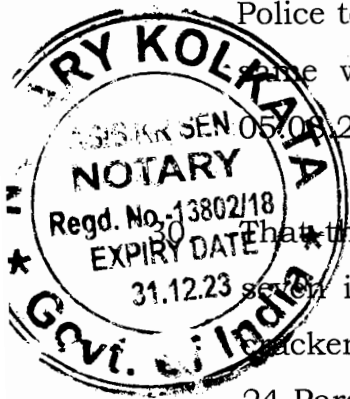
A copy of the aforesaid affidavit dated 10.08.2017 is annexed hereto and collectively marked with the Letter "A-21".

A copy of the aforesaid affidavit dated 27.02.2018 is annexed hereto and collectively marked with the Letter "A-22".

24. After filing of the aforesaid various affidavits, the aforesaid matter was heard on length and by an order dated 20.03.2020, this Hon'ble Tribunal pleased to dispose off the aforesaid application directing the State Government to frame appropriate guidelines for operation fire cracker manufacturing unit at West Bengal. Unfortunately till now no such appropriate guidelines for operation fire cracker manufacturing unit at West Bengal has been framed by the State Government. A copy of the order dated 20.03.2020 is annexed hereto and marked with the letter "A-23".
25. The aforesaid order was duly communicated by the Learned Advocate of the applicant to the Chief Secretary of the State of West Bengal, who was requested to take appropriate step in compliance of the said solemn order. A copy of the letter dated 01.09.2021 is annexed hereto and marked with the letter "A-24".
26. Since the year 2023 till date the applicants have filed various representations before the various statutory authorities thereby praying for taking all possible steps to close down unauthorized and illegal fire cracker manufacturing unit and also to take precautionary measures for disposal of seized fire crackers which were recovered from the said unauthorized and illegal fire cracker manufacturing unit. Moreover the applicant also prayed for providing compensation to those persons or their legal heirs, who suffered injuries or succumbed to death due to

illegal activities and/or running and/or operating and/or storing and/or selling of unauthorized and illegal fire cracker units. Copies of the aforesaid representations and the replies thereto are annexed hereto and collectively marked with the letter "A-25".

27. That although it is evident that thousands of illegal fireworks manufacturing units are running all over the State of West Bengal without having any proper licence, unfortunately none of the above respondents who are empowered under different statutes to take steps, are discharging their duties as they are bound to do for stopping illegal manufacture of fireworks within our State.
28. That the failure on the part of the administration to close down the illegal fire work units in West Bengal has paved the way for a series of blasts that killed over 25 people in 2023 including 9 persons in the latest blast that took place in Duttapukur, Barasat, North 24-Parganas.
29. In this regard, a meeting, held in the office of the Chief Secretary, Government of West Bengal on 5<sup>th</sup> August, 2023 wherein it was recorded that on a survey caused by the respective District Magistrates it was found that 5556 nos. of fire cracker manufacturing/selling/storage units are running and almost none of them have proper licenses to run the same. In the said meeting the Chief Secretary requested the concerned District Magistrates, Superintendent of Police and Commissioner of Police to identify if there are any more units and obtain the status of the same within 15 days. A copy of the minutes of the meeting dated 05.08.2023 is annexed hereto and marked with the letter "A-26".
- That the applicants submit that in the year 2023 itself there has been several incidents of blast which took place in various unauthorized fire cracker manufacturing/selling/storage units i.e. in Maheshtala, South 24-Parganas, Egra, Purba Medinipur, Budge Budge, North 24-Parganas, Dubrajpur, Birbhum, English Bazar, Malda, Bangur and Duttapukur



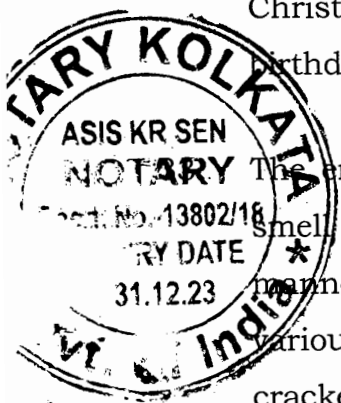
both in North 24-Parganas and almost 30 persons died in such blasts. Unfortunately, the blast which took place in the month of May 2023 in Egra, Purba Medinipur, 12 people died and in the blast that took place at Duttapukur, North 24-Parganas in the month of August 2023, 9 people died.

31. That it is unfortunate that in the aforesaid meeting in which several higher officials of the Government/Administration were present but none of them raised the point of complying with the Judgment and Orders passed time to time by this Hon'ble Tribunal regarding closure of all the illegal fire cracker manufacturing/selling/storage units in the State of West Bengal. It appears that although one after another incidents are happening but the administration is not at all interested to put an end to such incidents and as such are allowing the people to die. Most unfortunately children who are being used as child labours are also dying when blasts are taking place in those illegal fire cracker manufacturing/selling/storage units.

32. The applicant further submits that the illegal fireworks manufactured by these unauthorized manufacturers are being sold and used not only within out State but also throughout the entire country and the same are being used in every festival like Durga Puja, Kali Puja, Diwalli, Christmas, New Year, Holly and also in private function like marriage, birthday etc.

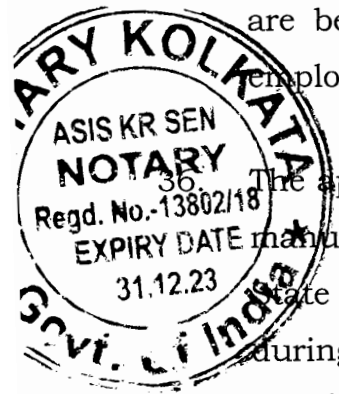
The emission which includes huge smoke, bursting sound and vicious smell of gun powders are polluting our environment, in the above manner. The aged peoples, the children and the people suffering from various diseases are the worst victim of blasting of these illegal fire crackers.

34. The applicants submit that for the reason best known to them various statutory authorities within the State of West Bengal are not taking any



steps against such illegal manufacturers of fireworks as because it is very hard to believe that these authorities are not aware of such illegal fireworks manufacturing units. Every year, only during the period of Kalipuja/Diwalli some steps are taken against the illegal manufacturer but if one considers the entire scenario, every prudent person will appreciate that those are mere eye wash and these Government Authorities have no real intention to eradicate such problems from the route.

35. The applicants submit that the government authorities are not appreciating the fact that these illegal and unauthorized fireworks manufacturing units are being run not only without obtaining licences from the statutory authorities but also without following the fire safety guide lines and norms. For this reason every year numerous accidents are being caused in these illegal units causing death of huge person employed in those units.



36. The applicants submit that the said unauthorised and illegal fire cracker manufacturing unit utilized by the political influential persons of the State of West Bengal to make crude bombs and same utilised by them during various elections like Loksabha, Bidhansabha, Municipality and Panchayat for satisfying their political vendetta.

37. Moreover although in the said Act of 1884, there is provision for not employing children and young person in the above referred manufacturing units, however since there are no monitoring on the part of the government authorities both central and state, children and young people from economically backward section of our society are employed and are forced to work in unhealthy and unhygienic atmosphere.

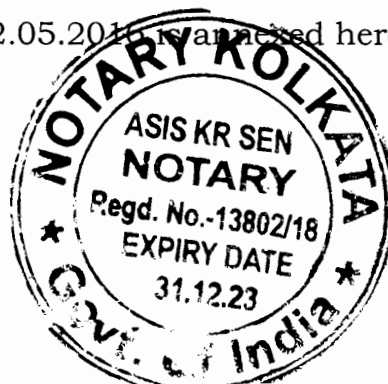
38. That the applicants submit that the Hon'ble Supreme Court has already directed that only green fireworks can be manufactured and used in our country on selected days and if the aforesaid order is taken into

consideration then it will be found that all the fire cracker manufacturing/selling/storage units are illegal since none of them has mandatory clearances from the West Bengal Pollution Control Board to manufacture green fireworks.

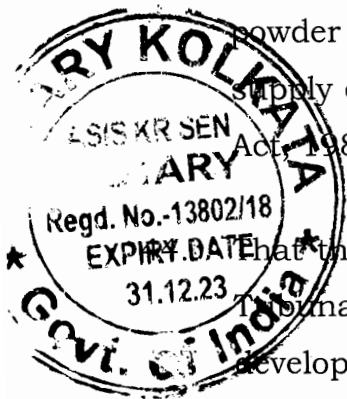
39. That the applicants submit that this is a gross failure of the administration for not being able to close down the illegal fire cracker manufacturing/selling/storage units in the State as because it appears that the administration is well aware about the fact that huge number of illegal units are operating and although they have the power to close down such illegal units but they have not done so for the reasons best known to them and allowed blasts to occur which took away lives of large number of people.
40. That the applicants submit that this Hon'ble Tribunal on 2<sup>nd</sup> May, 2016 observed that *"we are deeply concerned by the fact that a large number of fire cracker manufacturing units are operating illegally under the very nose of the agencies which supposed to monitor those. We detect absolute negligence and callousness on the part of the agencies in the matter. Considering the incidences of crude bomb blasts in the State, the Govt. of West Bengal ought to take urgent measures to ensure that such illegal fire cracker manufacturing units do not operate in the State and, that the Respondent No.1 strictly monitor the issuance of licences. It is of pertinence to observe that the State of West Bengal share a long border with the Bangladesh which requires to be taken note of by the concerned authorities.*

*We expect plausible action and effective steps from the Respondents."*

A copy of the order dated 02.05.2016 is annexed hereto and marked with the letter "A-27".



41. The applicants submit that it is evident that part of the State Administration is acting in collusion with the illegal fire cracker manufacturers for extraneous consideration and this vested interest of the officials of the State Administration is preventing strictest action which needs to be taken against the illegal fire cracker manufacturing/selling/storage units.
42. That the applicants submit that all the illegal fireworks manufacturing and selling and storage units need to be closed immediately and all Commissionerates and District Police Authorities need to be directed to identify unlicensed fireworks manufacturing units, selling units, storage units and sealed such unauthorized units forthwith. In this regard it is submitted that a monitoring team may be formed under all Commissionerates and District Police Authorities involving the officers of West Bengal Pollution Control Board, representative of the District Magistrate and local authority to monitor the fireworks manufacturing units and allied issues constantly to stop the recurring explosions in the different areas.
43. That the applicants submit that necessary steps need to be taken for safe disposal of the illegal fireworks as per the norms fixed by the Pollution Control Board because all such illegal fireworks contain heavy metals such as nitrates, chlorates, barium, led, iron, potassium etc. Further necessary action needs to be taken against the unlawful storage of gun powder and necessary restriction may be imposed for unauthorized supply of the gun powder as per the provision of Environment Protection Act, 1986 and Explosive Rules 2008.
- That the applicants submit that as per the earlier order of this Hon'ble Tribunal, separate clusters for manufacturing of fire crackers may be developed following the environmental guidelines and with the proper consultation with the Fire Brigade Department and Explosive Department. Fireworks unit should not be allowed to operate outside

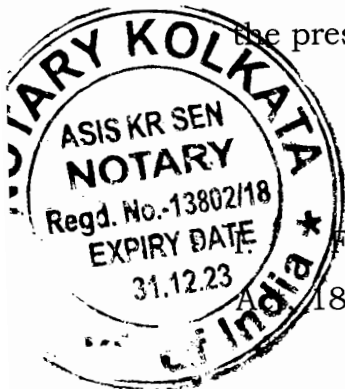


such clusters prepared by the State Government for manufacturing fireworks. Only licensed fireworks manufacturing units may be allowed to operate within the clusters zone.

45. That the names of all the workers involved in the manufacturing process of the fireworks, should be submitted by the employer to the Labour Department and all such workers should be covered under Employees State Insurance Act, Provident Fund Act, Minimum Wages Act and other social security system.
46. That the applicants submit that due to the non-implementation of the earlier order of the Hon'ble NGT, appropriate cost may be imposed upon the State Government and other respondent authorities and such cost may be distributed amongst the workers who died in the blast/explosion as compensation.
47. The applicants submit that therefore unless there are orders passed by this Hon'ble Tribunal upon the respondent statutory authorities to close down all the illegal fire cracker manufacturing/selling/storage units in our State, none of them would take appropriate steps to close down such units and therefore this instant petition is being filed by the applicants praying for such directions to be passed upon the respondent statutory authorities.
48. That being aggrieved by and/or dissatisfied with the impugned inaction and/or non-action of the respondent authorities on the subject matter as stated herein above in details, the applicants/petitioners beg to prefer the present application on, inter alia, the following amongst other –

#### G R O U N D S

FOR THAT it is a statutory provisions of Section 5 of The Explosive Act, 1884 that every person who engaged themselves in the business of



manufacture, sale, transport, import and export of any explosive, they will have to apply and obtain necessary licences from the appropriate authority under the said Act.

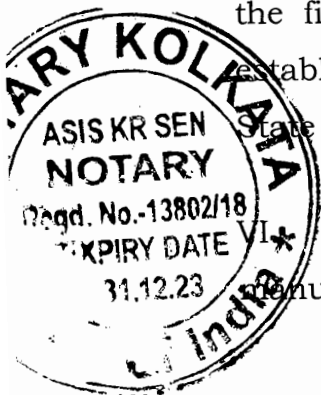
II. FOR THAT inspite of the statutory rules there are so many illegal fire cracker manufacturing/selling/storage units running within the State of West Bengal who have not at all obtained the said requisite licences.

III. FOR THAT Rule 6(1) of the Explosive Rules, 2008 provides that no person shall manufacture, import, export, transport, possess, sell or use any explosive unless the same has been declared as an authorized explosive by an order issued by the Chief Controller and published by the Central Government in Official Gazette but most of the fireworks manufacturers have not followed the said Rules.

IV. FOR THAT inspite of specific provisions under Rule 7 of the Explosive Rules, 2008 that no person shall manufacture, import, export, transport, possess for sell or use an explosive except an authorized or licenced but in the State of West Bengal on the unauthorized and unlicenced persons/units are manufacturing, importing, exporting, transporting, possessing for selling and using the explosives.

V. FOR THAT as per the rules, any person who wishes to establish and run a firework and/or explosive manufacturing unit/industry will have to mandatorily obtain 'consent to establish' and 'consent to operate' from the authority of West Bengal Pollution Control Board, but most of the fireworks manufacturing units has not obtained any 'consent to establish' and 'consent to operate' from the appropriate authority of the State of West Bengal.

VI. FOR THAT in the State of West Bengal only 3 fireworks manufacturing units/industries have the necessary certificate for



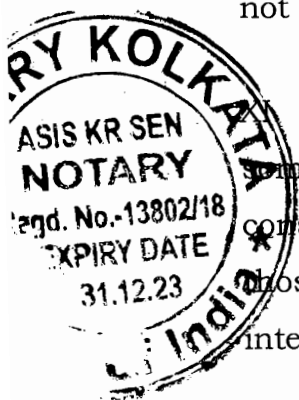
manufacturing fireworks but in reality there are three lakhs (if not more) fireworks manufacturing units/industries in our State. But the appropriate authorities are sitting tight over the matter and are not taking any steps with regard to the same.

VII. FOR THAT inspite of numerous representations the applicant requested the respondent authorities to stop such illegal and unauthorized fireworks manufacturing units but the respondent authorities did not pay heed to that effect wilfully and intentionally only to avoiding the same.

VIII. FOR THAT when thousands of illegal fireworks manufacturing units are running all over the State of West Bengal without having any proper licence and none of the above respondents who are empowered under different statutes to take steps are discharging their liabilities as they are bound to do for stopping illegal manufacture of fireworks within our State.

IX. FOR THAT the emission which includes sound and smell of gun powders are polluting our environment, in the above manner. The aged peoples, the children and the people suffering from various diseases are the worst victim of blasting of these illegal fire crackers.

X. FOR THAT the statutory authorities within the State of West Bengal are not taking any steps against such illegal manufacturers of fireworks as because it is very hard to believe that these authorities are not aware of such illegal fireworks manufacturing units.



FOR THAT every year, only during the period of Kalipuja/diwali some steps are taken against the illegal manufacturer but one considered the entire scenario, every prudent person will appreciate that those are mere eye wash and these Government Authorities have no real intention to eradicate such problems from the route.

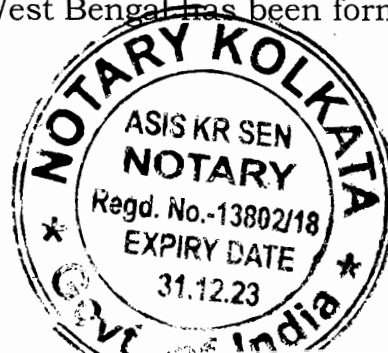
XII. FOR THAT the government authorities are not appreciating the fact that these illegal and unauthorized fireworks manufacturing units are being run not only without obtaining licences from the statutory authorities but also without following the fire safety guide lines and norms. For this reason every year numerous accidents are being caused in these illegal units causing death of huge person employed in those units.

XIII. FOR THAT the failure on the part of the administration to close down the illegal fire work units in West Bengal has paved the way for a series of blasts that killed over 25 people in 2023 including 9 persons in the latest blast that took place in Duttapukur, Barasat, North 24-Parganas,

XIV. FOR THAT although it is evident that thousands of illegal fireworks manufacturing units are running all over the State of West Bengal without having any proper licence, unfortunately none of the above respondents who are empowered under different statutes to take steps, are discharging their duties as they are bound to do for stopping illegal manufacture of fireworks within our State.

XV. FOR THAT appropriate guidelines for operation fire cracker manufacturing unit at West Bengal has not been passed inspite of directions and/or orders passed by this Hon'ble Tribunal.

XVI. FOR THAT by an order dated 20.03.2020, this Hon'ble Tribunal pleased to direct the State Government to frame appropriate guidelines for operation fire cracker manufacturing unit at West Bengal but unfortunately till now no such appropriate guidelines for operation fire cracker manufacturing unit at West Bengal has been formed by the State Government.



XVII. FOR THAT in the year 2023 itself there has been seven incidents of blast which took place in various unauthorized fire cracker manufacturing/selling/storage units i.e. in Maheshtala, South 24-Parganas, Egra, Purba Medinipur, Budge Budge, North 24-Parganas, Dubrajpur, Birbhum, English Bazar, Malda, Bangur and Duttapukur both in North 24-Parganas and almost 30 persons died in such blasts. Unfortunately, the blast which took place in the month of May 2023 in Egra, Purba Medinipur, 12 people died and in the blast that took place at Duttapukur, North 24-Parganas in the month of August 2023, 9 people died.

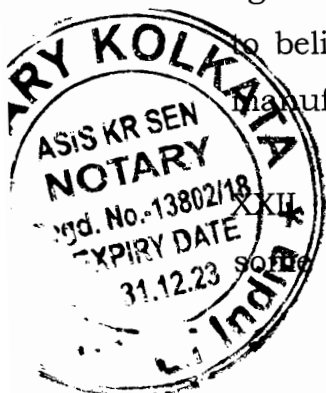
XVIII. FOR THAT although one after another incidents are happening but the administration is not at all interested to put an end to such incidents and as such are allowing the people to die.

XIX. FOR THAT most unfortunately children who are being used as child labours are also dying when blasts are taking place in those illegal fire cracker manufacturing/selling/storage units.

XX. FOR THAT the emission which includes huge smoke, bursting sound and vicious smell of gun powders are polluting our environment, in the above manner and the aged peoples, the children and the people suffering from various diseases are the worst victim of blasting of these illegal fire crackers.

XXI. FOR THAT for the reason best known to them various statutory authorities within the State of West Bengal are not taking any steps against such illegal manufacturers of fireworks as because it is very hard to believe that these authorities are not aware of such illegal fireworks manufacturing units.

XXII. FOR THAT every year, only during the period of Kalipuja/Diwali some steps are taken against the illegal manufacturer but if one



considers the entire scenario, every prudent person will appreciate that those are mere eye wash and these Government Authorities have no real intention to eradicate such problems from the route.

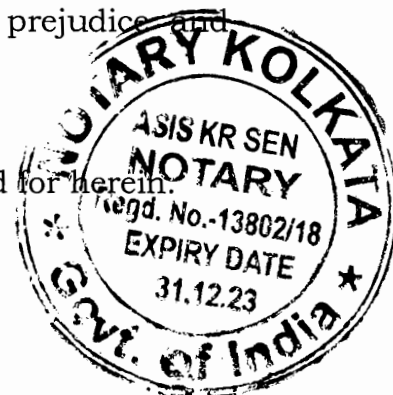
XXIII. FOR THAT the government authorities are not appreciating the fact that these illegal and unauthorized fireworks manufacturing units are being run not only without obtaining licences from the statutory authorities but also without following the fire safety guide lines and norms and for this reason every year numerous accidents are being caused in these illegal units causing death of huge person employed in those units.

XXIV. FOR THAT the Hon'ble Supreme Court has already directed that only green fireworks can be manufactured and used in our country on selected days and if the aforesaid order is taken into consideration then it will be found that all the fire cracker manufacturing/selling/storage units are illegal since none of them has mandatory clearances from the West Bengal Pollution Control Board to manufacture green fireworks.

XXV. FOR THAT this is a gross failure of the administration for not being able to close down the illegal fire cracker manufacturing/selling/storage units in the State as because it appears that the administration is well aware about the fact that huge number of illegal units are operating and although they have the power to close down such illegal units but they have not done so for the reasons best known to them and allowed blasts to occur which took away lives of large number of people.

49. The applicants submit that unless the prayers as prayed for herein below are passed the applicants will suffer irreparable loss, prejudice and injury.

50. The balance of convenience is in favour of orders as prayed for herein.



51. Unless orders are passed as prayed for, your petitioners shall suffer irreparable loss and prejudice.
52. This application is bonafide and made for the interest of justice.

LIMITATION :

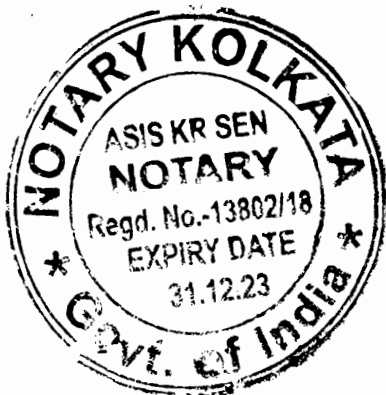
The applicants state that the application is within time prescribed. On coming to see the rampant violation of the earlier order passed by this Hon'ble Tribunal on the identical subject, the applicants have sent a representation to the respondent authorities on 27.08.2023. Present application is thus not barred by time.

PRAYER

In the aforesaid circumstances, the applicants pray that the Hon'ble Tribunal would be pleased to pass/grant/issue:

a) An order directing the respondent authorities to forthwith close down the illegal and unauthorized fire cracker manufacturing/selling/storage units which are being run within the State of West Bengal without obtaining proper licenses from appropriate authorities as prescribed in law;

b) An order directing the respondent authorities to forthwith frame a proper guideline for running and operating the fire cracker manufacturing unit in the State of West Bengal in due compliance of the order

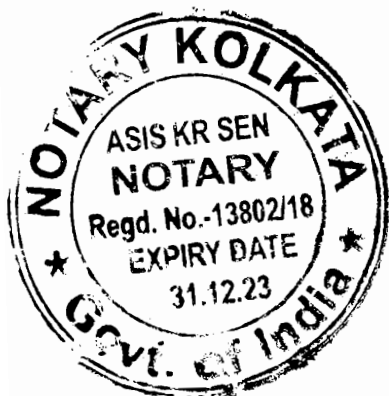


dated 20.03.2020 passed by this Hon'ble Tribunal in O.A. No. 101 of 2015.

c) An order directing the respondent authorities more particularly the respondent nos. 7 and 8 to issue a direction upon all Commissionerates and District Police Authorities to identify unlicensed illegal fireworks manufacturing, selling and storage units and to seal such unauthorized units forthwith;

d) An order directing the respondent authorities to forthwith form a monitoring team under all Commissionerates and District Police Authorities involving the officers of West Bengal Pollution Control Board, representative of the District Magistrate and local authority to monitor the fireworks manufacturing units and allied issues constantly to stop the recurring explosions in the different areas;

e) An order directing the respondent authorities to forthwith take all necessary steps for safe and secured disposal of the illegal fireworks as per the norms fixed by the West Bengal Pollution Control Board.



f) An order directing the respondent authorities to forthwith take appropriate steps for preparing a dedicated industrial zone/cluster for fire cracker manufacturing unit taking into account of all safety and

security measures and no other fire cracker manufacturing/selling/storage units may be allowed to run outside such dedicated industrial zone/cluster.

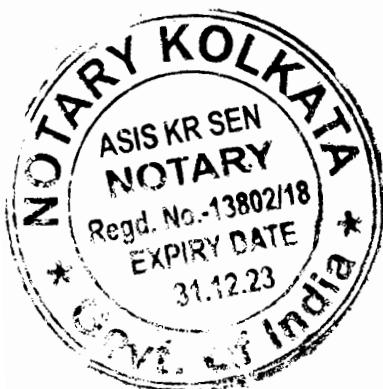
g) An order directing the respondent authorities to frame a scheme for allotting compensation to such victims who have suffered cause due to illegal and unauthorized fire cracker manufacturing unit and to ensure the recovery of such compensation granted to them from the persons who are running such illegal fire cracker manufacturing/selling/storage units.

h) An order directing the respondent authorities to pay appropriate cost for non-implementation of the earlier order of the Hon'ble NGT and such cost may be distributed amongst the workers who died in the blast/explosion as compensation;

i) An order directing the respondent authorities to submit a compliance report in respect of the prayers above within a time frame to be decided by the Hon'ble Tribunal;

j) Pending disposal of the application, ad-interim orders in respect of prayers above;

k) An ad interim order directing the respondent authorities to forthwith close down the illegal and unauthorized fire cracker



manufacturing/ selling/storage units which are being run within the State of West Bengal without obtaining proper licenses from appropriate authorities as prescribed in law;

1) Such further and/or other order or orders be passed, direction or directions be given as the Hon'ble Tribunal may deem fit and proper.

Paribesh Academy  
*Biswajit Mukherjee*  
 President  
*Gourban Sas Kar*  
 BAZI O DJ BOX BIRODHI  
 MANCHA  
 General Secretary

APPLICANTS



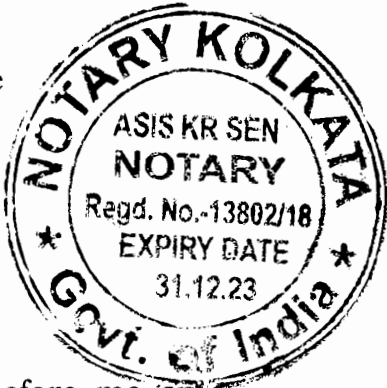
Sl. No. 8

VERIFICATION

I, Biswajit Mukherjee, son of Late Ajit Kumar Mukherjee, aged about 71 years, by occupation - retired, by religion - Hindu, residing at Burrabazar, Chandannagore, District Hooghly, Pin - 712 136, do hereby declare and state that I am competent to verify this application and I am authorized by the applicant nno.1 society to verify on his behalf as well and I state and declare that the contents of paragraph Nos. 1 to 31 and its sub-paragraphs are true to my knowledge, which includes information derived from records which I verily believe to be true and the rest are my humble submissions before this Hon'ble Tribunal.

Biswajit Mukherjee  
DEPONENT

Prepared in my office  
Bikash Shaw  
Advocate



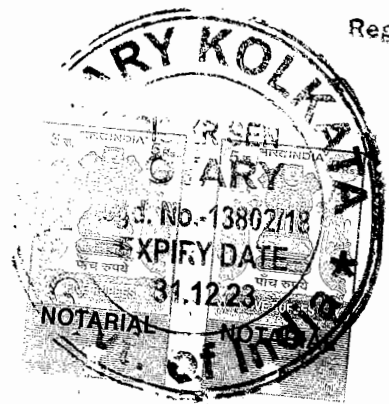
Identified by me.  
Bikash Shaw  
Advocate

Solemnly affirmed before me on this the 2nd day of August, 2023.

02 SEP 2023

Solemnly affirmed and declared before me on identification

ASIS KUMAR SEN  
City Civil Court, Kolkata  
Notary  
Reg. No.-13802/18



Sl. No. 9

VERIFICATION

I, Goutam Sarkar, son of Late Nirmal Chandra Sarkar, aged about 54 years, by occupation - retired, by religion - Hindu, residing at 1 No. Ghosh Para 1<sup>st</sup> Lane, Chatra, Serampore, Hooghly- 712 204, do hereby declare and state that I am competent to verify this application and I am authorized by the applicant no. 2 society to verify on his behalf as well and I state and declare that the contents of paragraph Nos. 1 to 31 and its sub-paragraphs are true to my knowledge, which includes information derived from records which I verily believe to be true and the rest are my humble submissions before this Hon'ble Tribunal.

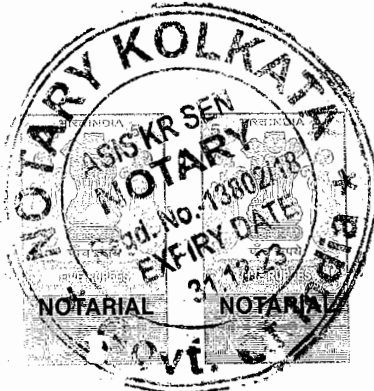
Goutam Sarkar

DEPONENT

Prepared in my office

Bilash Shaw

Advocate

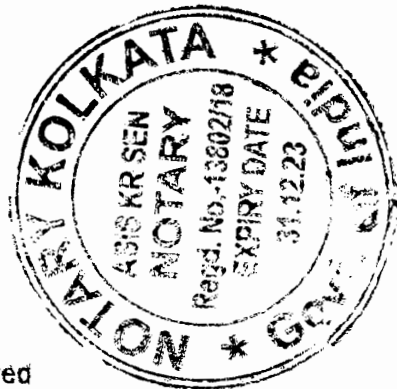
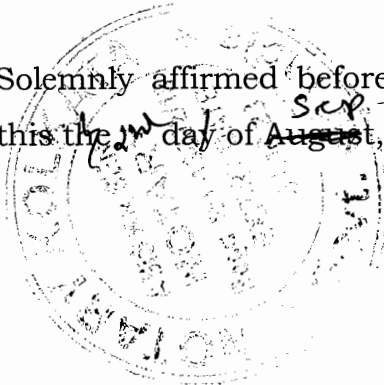


Identified by me.

Bilash Shaw

Advocate

Solemnly affirmed before me on this the 02 day of August, 2023.



Solemnly affirmed and declared before me on Identification

Asis Kumar Sen

ASIS KUMAR SEN  
City Civil Court, Kolkata  
Notary  
Reg. No.-13802/18

02 SEP 2023



পরিবেশ আকাদেমি • বড়বাজার, চন্দননগর - ৭১২১৩৬

PARIBESH ACADEMY • BARABAZAR, CHANDANNAGAR, HOOGHLY, (W. B.)

## AUTHORITY LETTER

A meeting of the "Paribesh Academy", held on 8<sup>th</sup> August, 2023 at the office of the society at Barabazar, Chandannagar, Hooghly-712136, where it has been unanimously decided that our President, Sri Biswajit Mukherjee, son of Late Ajit Kumar Mukherjee, residing at Burrabazar, Chandannagore, District Hooghly, Pin - 712 136 shall be authorized to sign and execute necessary legal documents to be filed before the Hon'ble High Court at Calcutta, Hon'ble National Green Tribunal and before all other Learned Legal Forum and to sign vokalatnama and to affirm/verify writ petitions, Complaint, Petition, Application, Affidavit, or any other pleadings, documents and/or papers for and on behalf of the society. Further, it has been unanimously resolved that our President, Sri Biswajit Mukherjee, shall be authorized to affirm and submit on oath without oath before any Learned Court of Law and/or statutory authorities on behalf of the society.

**Date: 08.08.2023**

**Hooghly**

*Kunal Chandra Sen*  
Paribesh Academy

**Secretary**



**Certificate of Registration of Societies**

**WEST BENGAL ACT XXVI of 1961**

No. SO186629 of 2011-2012

Legacy Registration No. : S/1L/86629

I here by certify that Paribesh Academy for Environment Awakening has this day been registered under the West Bengal Societies Registration Act, 1961.

Given under my hand at Hooghly this 3rd day of January Two Thousand and Twelve.

Signature valid

Digitally signed by DIBYENDU LAL  
BHATTACHARYA  
Date: 2019.04.24 11:46:04 IST

Digitally Signed by DPO

Registrar of Firms, Societies &  
Non-Trading Corporations,  
West Bengal

ACJP-A 1076-2003-04-1,10,000



# বাজি ও ডিজে বক্স বিরোধী মঞ্চ

6/11/4, চৈতন্যসরনী (খালদার লেন), শ্রীরামপুর-712201, হুগলী  
মো: 9883325009

"Annexure-A-1/A 41"

পত্রিক.....

তারিখ.....

## AUTHORITY LETTER

A meeting of the "Baazi O DJ Box Birodhi Mancha", held on 8<sup>th</sup> August, 2023 at the office of the society at 6/11/4, Chaitnya Sarani( Khaldhar Lane), Sreerampore, Hooghly- 712201, where it has been unanimously decided that our General Secretary Sri Gautam Sarkar, son of Late Nirmal Chgandra Sarkar, resident of 1, Ghoshpara 1<sup>st</sup> Lane, Post: Chatra, P.S. Sreerampore, Hooghly- 712204 shall be authorized to sign and execute necessary legal documents to be filed before the Hon'ble High Court at Calcutta, Honble National Green Tribunal and before all other Learned Legal Forum and to sign vokatatnama and to affirm/verify writ petitions, Plaint, Petition, Application, Affidavit, or any other pleadings, documents and/or papers for and on behalf of the society. Further, it has been unanimously resolved that our General Secretary Sri Gautam Sarkar, shall be authorized to affirm and submit on oath without oath before any Learned Court of Law and/or statutory authorities on behalf of the society.

Date: 08.08.2023

Hooghly



*Surajit Sen*

President  
Baji O DJ Box Birodhi Mancha

41A



**Certificate of Registration of Societies**  
**WEST BENGAL ACT XXVI of 1961**  
No. S00349-14 of 2022-2023

I here by certify that **BAJI O DJ BOX BIRODHI MANCHA** has this day been registered under the West Bengal Societies Registration Act, 1961.

Given under my hand at Hooghly this 30th day of March Two Thousand and Twenty Three.

Signature valid

Digitally signed by  
Name: S. Pradyumn  
Date: 2023.03.30 11:20:54  
Reason: I am the author



Joint Registrar of Firms, Societies &  
Non-Trading Corporations  
Hooghly, West Bengal

ACJP-A 1076-2003-04-1,10,000

A  
*American, A-1/B*  
 42

DATE OF THE NEWS

THE TELEGRAPH CALCUTTA THURSDAY 27 AUGUST 2015

# METRO

XXCE

JAYANTA BASU

## Only 3 legal cracker units

Almost all firecrackers are manufactured illegally in Bengal since the state has only three licensed units.

According to the Explosives Rules, 2008, all units manufacturing more than 15kg of firecracker in one lot require a mandatory licence from the Petroleum and Explosives Safety Organisation (PESO) under the central government.

The law specifies that district magistrates can give licences to manufacturing units producing less than 15kg of firecrackers in one lot, but the units need to share copies of

the licence with PESO, formerly known as the Department of Explosives.

The city office of PESO, which oversees the issuance of licence in 13 eastern states, has not received any such copy.

Moreover, the rules say every firecracker manufacturing unit (irrespective of the amount it produces) with a licence has to have a PESO-certified foreman to oversee the technical aspect of production. Currently the state has

three such certified foremen to monitor three licensed manufacturing units, a PESO official said.

While there is one valid unit each in North 24 Parganas, Hooghly and Burdwan, South 24 Parganas and Howrah — deemed to be the hotbed of high decibel fire crackers — do not have a single legal unit.

After getting the permission from PESO or a district magistrate, manufacturing units need clearances from the

state pollution control board and the fire department.

The firecracker lobby claimed that over 31 lakh people in the state are directly or indirectly involved in the firecracker business with a large chunk being manufacturers.

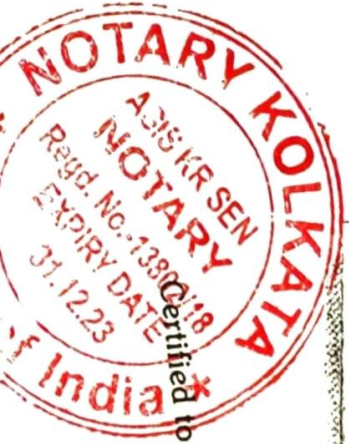
The lobby has been demanding that the state government raise the maximum permissible limit of noise produced by a firecracker to 125 decibel from 90.

The apex court recently

opened the way for relaxing the firecracker noise ceiling in Bengal from 90 decibel at 5m from the point of origin to 125 decibel at 4m from the source. The 30-decibel norm has been in force in the state since 1997.

State pollution control board chairman Kalyan Rudra said, "We have just received the Supreme Court order and are seeking legal advice."

A PESO official said cops were mandated under law to monitor and submit a report every six months. "But we hardly get anything," he said. The green lobby demanded immediate government action against illegal units.



certified to be true Copy  
 Advocate



43

2

Explosives Rules 2008 w.e.f 01/04/2014 | अमोनियम नाइट्रेट पर अकसर पूछे जाने वाले सवाल | सार्वजनिक सूचना - अमोनियम नाइट्रेट

Home [Public Grievance Portal](#) [Public Domain](#) [Accident Reporting](#) [Explosives Returns Links](#) [1](#) | [2](#) | [3](#) | [4](#) | [5](#) | [6](#)

[DM / SP Login](#) [DIPP / MHA Login](#) [ANRS - Ammonium Nitrate Returns System](#) [Apply Online](#)

- PESO**
- > [Objectives](#)
  - > [Roles & Responsibilities](#)
  - > [Activities](#)
  - > [Organisation](#)
  - > [Testing Station](#)
  - > [FRDC Sivakasi](#)
  - > [Grievance Redressal](#)
  - > [Posting of officers](#)
  - > [Work Manuals](#)
  - > [E-News Letter](#)
  - > [Annual Report](#)
  - > [e-Governance](#)
  - > [Raibhasha](#)
  - > [Tenders](#)
  - > [Right to Information](#)
  - > [Feedback](#)
  - > [Contact Us](#)
  - > [Related Links](#)
  - > [R F Documents](#)
  - > [FAQs](#)

Annexure, A-2

**Explosives Manufacturers**

Select Class & Division :

Select State :

Page No. 1

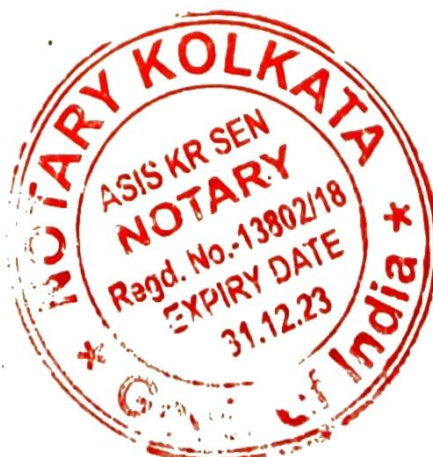
[Print All Pages](#)

Sr. No.	Name of Company	Factory Address
1.	M/s. Apex Explosives Pvt. Ltd.	West Bengal
2.	M/s. Black Diamond Explosives (P) Ltd.	Napara Burdwan , West Bengal
3.	M/s. Black Diamond Explosives (P) Ltd.	Village Napara, Post Barabani Burdwan, West Bengal, 713334
4.	M/s. Black Diamond Explosives (P) Ltd.	Napara Burdwan, West Bengal
5.	M/s. Madhura Explo-Chem Pvt.Ltd.	West Bengal

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Advocate



Anneaux, A-3

44

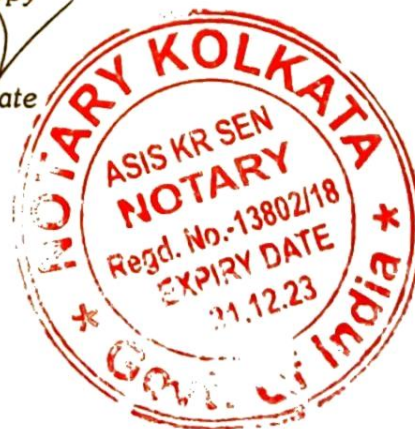
Location of fireworks manufacturing units / magazines at different places  
in the state of West Bengal

3

Sl. No.	District	Area	Police Station
1.	Howrah	Belur Sankrial Amta Udaynarayanpur	Bally Sankrial Amta Udaynarayanpur
2.	Hooghly	Chanditala Dankuni Chandannagar Sreerampur	Chanditala Dankuni Chandannagar Sreerampur
3.	Nadia	Kalyani Mohanpur Gangapur Krishnanagar	Kalyani Mohanpur Gangapur Krishnanagar
4.	Paschim Medinipur	Panskura Pulsita Kotwali	Panskura Panskura Medinipur Sadar
5.	Purba Medinipur	Tamluk Contai	Tamluk Contai
6.	North 24 Parganas	Narayanpur-Nilgunge, Naihati Kanchrapara	Barasat Naihati Bijpur
7.	South 24 Parganas	Champahati-Haral Nungi South Rameswarpur, Buita	Baruipur Maheshtala Maheshtala Budge Budge

Certified to be true Copy

  
Advocate



Annexure, A-4

আইন সহায়তা কেন্দ্র • পরিবেশ, জনস্বাস্থ্য, মানবাধিকার ও শ্রমিকের অধিকার বিষয়ক

সিফলা : সবুজের অফিস, অরুণাচল, চন্দ্রনাগর, পিন-৭১২১৩৬ • ফোন : (০৩৩) ২৬৮৩৬৩৩

Legal Aid Centre • Environment, Public Health, Human Rights & Labour Matters

Address : Sabujer Avijan, Barabazar, Chandannagar, Pin-712136 ■ Ph. : (033) 26836533 Website : www.sabujeravijan.org

- 1) The Director General & Inspector General of Police, Dated: 31<sup>st</sup> August, 2015  
Nabanna, 325, Sarat Chatterjee Road, P.O. Mandirtala,  
P.S. Shibpur, District - Howrah - 711102
- 2) The Commissioner of Police,  
Lal Bazar, Kolkata- 700001
- 3) The Chairman,  
West Bengal Pollution Control Board,  
Paribesh Bhawan, 10A, LA Block, Sector-III,  
Salt Lake City, Kolkata - 700098
- 4) Joint Safety Controller of Exclusive  
Petroleum & Exclusive Safety Organization  
(Formerly known as Department of Exclusive)  
8, Esplanade East,  
Kolkata - 700059



Sub: An appeal for taking urgent steps against the Un-licensed Fireworks Manufacturing Units in the State of West Bengal.

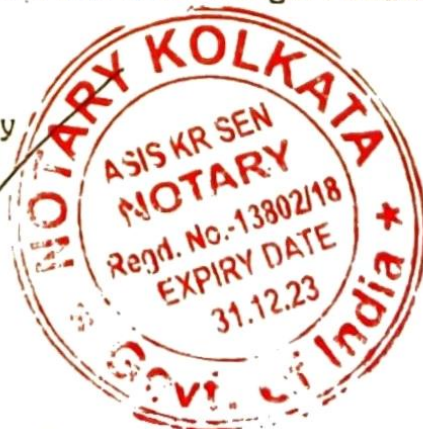
Sir(s),

With reference to the above, we are inviting your kind attention to the fact that all the Fireworks Manufacturing Units require necessary license/permission from the Petroleum & Explosive Safety Organization (PESO) under the Ministry of Explosive Department, Govt. of India and also from the West Bengal Pollution Control Board.

2. That, on 27<sup>th</sup> August, 2015 a news item has been published in the Telegraph Newspaper, wherein it has been reported that there are only 3 units who have obtained requisite permissions from the Exclusive Department, and the rest other units are totally unlicensed and also operating without any valid permissions from the competent authorities. Copy of the news item is enclosed herewith for your ready reference.

3. That in consideration of the aforementioned scenario, it is our specific submission that, as per the present law of the land no manufacturing unit is allowed to manufacture the fireworks without proper approval and license from the PESO and without valid 'Consent to Operate' from the West Bengal Pollution Control Board.

Certified to be true Copy



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আইন সহায়তা কেন্দ্র • পরিবেশ, জনস্বাস্থ্য, মানবাধিকার ও শ্রমিকের আধিকার বিষয়ক

ঠিকানা : সবুজের অভিযান, বড়বাজার, চন্দননগর, পিন-৭১২১৩৬ ■ দূরভাষ : (০৩৩) ২৬৮৩৬৫৩৩

Legal Aid Centre • Environment, Public Health, Human Rights & Labour Matters

Address : Sabujer Avijan, Barabazar, Chandannagar, Pin-712136 ■ Ph. : (033) 26836533 Website : www.sabujeravijan.org

:: 2 ::

5

Considering the contents of the paper cutting as enclosed hereinabove, it is our specific demand that the Police Authorities and West Bengal Pollution Control Board need to take immediate steps involving the Explosive Department, to close all the un-licensed fire works manufacturing units in the State of West Bengal and such action need to be executed by 10<sup>th</sup> September, 2015 to prevent the noise pollution in the ensuing festive seasons in the State of West Bengal and the fireworks manufactured by the un-licensed fire works manufacturing units without maintaining the norms fixed up by the Hon'ble Apex Court, need to be confiscated and such fire works may be destroyed in an eco-friendly manner.

Please note that in case of non response or non action on your parts, there shall be no other alternative left before our organization but to move before the appropriate judicial forum for justice, to prevent the noise pollution in the ensuing festive seasons in the State of West Bengal!

Yours faithfully,



(Biswajit Mukherjee)

Secretary

Legal Aid Center

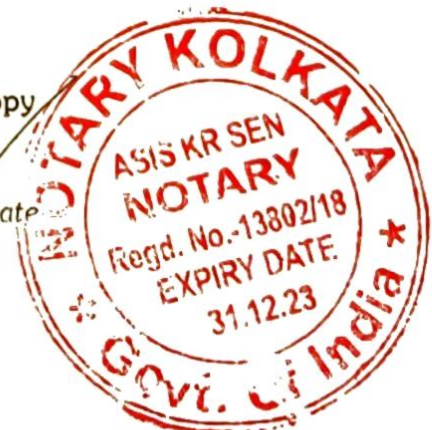
Encl : As stated

c.c. to : The Chief Controiler of Explosive,  
Department of Explosive,  
"A" Block, 5<sup>th</sup> Floor, CGO Complex,  
Nagpur - 440006

(Biswajit Mukherjee)

Certified to be true Copy

  
Advocate

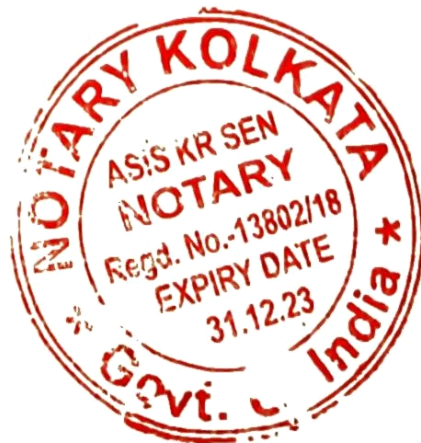


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CHANDANNAGAR M.D.G -712 भारतीय डाक  
 154301531941IN  
 Counter No:1.CF-Code:USER  
 G-16 POLICE,HEMRAH NAGAR  
 KOLKATA, PIN:711102  
 India Post  
 From:LEGAL AID CENTRE , CHANDANNAGAR  
 Kolkata.  
 Date:01/06/2018 , 12:52  
 (For Rs.5.00)Track on [www.indiapost.gov.in](http://www.indiapost.gov.in)

CHANDANNAGAR M.D.G -712 भारतीय डाक  
 154301531941IN  
 Counter No:1.CF-Code:USER  
 G-200M POLICE,LALBAZAR  
 KOLKATA, PIN:700001  
 India Post  
 From:LEGAL AID CENTRE , CHANDANNAGAR  
 Kolkata.  
 Date:01/06/2018 , 12:53  
 (For Rs.5.00)Track on [www.indiapost.gov.in](http://www.indiapost.gov.in)

CHANDANNAGAR M.D.G -712 भारतीय डाक  
 154301531941IN  
 Counter No:1.CF-Code:USER  
 EAST SAFETY DOE EXPLD,KOLKATA  
 KOLKATA, PIN:700059  
 India Post  
 From:LEGAL AID CENTRE , CHANDANNAGAR  
 Kolkata.  
 Date:01/06/2018 , 12:53  
 (For Rs.5.00)Track on [www.indiapost.gov.in](http://www.indiapost.gov.in)



That this is a true and accurate copy of document of order as in the case of Application / Appeal No. 101/2015 and that all the matters appearing therein have been legibly and faithfully copied with modification.

NATIONAL GREEN TRIBUNAL, EZB, KOLKATA  
of the copy application. 77/2015/EZB  
the applicant S. Biswajit Mukherjee Advocate  
Date of application. 27.10.15  
IPO 6x5 = 30 + Proc. 20 = Rs. 50  
Charged General Order No. 190 & 50  
(vi) Date of Preparation of copy. 27.10.15  
(vii) Date on which copy is ready. 27.10.15  
(viii) Date of Delivery 27/10/15

**BEFORE THE NATIONAL GREEN TRIBUNAL  
EASTERN ZONE BENCH, KOLKATA**

For Registrar (NGT)  
Signature  
27.10.15

Original Application No. 101/2015/EZB given for collection of copy. 27.10.15  
For Registrar (NGT)  
Signature  
27.10.15

**Biswajit Mukherjee  
Vs  
Union of India & Ors.**

Annexure 'A/5'

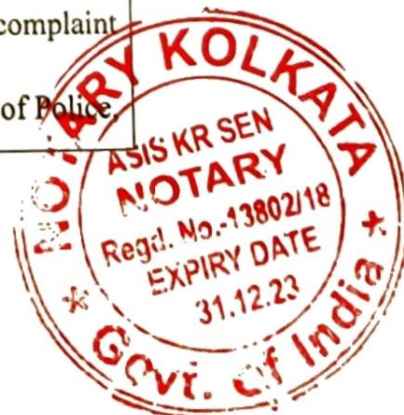
**CORAM:** Hon'ble Mr. Justice Pratap Kumar Ray, Judicial Member  
Hon'ble Prof. (Dr.) P. C. Mishra, Expert Member

**PRESENT:** Applicant : Mr. Sumanta Biswas, Advocate

Respondent Nos. 1 to 7 : None.

47

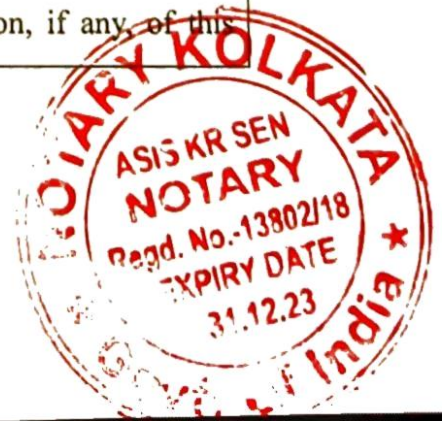
Date & Remarks	Orders of the Tribunal
Item No. 02 16 <sup>th</sup> October, 2015.	<p>Heard Id. Counsel appearing for the applicant.</p> <p>It is pleaded in this application by the applicant relying upon the news publication of the Telegraph, Kolkata edition dated 27.08.2015 that there are only three legal cracker manufacturing units operating in the State of West Bengal whereas many more are operating illegally and unauthorizedly in the State of West Bengal without a licence from Petroleum &amp; Explosives safety organization and/or the District Magistrate depending upon the capacity of production. A list of location of fireworks manufacturing units/magazines at different places in the State of West Bengal has been annexed as Annexure-A/3. A complaint was lodged to the Director General &amp; Inspector General of Police</p>



the Commissioner of Police, The Chairman, West Bengal Pollution Control Board and Joint Safety Controller of Explosive on 31<sup>st</sup> August 2015 which has not yet been responded by the respective parties. A substantial question of environmental law has been pleaded in this application contending inter-alia that so many cracker manufacturing units are in operation in the State of West Bengal without having any licence from the Explosive Department under the Explosive Act and cracker manufacturing units are contributing to air pollution and noise pollution in terms of the **Noise Pollution(Regulation & Control) Rules, 2000 and the Air (Prevention and Control of Pollution) Act, 1981.**

Having regard to the pleadings made, this application is admitted for hearing. Let notice be served upon the respective respondents by dasti/speed post/registered post with A/D on usual terms along with the application.

The State of West Bengal represented by the Chief Secretary, the State Pollution Control Board represented by the Member Secretary, the DG & IG of Police and the Commissioner of Police, Kolkata, the Principal Secretary, Deptt. of Fire and Emergency Services and the Principal Secretary, Deptt. of Environment, Govt. of West Bengal are all directed to submit their respective status report and the opposition, if any, of this



application by four weeks and copy be served upon the applicant. Rejoinder to the opposition be filed by the applicant within two weeks thereafter. In the meantime the concerned respective respondents who are legally responsible under the law to check the illegal cracker manufacturing units will take all steps and measures to close down such illegally operating units and action taken report to be filed on the date fixed.

**Matter stands adjourned to 30.11.2015.**

Sd/-

Justice Pratap Kumar Ray, JM

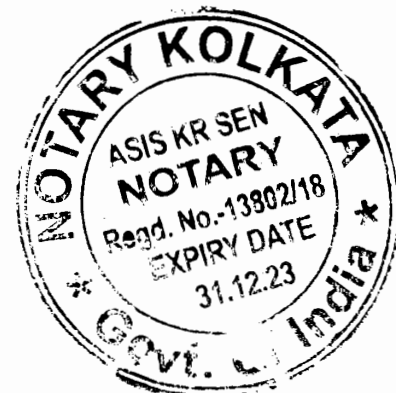
Sd/-

Prof. (Dr.) P. C. Mishra, EM

Certified that this is a true and accurate copy of the document of order as in the court of law (Application / Appeal No. 101...2015) that all the matters appearing therein have been legibly and faithfully copied with no modification.

For Registrar (NCT)

Signature



**BEFORE THE NATIONAL GREEN TRIBUNAL, EASTERN ZONE**  
**BENCH, KOLKATA**

**ORIGINAL APPLICATION 101/2015/EZ**

In the matter of:

Biswajit Mukherjee

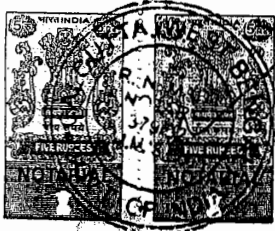
...Applicant

Versus

Union of India and others.

...Respondents

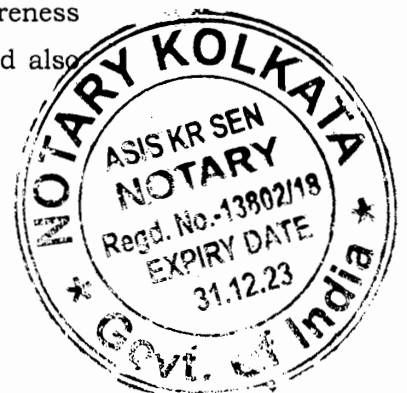
SL NO.....38..... 2015.



**Affidavit on behalf of the Respondent No. 6 abovenamed.**

I, Prabal Bandyopadhyay, son of late Pabitra Bandyopadhyay aged about 47 years, by faith: Hindu, by Occupation: Service, working for gain at 18 Lalbazar Street, Kolkata - 700 001, do hereby solemnly affirm and say as follows:

1. I am the Inspector of Police, Kolkata Police, presently posted as Officer-in-Charge, Law Section, Kolkata Police Directorate, and have been duly authorized by the respondent no. 6 to affirm this affidavit on his behalf and I have made myself acquainted with the facts and circumstances of this case.
2. That this affidavit is being affirmed pursuant to the solemn order passed by the Hon'ble Tribunal on 16.10.2015.
3. That no illegal and/or unauthorized fire crackers manufacturing unit is running within the jurisdiction of Kolkata police. The Kolkata police are always vigilant and take steps to prevent and regulate manufacturing, selling and transportation etc. of any illegal and/or unauthorized firecrackers within its jurisdiction.
4. The Kolkata police took various measures to cause awareness amongst the citizens against the bursting of illegal firecrackers and also



take steps to ensure that the issues/guidelines related with fire safety and pollutions are being followed.

5. That on and from 21.09.2015 to 15.11.2015, Kolkata police conducted drive against illegal fireworks and seized 4361 Kgs of banned fireworks and 4583.30 kgs unclaimed banned fireworks, registered 17 specific cases and 20 (twenty) accused were arrested for using and/or having in possession of illegal firecrackers and the cases are under investigation. Till now no other information or complaint regarding the activities of any illegal and/or unauthorized fire crackers manufacturing unit except the above has been received by the Kolkata police.

A photocopy of note communicated by the Officer-in-Charge, Criminal Record Section, Detective Department is annexed herewith and marked as annexure "R-1".

6. It is therefore prayed that the Hon'ble Tribunal may pass necessary order or further orders as it deem fit and proper in the interest of justice.

7. The statements made in paragraph 1 to 5 are based on information derived from the record which are usually kept and maintained by the answering respondents in the ordinary course of business and which I belief to be true and rest thereof are my humble submission before this Hon'ble Tribunal.

*Identified by me*  
Prepared in my office

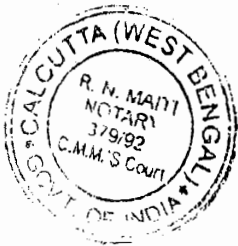
*[Signature]*

Advocate 19.11.15

*[Signature]*

Deponent

Officer-in-Charge,  
Law Section, K. P. D.  
Lalbazar.



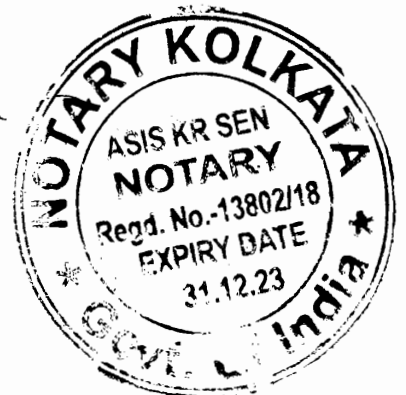
R.N. MAITI  
Notary  
Regd. No. 379/92  
8, Bankswal Street  
Calcutta-1

Solemnly Admitted  
&  
Declared before me  
on Identification of Achevants

*[Signature]*

R.N. MAITI  
Notary

19 NOV 2015



A note on the seizure of banned fireworks by Kolkata Police in the year 2015 (till 15<sup>th</sup> November)

So far as the jurisdiction of Kolkata Police is concerned, there is no unauthorized/unlicensed fire work manufacturing unit. However, in course of regular raids, Kolkata Police seized **4361 kgs of banned fireworks** during the year 2015 till 15 th November. **17 specific cases** were recorded in this connection and **20 accused** arrested. Besides, **4583.30 kgs** of unclaimed banned fireworks were also seized vide General Diary Entries at different Police Stations. The amount of total seizure during the current year (Till 15 th November) stands to **8944.30 kgs.**

\*\*\*\*\*

Submitted  
R. Chy.  
16/11/15

Officer-in-Charge  
Criminal Record Section  
Reserve Department  
Kolkata, Kolkata



**BEFORE THE NATIONAL GREEN TRIBUNAL, EASTERN ZONE**  
**BENCH, KOLKATA**

**ORIGINAL APPLICATION 101/2015/EZ**

In the matter of:

Biswajit Mukherjee

...Applicant

Versus

Union of India and others.

....Respondents

SL NO.....39..... 2015

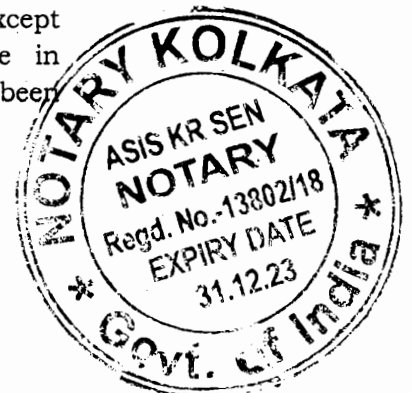


**Affidavit-in-Opposition on behalf of the Respondent No. 6**

**abovenamed.**

I, Prabal Bandyopadhyay, son of late Pabitra Bandyopadhyay, aged about 47 years, by faith: Hindu, by Occupation: Service, working for gain at 18, Lalbazar Street, Kolkata - 700 001, do hereby solemnly affirm and say as follows:

1. I am the Inspector of Police, Kolkata presently posted as Officer-in-Charge, Law Section, Kolkata Police Directorate and have been duly authorized by the respondent no. 6 to affirm this affidavit on his behalf and I have made myself acquainted with the facts and circumstances of this case.
2. That I have received a copy of the application purported to have affirmed by the applicant in this application (hereinafter mentioned as the "said application") and on perusal of the same I have understood the purports and contents thereof. I have been advised to deal with and/or traverse only those allegations of the said application which are material for proper adjudication of the case, which are hereby do save and except what are specifically admitted herein all the statements made in paragraphs of the said applications are denied and as if they have been reversed in seriatim.



3. That this affidavit is being affirmed pursuant to the solemn order passed by the Hon'ble Tribunal on 16.10.2015.

4. That before dealing with the statements and allegations contained in various paragraphs as well as sub-paragraphs of the said application, I submit the following matter in brief before this Hon'ble Court which is germane for the purpose of the adjudication of this matter :-

i) That no illegal and/or unauthorized fire crackers manufacturing unit is running within the jurisdiction of Kolkata police. The Kolkata police are always vigilant and take steps to prevent and regulate manufacturing, selling and transportation etc. of any illegal and/or unauthorized firecrackers within its jurisdiction.

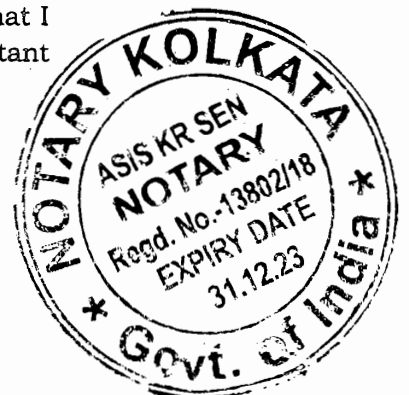
ii) That the Kolkata police took various measures to cause awareness amongst the citizens against the bursting of illegal firecrackers and also took steps to ensure that the issues/guidelines related with fire safety and pollutions are being followed.

iii) That on and from 21.09.2015 to 15.11.2015, Kolkata police conducted drive against illegal fireworks and seized 4361 Kgs of banned fireworks and 4583.30 Kgs unclaimed banned fireworks, registered 17 specific cases and 20 (twenty) accused persons were arrested for using and/or having in possession of illegal firecrackers and those cases are under investigation. Till now no other information or complaint regarding the activities of any illegal and/or unauthorized fire crackers manufacturing unit except the above has been received by the Kolkata police.

A photocopy of note communicated by the Officer-in-Charge, Criminal Record Section, Detective Department is annexed herewith and marked as annexure "R-1".

5. That with regard to the statements made in paragraphs nos. 1 to 3 of the said application, I do not want to make any comment and nothing is admitted which are not borne on record.

6. That with regard to statements made in the paragraph nos. 4 and 6 of the said application, I deny and dispute the statements made therein save and except what are matter of records. I repeat and reiterate what I have stated in the earlier paragraph being paragraph 4(i),(ii) of the instant affidavit.



7. That with regard to the statements made in paragraph nos. 7 to 13 of the said application, I do not want to make any comment and nothing is admitted which are not borne on record.

8. That with regard to statements made in the paragraph nos. 14 to 17 of the said application, I deny and dispute the statements made therein save and except what are matter of records. I repeat and reiterate what I have stated in the earlier paragraph being paragraph 4(i),(ii) of the instant affidavit.

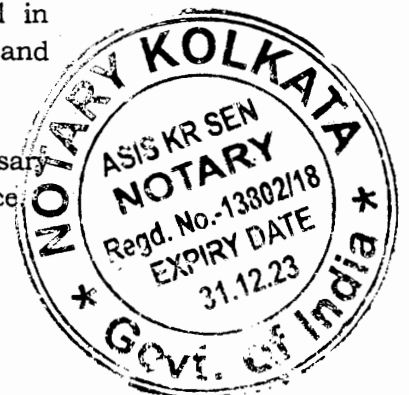
9. That with regard to statement made in the paragraph no. 18 to 24 of the said application, I deny and dispute the statements made therein save and except what are matter of records. I state that on receiving the letter dated 31.08.2015 the answering respondent made an enquiry on the matter but found no illegal and/or unauthorized fire crackers manufacturing unit is existing within the jurisdiction of Kolkata police, though all police station is directed to take steps against manufacturing of illegal and/or unauthorized firecrackers, if any, found within its jurisdiction. I further state that the Kolkata police have seized 4361 Kgs of banned fireworks and 4583.30 kgs unclaimed banned fireworks, and registered/initiated 17 cases and 20 (twenty) accused were arrested for using and/or having in possession of illegal firecrackers and those cases are under investigation. I further state that the Kolkata police took various measures to cause awareness amongst the citizens against the bursting of illegal firecrackers and also took steps to ensure that the issues/guidelines related with fire safety and pollutions are being followed.

10. That with regard to statement made in the paragraph no. 25 of the said application, I submit that the Grounds mentioned therein are not at all good, sound and legal and no interference can be called for relying upon such illegal, invalid and unsustainable grounds. I however, reserve my right to deal with the said Grounds properly at the time of hearing of this application.

11. That with regard to statement made in the paragraph no. 26 to 29 of the said application, I deny and dispute the statements made therein save and except what are matter of records.

12. That I submit that the applicant shall not suffer irreparable loss, prejudice and injury and neither the balance of convenience and in convenience are lying in favour of the applicant or otherwise or at all and the application is not at all a bonafide application.

It is therefore prayed that the Hon'ble Tribunal may pass necessary or further orders as it deem fit and proper in the interest of justice.



14. The statements made in paragraph 1 to 11 are based on information derived from the record which are usually kept and maintained by the answering respondents in the ordinary course of business and which I believe to be true and rest thereof are my humble submission before this Hon'ble Tribunal.

*Identified by me*  
Prepared in my office

*Sayit Say*  
Advocate 13.11.15

*Prasun Bandyopadhyay*

Deponent

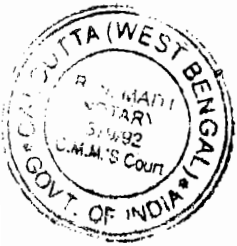
Officer-in-Charge,  
Law Section, K. P. D  
Lalbazar.

Solemnly Affirms  
&  
Declared before me  
on Identification of Advocate

*[Signature]*  
R.N. MATHI  
Notary

R.N. MATHI  
Notary  
Regd. No. 370/82  
8, Bankahal Street  
Calcutta-1

19 NOV 2015



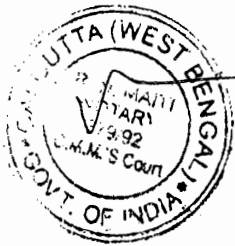
**A note on the seizure of banned fireworks by Kolkata Police in the year 2015 (till 15<sup>th</sup> November)**

So far as the jurisdiction of Kolkata Police is concerned, there is no unauthorized/unlicensed fire work manufacturing unit. However, in course of regular raids, Kolkata Police seized **4361 kgs of banned fireworks** during the year 2015 till 15 th November. **17 specific cases** were recorded in this connection and **20 accused** arrested. Besides, **4583.30 kgs** of unclaimed banned fireworks were also seized vide General Diary Entries at different Police Stations. The amount of total seizure during the current year (Till 15 th November) stands to **8944.30 kgs.**

\*\*\*\*\*

Submitted  
R. C. Das  
16/11/15

Officer-in-Charge  
General Diary Section  
Police Department  
Kolkata, Kolkata



57

BEFORE THE NATIONAL GREEN  
TRIBUNAL, EASTERN ZONE BENCH,  
KOLKATA

ORIGINAL APPLICATION 101/2015/EZ

In the matter of:

Biswajit Mukherjee

...Applicant

Versus

Union of India and others.

....Respondents



Affidavit-in-Opposition on

behalf of the Respondent No. 6

Shri Rajib Roy,  
Advocate,  
Bar Association Room No. 13,  
High Court, Calcutta.



Annexure 'A-7'

58



BEFORE THE NATIONAL GREEN TRIBUNAL  
EASTERN ZONE BENCH, KOLKATA

ORIGINAL APPLICATION NO. - 101/2015/EZ

BETWEEN

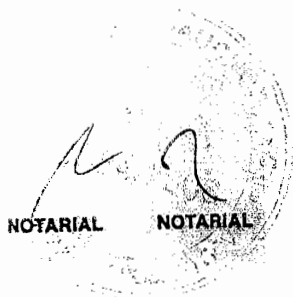
BISWAJIT MUKHERJEE

..... APPELLANT(S)

VERSUS :

UNION OF INDIA & ORS.

.....RESPONDENT(S)



AFFIDAVIT ON BEHALF OF THE RESPONDENT NO. 3  
THE WEST BENGAL POLLUTION CONTROL BOARD

Most Respectfully Sweath

I, Sri Amar Nath Goswami, aged about 49 years, son of Shri Madan Mohan Goswami, by Religion - Hindu, by Occupation-Service, residing at L-111/2, G-13, Baishnabghata Patuli Township, Kolkata - 700 094, do hereby solemnly declare and say as follows:-

*(Signature)*  
ASIS KR SEN  
NOTARY  
REGD. NO. 13802/18  
EXPIRY DATE  
31.12.23

27 NOV 2015






59

- 2 -

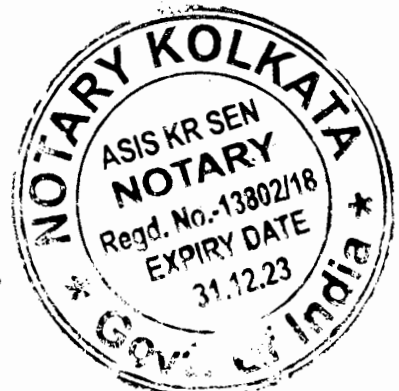
01. That, I am the Senior Law Officer, West Bengal Pollution Control Board (hereinafter will be referred to as the 'State Board') and look after this case and as such I am well acquainted with the facts and circumstances of the case. I have been duly authorized by the Respondent No. 3 to affirm this Affidavit on its behalf and as such, I am competent to do so.

02. That, this affidavit is being sworn in compliance with order dated 16.10.15 of the Hon'ble tribunal.

03. That, in compliance with order of the Hon'ble tribunal State Board vide memo dated 4.11.15 requested the Director General of Police and Inspector General of Police, West Bengal to take necessary steps to close down the unauthorized fire crackers manufacturing unit located in the State of West Bengal and submit action taken report to the State Board for submission before the Hon'ble National Green Tribunal.

  
SUDIP CHAUDHURI  
NOTARY \*  
GOVT. OF INDIA  
REGD. NO. 6534/03  
Chandernagore Court  
St. North 24 Pgs.

27 NOV 2015





60

-3-

State Board has not yet received any action taken report from the Director General of Police and Inspector General of Police, West Bengal. However, it is expected that State Board will receive such action taken report shortly.

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

4. 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.

**VERIFICATION**

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

Verified at Kolkata by the deponent above named on this the 27<sup>th</sup> day of November, 2015 and say that the contents of this affidavit made in paragraph nos. 1 is true to my knowledge and those made in paragraphs no. 2 & 3 are true to my information derived from records and rest are my respectful submission before this Hon'ble Tribunal.

BIDHAN CHAUDHURI  
NOTARY \*  
GOVT. OF INDIA  
No. 5584/08  
Bidhannagar Court  
North 24 Pgs.

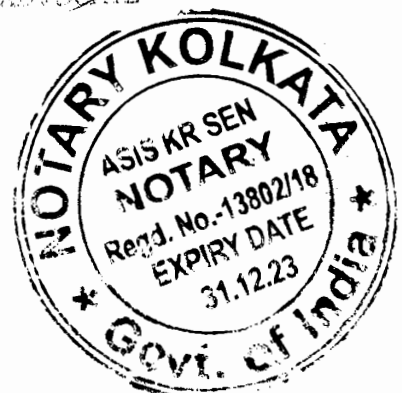
*Amar Nath Goswami*

DEPONENT

Witnessed By Me

*S. De y*  
ADVOCATE

27 NOV 2015





61

WEST BENGAL POLLUTION CONTROL BOARD  
(Department of Environment, Government of West Bengal)  
"Paribesh Bhawan", 103, Block - LA, Sector - III,  
Salt Lake City, Kolkata - 700 098  
Ph.: (033)2335-9088/8212, Fax : (033)2335-8073  
Website : [www.wbpcb.gov.in](http://www.wbpcb.gov.in) E-mail : [wbpcbnet@wbpcb.gov.in](mailto:wbpcbnet@wbpcb.gov.in)

Memo No 3L/WPB-R(V)/2015

Dated: 9/11/2015

To  
Director General of Police and Inspector General of Police  
Having office at Nabanna  
11<sup>th</sup> floor,  
325, Sarat Chandra Chatterjee Road  
P.O.- Shibpur,  
Howrah 711 102.

Re: O.A. No. 101/2015/EZ  
Biswajit Mukherjee  
Vs.  
Union of India & Ors.

Sir,

In connection with the aforementioned matter Hon'ble National Green Tribunal vide order dated 16.10.2015 interalia directed the respondent authorities including the Director General and Inspector General of Police and the Commissioner of Police Calcutta to file status report. Hon'ble Tribunal further directed the concerned respondents to check the illegal crackers manufacturing unit and take steps and measures to close down illegally operating units and file action taken on the next date i.e., 30.11.2015. Copy of the said order of the National Green Tribunal is enclosed herewith for your necessary information.

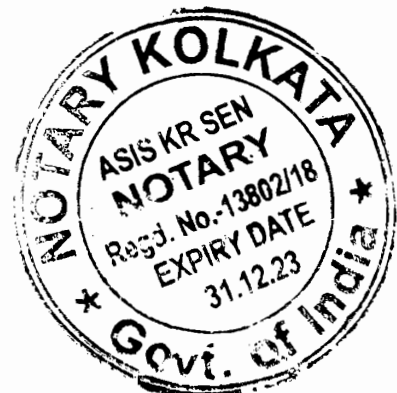
In view of above your good office is requested to take necessary steps to close down the unauthorized fire crackers manufacturing unit located in the state of West Bengal and submit action taken report to the State Board for submission before the Hon'ble National Green Tribunal.

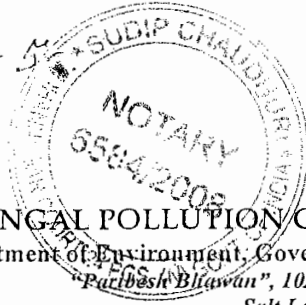
Yours faithfully,

Sd/-  
(S. Mukherjee)  
Member Secretary

Encl : As above

27 NOV 2015





62

**WEST BENGAL POLLUTION CONTROL BOARD**

(Department of Environment, Government of West Bengal)

"Parbesh Bhawan", 10A, Block - LA, Sector - III,  
Salt Lake City, Kolkata - 700 098

Ph.: (033)2335-9088/8212, Fax : (033)2335-8073

Website : [www.wbpcb.gov.in](http://www.wbpcb.gov.in) E-mail : [wbpcbnet@wbpcb.gov.in](mailto:wbpcbnet@wbpcb.gov.in)

Memo No <sup>945 (1-8)</sup> 3L/WPB-R(V)/2015

Dated: 04/11 /2015

- Copy to :
1. Chief Engineer (P), WBPCB
  2. Chief Engineer (O&E), WBPCB
  3. Environmental Engineer, Howrah Regional Office, WBPCB
  4. Environmental Engineer, Hooghly Regional Office, WBPCB
  5. Sr. Environmental Engineer, Kankinara Circle Office, WBPCB
  6. Environmental Engineer, Haldia Regional Office, WBPCB
  7. Environmental Engineer, Kankinara Regional Office, WBPCB
  8. Sr. Environmental Engineer, Camac Street Circle Office, WBPCB

Sl. No. 3, 4, 6 and 7 is requested to keep in touch with the concerned SPs of the Districts for submission of reports.

Sr. Law Officer  
West Bengal Pollution Control Board

NOV 2015



63

BEFORE THE NATIONAL GREEN TRIBUNAL  
EASTERN ZONE BENCH, KOLKATA

ORIGINAL APPLICATION NO. - 101/2015/EZ

BETWEEN

BISWAJIT MUKHERJEE

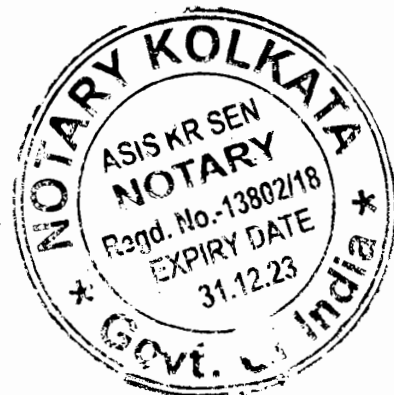
..... APPELLANT(S)

VERSUS :

UNION OF INDIA & ORS.

.....RESPONDENT(S)

AFFIDAVIT ON BEHALF OF THE RESPONDENT NO. 3  
THE WEST BENGAL POLLUTION CONTROL BOARD



Annexure 'A8'

64

**Government of West Bengal  
Department of Fire & Emergency Services  
Bikash Bhawan, Salt Lake, Kolkata - 700091**

No.20/FES/O/3S-11/2013

Date: 05/01/2015

From : The Deputy Secretary to the Govt. of West Bengal.

To : Sri Biswajit Mukherjee,  
Secretary of "Ain Sahayata Kendra",  
Sabujer Abhijan Burrabazar,  
Chandannagar,  
District - Hooghly,  
Pin - 712136

Sub: Service of the Affidavit filed before National Green Tribunal, Eastern Zone Bench by the Respondent No. 5 in the matter of O.A. 101 of 2015/EZ.

Enclosed please find herewith the copy of Status report in the form of Affidavit filed before the National Green Tribunal, Eastern Zone Bench in the above referred matter.

  
Deputy Secretary to Govt. of West Bengal



65

BEFORE THE NATIONAL GREEN TRIBUNAL,  
EASTERN ZONE BENCH, KOLKATA

IN THE MATTER OF : -

O.A. 101 OF 2015/EZ

AND

In the Matter of:

Sri Biswajit Mukherjee

..... PETITIONER

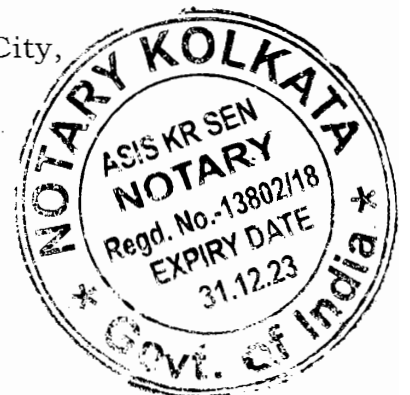
-VERSUS-

Union of India and Others.

.....RESPONDEN  
TS

AFFIDAVIT ON BEHALF OF RESPONDENT NO. 5

I, Sri Asuthosh Biswas, S/O Late Bhabesh Chandra Biswas, aged about 57 years, by faith - Hindu, by occupation - Service, presently working for gain as Deputy Secretary in the Department of Fire & Emergency Services, Government of West Bengal, having my office at Bikash Bhawan, South Block, 2<sup>nd</sup> Floor, Salt Lake City,



Government of West Bengal, do hereby solemnly affirm and state as follows: -

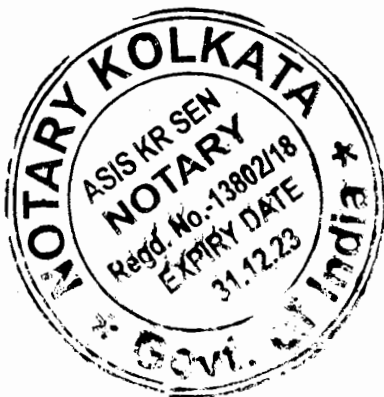
1. That I am working for gain as Deputy Secretary in the Department of Fire & Emergency Services, Government of West Bengal and authorized signatory of the Respondents No. 5 and as such I am well acquainted with the facts and circumstances of the case. I have been duly authorized by the respondents to sign this affidavit on their behalf and as such I am affirming the same having been duly authorized and competent to do so.
2. That a copy of the Original Application filed by the Petitioner herein has been served upon us and I have gone through the same and have understood the contents and purports thereof.
3. That I also received a copy of the Order dated 16/10/2015 passed by Hon'ble Tribunal wherein Hon'ble Tribunal also directed to submit status report of respective State Respondents. In view of the direction of Hon'ble Tribunal this respondent likes to submit that :-

- a. Section 12 of the West Bengal Fire & Emergency Services Act, 1950 restrains the use of the



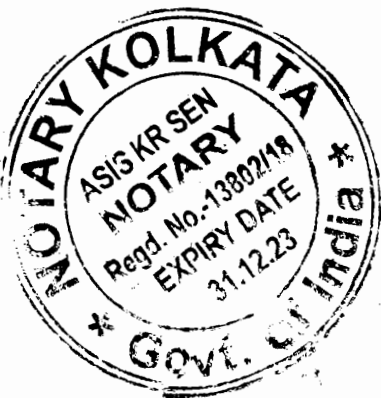
premises for storing or processing of hazardous substances in absence of any license to be issued by the Collector under section 14 of the Act. Hazardous substances includes explosives under Indian Explosives Act, 1884, explosive substances within the meaning of Explosive Substances Act, 1908, dangerously inflammable substances under Inflammable Substances Act, 1952 and others. A detail list of substances was given in Schedule - I of West Bengal Fire Service (Fire License) Rules, 2003.

- b. The process of issuing license is provided in the said Act, along with the penalty for not obtaining the Fire License. Every such license was issued on ascertaining that the fire prevention and safety measures were taken as directed by the Inspecting officers and if any licensee violates any of the conditions, such license may be suspended in accordance with section 20 of the said Act. But the authority of fire service was not given the power to restrain the illegal units from storing or processing of hazardous substances except in accordance with section 26, which is a



penal section and reads as follows "Any person who without a license uses any premises for the purpose referred to in section 12 shall be punishable, on conviction with fine of one thousand rupees which may extend to fire thousand rupees or with imprisonment for a term which may extend to two months or with fine or with both and with further fine not exceeding five thousand rupees for each day during which he may continue to so use such premises." The concerned authority of fire service usually lodges an FIR with police authorities.

- c. Accordingly the respective Divisional Fire Officers of the districts of Howrah, Hooghly, Nadia, East Midnapore, West Midnapore, North 24 Parganas & South 24 Parganas was instructed to submit a report on the issue of fire cracker manufacturing units operating in their concerned division or district after inspection as it was evident from the Annexure 3 of the application that in these areas the illegal fire cracker manufacturing units are prominent. After necessary inspection it was found: -



- I. that in Nadia district there is no such fire cracker manufacturing unit;
- II. that most of the fire cracker manufacturing units in the district of Hooghly and South 24 Parganas do not possess any license from the Collector under section 12 of the said Act;
- III. that recently on 22/11/2015 one FIR was lodged by the Officer-in-Charge of the concerned fire station, against one illegal fire cracker manufacturing unit in Paschim Medinipore;
- IV. And that there are total 37 numbers of fire cracker manufacturing units or firecracker storing units and amongst them 18 numbers have license from the Collector.

Copies of the detailed report referred above are annexed hereto and marked as Annexure R1 collectively.

- V. This Department already issued direction to Director-General of West Bengal Fire & Emergency Services to lodge FIR against those illegal fire cracker manufacturing units in these districts as they do not have license under



section 12 of West Bengal Fire Services Act for running such manufacturing units.

Copies of the documents referred above are annexed hereto and marked as Annexure R2.

VI. Thereafter while complying with this direction, at the instance of Director General, West Bengal Fire & Emergency Services, fresh inspection was made in the division of South 24 Parganas on 20/12/2015 before filing FIR against those illegal fire cracker manufacturing units and then most of those manufacturing units have shown their licenses except one namely "S.K.Z. Fire Works" and against this unit an FIR was lodged by the Officer-in-Charge of the concerned fire station accordingly. The Divisional Officers of other districts e.g. North 24 Parganas, Howrah, Nadia also have taken legal action against illegal fire cracker manufacturing units.

This Respondent craves leave before Hon'ble Tribunal to file the reports of other Divisional Fire Officers at the time of hearing.

The photocopies of the detailed report submitted by the Divisional Fire Officers referred above are



annexed hereto and marked Annexure R3 collectively.

4. The statement made in paragraphs 1 to 4 are true to my knowledge and believe and the statement stated in paragraphs 3 are the information derived from the records which I verily believe to be true and rests are my respectful submission before this Hon'ble Tribunal.

Prepared in my Office.

*ASIS KR SEN*  
5/01/16  
The deponent is

known to me.

Clerk to:

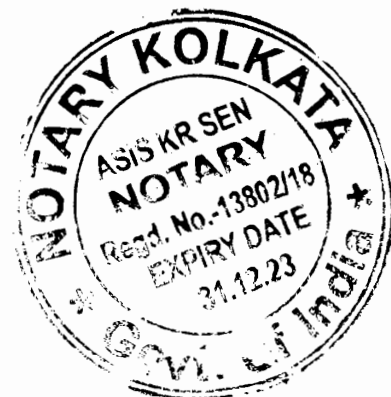
Advocate.

I certified that all annexure are legible.

Advocate

Solemnly affirmed before me on this

The <sup>th</sup> day of January, 2015.



72

**GOVERNMENT OF WEST BENGAL  
OFFICE OF THE DIRECTOR GENERAL  
West Bengal Fire & Emergency Services  
13-D, Mirza Ghalib Street, Kolkata-700 016**

Memo No. : *WBFES / 8727/15*

Date : 14.12.15

From : The Director  
West Bengal Fire & Emergency Services

To : The Principal Secretary  
West Bengal Fire & Emergency Services  
Bikash Bhavan , Saltlake

Sub : Submission of a list of Fire Works manufacturing Unit & Fire works storage in details proforma of following districts i.e. Howrah, Hooghly, Nadia, East Midnapore, West Midnapore, North 24 Pgs. & South 24 Pgs. Submitted by respective DFOs.

Sir,

With reference to the subject noted above, enclosed herewith please find a list of Fire Works manufacturing Units & Fireworks stores in details Performa which was received from respective DFOs from this Division/District.

This is for your kind information.



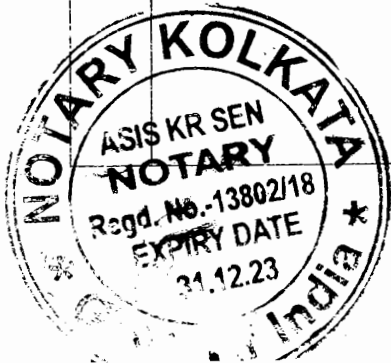
*14/12/15*  
Director

West Bengal Fire & Emergency Services.

73

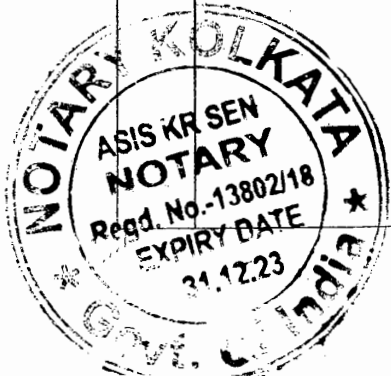
**Submission of a list of Fire Works manufacturing Unit & Fire works stores in details proforma of following districts i.e. Howrah, Hooghly, Nadia, East Midnapore, West Midnapore, North 24 Pgs. & South 24 Pgs. Submitted by respective DFOs.**

SL. NO.	Division/District	Name and address of Fire Works manufacturing unit.	Name and address of Fire Works store.	Owners name and address.	Fire service licence with validity, if any.	Fire occurred, if any.	Details of Casualty/ Life lost, if any.	Fir/GD No lodged, if any.	Fir/GD No with date, if any.	Remarks
01.	Howrah	Proloy Fire Works. Vill:Bhuarah,Post:Agunshi,P.S-Bagnan		Salil Kr. Shaw	Vide No:- 8405, date:- 20/07/2015 & Memo No:- WBFL/FW/674 of 2015-16, date:- 20/07/2015	No				
02.	-Do-	M/s.Asta Pada Maity & Brothers. Vill+Post+P.SBh uarch,Agunshi, Bagnan		Satish Chandra Maity	License No:- 0059, Date- 07/07/2015 & Memo No:-	No				



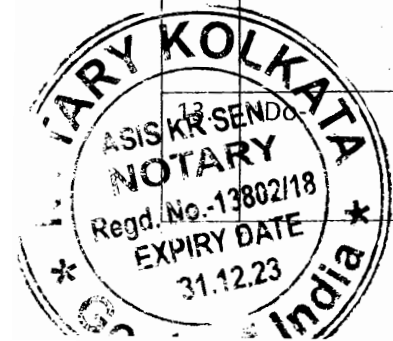
74

					WBFL/966 of 2015- 16,dt- 13/07/201 5					
03.	Howrah		Burima Fire Works. Vill+Post- Anandanaga r,P.S- Liluah,Dist- Howrah(SM ALL SCALE)	Raman Chandra Das	License No- WBFL/FW/ 348 of 2015-16	No				
04.	-Do-		Burimar Dokan. 6,Shib Chandra Chatterjee St.,P.O- Belurmath,H owrah(SMA LL SCALE)	Suman Kumar Das	License No- WBFL/FW/ 366 of 2015-16.	No				
05.	-Do-		Burima Fire Works 16/1,Peary Mohan Mukherjee St,P.O- Belurmath,H owrah(SMA	Raman Kumar Das	License No- WBFL/FW/ 349of 2015-16.	No				



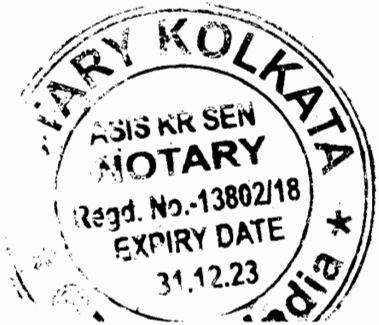
75

			LL SCALE)							
06.	Hooghly	Vill+P.O- Kharsarai,P.S- Chanditala		Asit Nath	_____	No				
07.	Hooghly	Vill+P.O Kharsarai,P.S- Chanditala		Bappaditya Nath	_____	No				
08.	-Do-	Vill+P.O Kharsarai,P.S- Chanditala		Sunil Nath	_____	No				
09.	-Do-	Vill+P.O Kharsarai,P.S- Chanditala		Biswanath Nath	_____	No				
10.	-Do-	Vill+P.O Kharsarai,P.S- Chanditala		Chandraka nta Das	_____	No				
11.	-Do-	Vill+P.O Kharsarai,P.S- Chanditala		Rishu Nath	_____	No				
12.	-Do-	Vill+P.O Kharsarai,P.S- Chanditala		Sukumar Nath	_____	No				
		Vill-Mrigala Paschimpara,P. O+P.S-Dankuni		Salim Mal	_____	No				



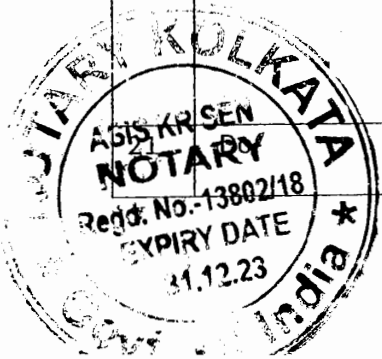
76

14.	-Do-	Vill-Mrigala Malpara,P.O+P. S-Dankuni		Paki Mal	_____	No				
15.	Hooghly	Vill-Kalipur Malpara,P.O- Garalgacha,P.S- Dankuni		Rabiram Mal	_____	No				
16.	Nadia	✕								
17.	Pachim Midnapore	Kotaigarh under P.S Narayan Garh, Dist-pachim Midnapur		Madhabgiri				F.I.R. Case No. 1032, Date:- 22/11/ 2015 U/S- 11C Section-12		A Fireworks factory with huge quantity of Fireworks involved in Fire



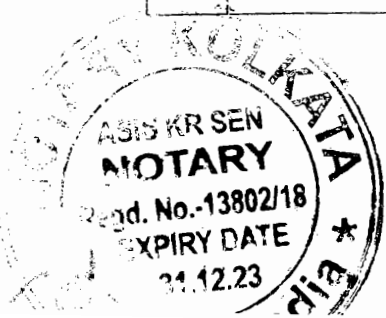
77

18.	Purba Midnapore	M/S Paria Fire Works. Vill: Arang Kiarana. P.O: Goramahal. Dist: Purba Midnapore.	Nil.	Manas Paria	WB/FL/FW-383/15-16					
19.	Purba Midnapore	M/S Paria Fire Works. Vill: Arang Kiarana. P.O: Goramahal. Dist: Purba Midnapore.		Dipak Paria	WBFL/FW-99/15-16					
20.	South 24-Pgs. Division	S.B. Traders Buita, P.S.-Budge Budge	Buita P.S. – Budge Budge	Sk. Giasuddin	No informati on available					All are manufact uring unites but License was not shown in time of inspection
		S.K.Z. Fire Works.	Rameshwar pur,	SK jakir	No informati					All are manufact

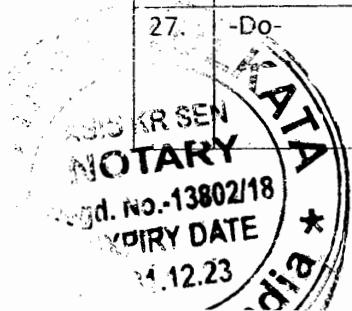


78

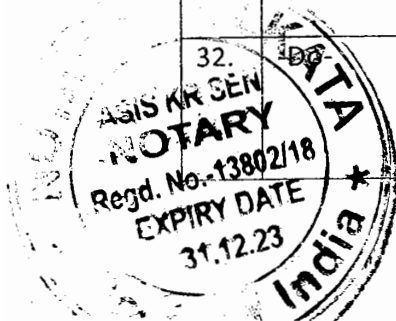
		Rameshwarpur P.S.- Maheshtala	P.S.- Maheshtala		on available					uring unites but License was not shown in time of inspection
22.	South 24-Pgs. Division	MT Industries Nungi, P.S. Maheshtala	Nungi, P.S. Maheshtala	Rekha Nashkar	No informati on available					All are manufact uring unites but License was not shown in time of inspection
23.	-Do-	Deepak Fireworks Nungi, P.S. Maheshtala	Nungi, P.S. Maheshtala	Mamta Mondal	No informati on available					All are manufact uring unites but License was not shown in time of inspection



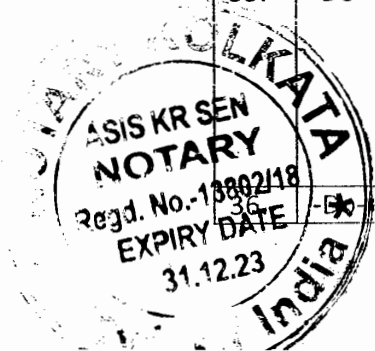
24.	-Do-	Sukla fireworks Nungi, P.S. Maheshtala	Nungi, P.S. Maheshtala	Salil Chatterjee	No informati on available					All are manufact uring unites but License was not shown in time of inspection
25.	South 24-Pgs. Division	Kalpana fireworks	Nungi, P.S. Maheshtala	Prasanta Mondal	No informati on available					All are manufact uring unites but License was not shown in time of inspection
26.	-Do-	Tiyasha Traders Vill-haral, P.O.- Champahati, P.S.-Baruipur	Vill-haral, P.O.- Champahati, P.S.- Baruipur	Santu Sarkar	LE/11/20 15/BRPW BFL/FW/1 216/1516					
27.	-Do-	Priti Stores Vill+P.O.- Naridana, P.S.- Baruipur	Vill+P.O. - Naridana, P.S.- Baruipur	Samar Das	LE/10/12/ BRPWBFL /FW/779/ 1516					



28.	-Do-	Raktim Traders Vill+P.O.- Naridana, P.S.-Baruipur	Vill+P.O.- Naridana, P.S.- Baruipur	Ardhendu Rudra	LE/8/12/B RPWBFL/ FW/1175/ 1516					
29.	-Do-	Riya Store Vill+P.O.- Naridana, P.S.-Baruipur	Vill+P.O.- Naridana, P.S.- Baruipur	Jharna Sapui	LE/04/13/ BRPWBFL /FW/1022 /1516					
30.	North 24-Pgs. Division	Devok Gram Fireworks Factory, P.O.- Mamudpur, P.S.-naihati,24 Pgs(N)		Not traced out	Not Found	At 2.40P.M. 24/12/13				Almost residents of this village are engaged with this type of business
31.	-Do-		Smt Basanti Shaw 19/1, Kantadanga Road, Fingapara, P.S.- Jagatdal, 24 Pgs(n)		License No:30/08, Renewal date: 31/03/20 17	N.A.				
32.	-Do-		Sri Dhiren Sankar Shaw, Kankinara		License No:141/8 5/JM , Renewal	N.A.				

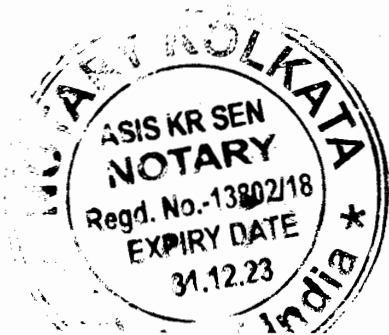


			Bazar, P.S.- Jagatdal, 24Pgs(N)		Date: 31/03/17					
33.	-Do-		Sri Kartick kr. Shaw, S/O-K.Lal Shaw, S\O- K.Lal Shaw,18Kan kinara,P.S.2 4Pgs(N)		License No:244 /85/JM, Renewal Date:31/3 /17	N.A				
34.	-Do-		Santosh Stores, Kancharia Road, P.S- Jagatdal,24 Pgns(N)	Ramdut Prasad Barnwal	License Memo No:- WBFL/FW /715 of 2015- 16,Renew al:01/04/ 16	No				
35.	-Do-	Jawan Fire Works, Vill- Saibana,PostM alikapur,P.S- Duttapukur	Vill- Saibana,Po- Malikapur,- P.S- Duttapukur	Sk. Jinnath Ali	Obtained but Copy not submitted	No				
		Bajrangi Fire	Vill-	Indrajit	Obtained	No				



82

		Works. Vill- Jalsukha,Post- Malikapur,P.S- Duttapukur, 24 Pgns(N)	Jalsukha,Po- Malikapur, P.S- Duttapukur, 24 Pgns(N)	Bhudiraj	but Copy not submitted					
37.	-Do-		Goutam Shaw. 61 East Ghosh Para Road. Kakinara. P.S- Jagaddal, 24 pgns(N)		WBFL/FW /866 of 15-16. Renewal Date: 01/04/20 16.	No				



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Government of West Bengal  
Department of Fire & Emergency Services  
Bikash Bhawan, Salt Lake, Kolkata - 700091

No.2048/FES/O/3S-41/2015 (P-I)

Date: 16/12/2015

From : The Joint Secretary to the Govt. of West Bengal.

To : The Director General,  
West Bengal Fire & Emergency Services,  
13D, Mirza Ghalib Street, Kolkata-700016

Sub: Action to be taken on operation of illegal fire cracker manufacturing units in different districts in the state of West Bengal

The undersigned is directed to invite his attention to the above referred matter and to inform him that: -

- i. Hon'ble National Green Tribunal, Eastern Zone Bench while passing an order in O.A. 101/2015/EZ directed Department of Fire & Emergency Services to submit a status report regarding operation of illegal fire cracker manufacturing units in different district of the State especially in the districts of Howrah, Hooghly, Nadia, Paschim Medinipore, Purba Medinipore, North 24 Parganas & South 24 Parganas.
- ii. After necessary inspection by the directorate of WBFES (The detailed report is enclosed herewith for ready reference) it came to knowledge that there are total 37 numbers of fire cracker manufacturing or storing units in these districts and amongst them only 18 have proper license.
- iii. Running any business in any premises by storing or processing of hazardous substances without any license granted under section 12 of West Bengal Fire Services Act, is an offence and is punishable under section 26 of the said Act.

Therefore the undersigned is directed to request him to take URGENT legal action e.g. lodging FIR with the concerned police station, against those illegal fire cracker manufacturing units operating in these districts and submit a report to the department within a period of 7days.

Joint Secretary to Govt. of West Bengal

Enclosed: As stated.

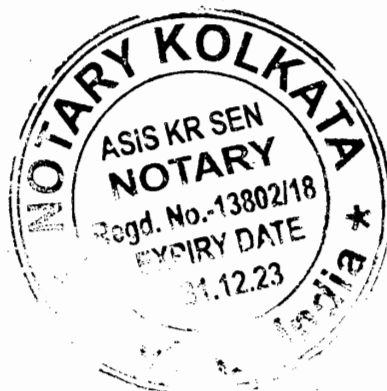
No. 2048/1(1)/FES/O/3S-41/2015 (P-I)

Date: 16/12/2015

Copy forwarded for information & necessary action: -

- 1) Director, West Bengal Fire & Emergency Services

Joint Secretary to Govt. of West Bengal



84

**GOVERNMENT OF WEST BENGAL**  
**OFFICE OF THE DIRECTOR GENERAL**  
**WEST BENGAL FIRE & EMERGENCY SERVICES**  
13 -D, Mirza Ghalib Street, Kolkata – 700 016.

Memo No.: WBFES/ DG / 564 /15

Dated: 22/12/2015

From : The Director General,  
West Bengal Fire & Emergency Services.

To : The Principal Secretary,  
Dept. of Fire & Emergency Services,  
Bikash Bhawan, 2<sup>nd</sup> Floor,  
Salt Lake City,  
Kolkata-700 091


Sub: Interim report regarding legal action taken against illegally run Fire Works / Fire Crackers manufacturing/ storing units.

Ref: Letter no. 2048 / FES/O/3S-41/2015(P-I), dated-16/12/2015

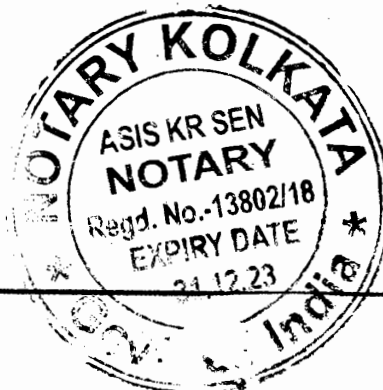
Sir,

Kindly find enclosed herewith the reports received so far from DFOs of different Districts / Divisions regarding the above mentioned subject. The remaining reports will be sent at the earliest possible time after being received from the concerned DFOs. DFOs of Hooghly and Purba Medinipur are on leave for professional examinations.

Encl.: - As stated above.

 22.12.15  
Director General  
West Bengal Fire & Emergency Services

1995/PSFES/15  
28/12/15



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Government of West Bengal  
Office of the Divisional Fire Officer, South 24 Parganas Division  
West Bengal Fire & Emergency Services  
6, Diamond Harbour Road, Kolkata – 700008  
Phone No- 2407-3535, FAX No- 24976285.  
Gmail- dfo.south24pgs@gmail.com.

Memo No. WBFES /STPD / 936 / 2015

Dated: ...21.../12...../2015

From : The Divisional Fire Officer,  
South 24 Parganas Division  
West Bengal Fire & Emergency Services.  
6, Diamond Harbour Road  
Kolkata – 700008

To : The Director General  
West Bengal Fire & Emergency Services.  
13- D, MirzaGalib Street,  
Kolkata- 700016

Subject :Compliance report of action taken regarding fireworks manufacturing/storing units within the district of South 24Parganas.

Reference : Memo No. : WBFES/DG/526/1(9)/15 Dated 16/12/2015

Sir,

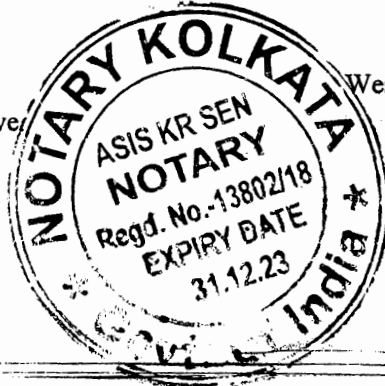
With reference to the subjected cited above, this is to inform you that the undersigned has taken appropriate action regarding the fireworks manufacturing units and in this connection one fresh inspection has been done on 20.12.2015 by the respective Officer-in-Charge and this time it has been revealed that all the manufacturing units have fire license except one unit, which was not shown by them in the earlier inspection, have now claimed that they obtained fire license. The details of the same and action taken enclosed herewith in annexure-C.

Submitted for your kind information and necessary action.

SD/-

Divisional Fire Officer,  
South 24 Parganas Division  
West Bengal Fire & Emergency Services

Encl: As stated above

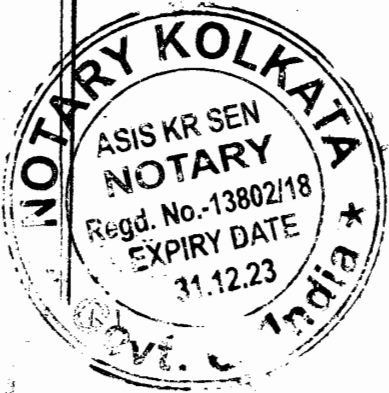


## REPORT OF LEGAL ACTION TAKEN AGAINST ILLEGALLY RUNNING FIREWORKS/FIRE CRACKER MANUFACTURING/STORING UNITS

Sl. No.	Name & address of Fireworks Manufacturing/storing units	Nature of business Manufacturing/storing	Owner's name and Address	Present status(without license/invalid license)	Particulars of F.I.R./G.D. lodged with name of police Station	Remarks
1.	S.B. Traders Buita P.S.-Budge Budge	Small quantity manufacturing, storing and selling unit presently closed and runs occasionally	Sk Giasuddin Buita P.S.-Budge Budge	WBFL/FW/810/15-16		
2.	S.K.Z. Fire Works Rameshwarpur, P.S.-Maheshtala	Small manufacturing, storing and selling unit.	Sk Jakir Rameshwarpur, P.S.-Maheshtala	Without license	FIR No. 803/2015 Dtd. 21/12/2015, Maheshtala P.S.	
3.	MT Industries Nungi, P.S.-Maheshtala	Small quantity manufacturing, storing and selling unit presently closed and runs occasionally.	Rekha Nashkar Nungi, P.S.-Maheshtala	WBFL/FW/395/15-16		
4.	Deepak fireworks Nungi P.S.-Maheshtala	Small quantity manufacturing, storing and selling unit presently closed and runs occasionally.	Mamta Mondal Nungi P.S.-Maheshtala	WBFL/FW/1117/15-16		
5.	Sukla fireworks Nungi P.S.-Maheshtala	Small quantity manufacturing, storing and selling unit presently closed and runs occasionally.	Salil Chatterjee Nungi P.S.-Maheshtala	WBFL/FW/394/15-16		
6.	Kalpana fireworks Nungi P.S.-Maheshtala	Small quantity manufacturing, storing and selling unit presently closed and runs occasionally.	Prasanta mondal Nungi P.S.-Maheshtala	WBFL/FW/389/15-16		

SD/-

Divisional Fire Officer,  
South 24 Parganas Division,  
West Bengal Fire & Emergency Services



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**Government of West Bengal**  
**Office of the Divisional Fire Officer**  
**North 24 Parganas Division**  
**West Bengal Fire & Emergency Services**

**Memo No. : FS/N 24 PGS DIVN./4224/15**

**Dated : 22-12-2015**

**From : Divisional Fire Officer,**  
**North 24 Parganas Division,**  
**West Bengal Fire & Emergency Services.**

**To : The Director General,**  
**West Bengal Fire & Emergency Services,**  
**13-D, Mirza Galib Street,**  
**Kolkata-700016.**

**Sub : Submission of 'Annexure-C' as per prescribed format**

**Ref : Memo No.: WBFES/DG/526/1(9)/15, Dated: 18-12-15.**

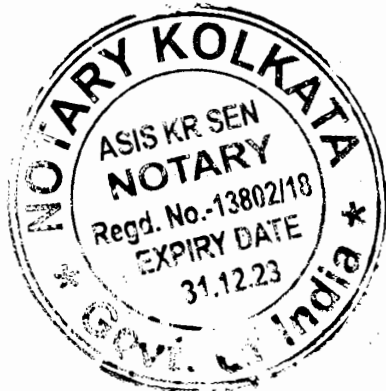
Sir,

Enclosed please find herewith 'Annexure-C', report of legal action taken against illegally running Fireworks/Fire cracker manufacturing/storing units of North 24 Parganas Division, West Bengal Fire & Emergency Services.

This is for his kind information please.

**Encl: As above.**

**Sd/-**  
**Divisional Fire Officer**  
**North 24 Parganas Division**  
**West Bengal Fire & Emergency Services**

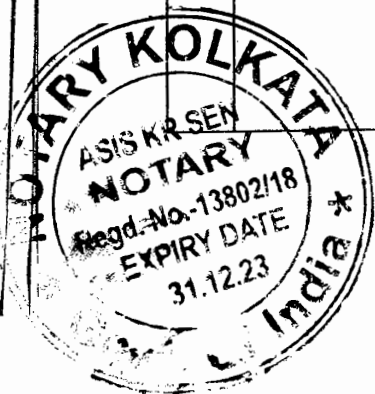


**Anexure: C**

Report of Legal action taken against illegally running Fireworks/Fire cracker manufacturing/storing units

Name of District/ Division: **North 24 Parganas Division**

Sl No.	Name & Address of Fireworks manufacturing/ storing units	Nature of Business (Manufacturing/storing)	Owner's name and address	Present status (without License/invalid license)	Particulars of F.I.R./G.D. lodged with name of Police Station)	Remarks
1	Jawan Fire Works Vill:-Saibana, P.O.- Malikapur, P.S.- Duttapur.	Manufacturing	Janat Ali Vill:-Saibana, P.O.-Malikapur, P.S.-Duttapur.	WBFL/EW/405 of 2015-16 Renewal Date 01-04-2016		
2	Bajrangi Fire Works Vill:-Jalsukha, P.O.- Malikapur, P.S.- Duttapur.	Manufacturing	Indrajit Bhudiraj Vill:-Jalsukha, P.O.-Malikapur, P.S.-Duttapur.	WBFL/508 of 2014-15 Renewal procedure for applying for Fire License is under process		
3	Devok Gram Fire Works Factory P.O.-Mamudpur,P.S.- Naihati, Dist-North 24 Parganas					Almost residents of this village are engaged with this type of business. Devok Gram is a minority area. Crackers manufacturing is a seasonal business (Before puja festival & occasionally) & also matter of bread & butter of the villagers. Stn. Off. P. Das of Garifa F.S. & Stn. Off. R.P.Khan of Kankinara F.S. inspected the area & discuss with the villagers/manufactures in presence of local panchayet member, Sri. Animul Hwak in respect of the W.B.F.S. Act, 1950 with upto date ammendment & procedure to obtain the Fire License for Micro & Small scale units. At last all are agreed verbally, manufactures & sellers, to apply for obtaining proper procedure of Fire License within 30 days. But due to lack of names of the manufactures/sellers, F.I.R./ G.D. could not lodged. Report of O/C Garifa F.S. in original enclosed herewith for ready reference.



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**Government of West Bengal**  
**Office of the Divisional Fire Officer, Howrah Division**  
**West Bengal Fire & Emergency Services**  
430, G.T. Road (N) Howrah-711101  
Ph No. 2666 8111/12; 2666 2731; Fax No. 2666 8111/12  
e-mail:-www.howrahwestzone@gmail.com

Memo No FES/How/1320/15.

Date: -22/12/2015.

**From:** - The Divisional Fire Officer, Howrah Division  
West Bengal Fire & Emergency Services.

**To :-** The Director General  
West Bengal Fire & Emergency Services  
13-D, Mirza Ghalib Street  
Kolkata - 700 001.

**Ref :-** Compliance of the Order No.WBFES/DG/526/1 (9) /15 dtd.15/12/15.

Sir,

In compliance with your above order this is to inform you that 03 Nos shops cum store of low quantity have been revealed of Bally area and they have been holding valid F.S.L. other 02 Nos factory have been revealed of Bagnan area and they are also holding valid F.S.L.

Further you are informed that necessary inspection will be carried out at same area and if revealed any fireworks factory running without F.S.L. then legal action will be taken with intimation to your end.

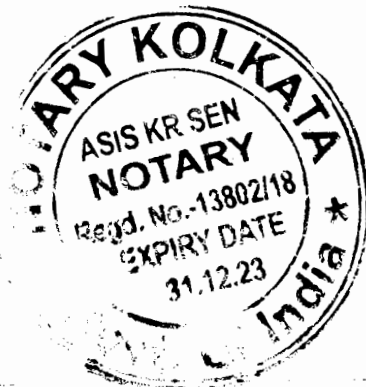
This is for your information and necessary action please.

Thanking you,

Yours faithfully,

*[Handwritten Signature]*  
22/12/15

**Divisional Fire Officer**  
**Howrah Division**  
West Bengal Fire & Emergency Services.



**GOVERNMENT OF WEST BENGAL**  
**OFFICE OF THE DIVISIONAL FIRE OFFICER,**  
**NADIA DIVISION**  
**WEST BENGAL FIRE & EMERGENCY SERVICES**  
**KRISHNAGAR, NADIA**

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Memo No.- FES/NAD/133/15

DATED-22/12/2015

From: Divisional Fire Officer  
Nadia Division  
West Bengal Fire & Emergency Services

To: The Director General  
West Bengal Fire & Emergency Services  
13-D, Mirza Galib Street  
Kolkata-700016

Sub: Information regarding unauthorised Fire Works Workshop  
Ref No.- WBFES/DG/526/1(9)/15 Dated-18/12/2015.

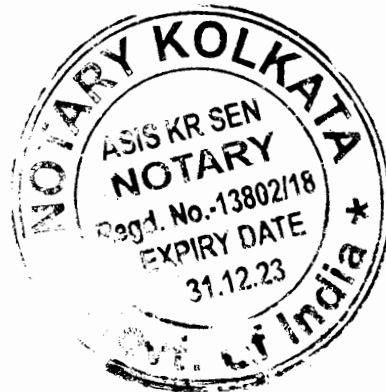
Sir,

With reference to the above noted subject, please be informed as per proforma noted under reference there is no Unauthorised Fire Workshop/ Factory in Nadia District as reported from the concerned Officer-In-Charges.

Submitted for his kind information and necessary action please.

*G. K. Sen* 22/12  
Divisional Fire Officer

Nadia Division  
West Bengal Fire & Emergency Services



Annexure 'A-9'

91

BEFORE THE NATIONAL GREEN TRIBUNAL  
EASTERN ZONE BENCH, KOLKATA

DISTRICT : KOLKATA

ORIGINAL APPLICATION NO. 101/2015/EZ

BETWEEN

BISWAJIT MUKHERJEE

..... APPELLANT (S)

-VERSUS-

UNION OF INDIA & ORS.

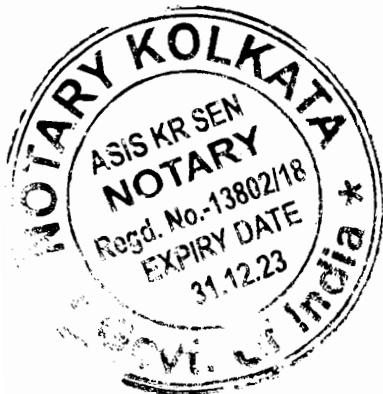
..... RESPONDENT(S)

AFFIDAVIT IN OPPOSITION ON BEHALF OF THE RESPONDENT

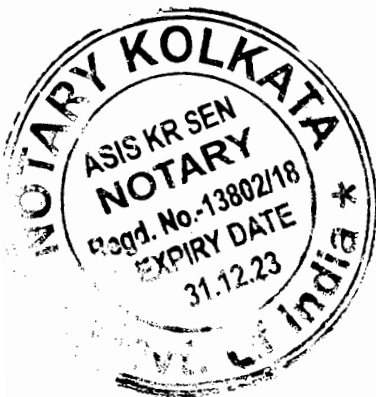
No.1 TO ORIGINAL APPLICATION No. 101/2015/EZ, FILED BY

APPLICANT BISWAJIT MUKHERJEE

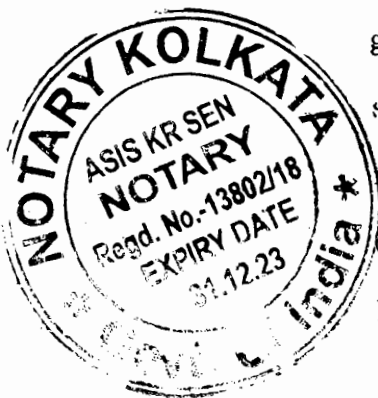
1. That the Deponent is the Dy. Chief Controller of Explosive, Eastern Circle, Kolkata, and is duly authorized to make and swear in this affidavit.
2. That the Deponent has gone through the contents of the application filed U/s. 18(1) read with Section 14 of National Green Tribunal Act, 2010. (hereinafter refer to as said application including the copy of the annexures annex thereto) and the Deponent has understood the meaning, contents and the purpose thereof.



3. That the Deponent has been advice to deal with and /or traverse only such allegation and/or contentions and/or averment and/or statements made in the said application, which are material and relevant for the purpose just adjudication and disposal of the instant application. All other allegation and/or contentions and/or statements and/or averments made in said application are denied and disputed in toto and to have not been admitted in any way.
4. Save and except what are matter of record and save and except what have specifically been admitted herein each and every allegation and/or contention and/or averments made in the said application are deem to have been denied in seriatim.
5. Now the Respondent No.1 proceed to deal with the contents of the application paragraph-wise.
6. That the contents of Paragraph 1 to 13 and matter of records.
- 7a). With reference to the statements and/or contentions and/or averments made in paragraph 14 to 25 the Respondent states that license for manufacture of fire works, store house, fire works shop, fire works magazine etc. is granted by the authorities as per Rule 99 of the Explosive Rules 2008 and Part-I of Schedule-IV of the Explosive Rules 2008 which is speaks about the documents required for grant of licence for manufacture of fire works in Form LE-1, (As Specified U/R 1130d)  
d1. EXPLOSIVE RULE-2008



- b). Similarly Serial No. 1 to 3 of the said Rule 113 of the Explosive Rule 2008 pertains to manufacture of fire works. Likewise serial No. 10 to 11 pertains to Fire works magazine and serial No.12 of Store House serial No. 15 and 19 for fire works shop and serial No. 20 for public display of fire works.
- c). The Xerox copy of Rule 113 of the Explosive Rules 2008 is annex hereto and marked as Annexure-**"R-1"**.
- d). That the Respondent further submits that there are various licencing authority specified in Schedule-IV Part-1 of the Explosive Rule 2008, who are empowered to grant licences under Explosive Rule 2008.
- e). The Xerox copy of the said Schedule-IV Part-I is annex hereto and mark as Annexure "R-2".
- f). Therefore it is evident that the applicant is required to submit necessary documents as per Rule 113 of Explosive Rule 2008 for approval and after completion of the premises for grant of licence for specified perpose for which the licence is sought for. For illustration it is further submitted that for manufacture of fire works not exceeding 15 kgs at any point of time the documents require for approval and grant of licence in From L.E.-1 are



## For Approval

- i. Form AE-1
- ii. Plans of the proposed building or sheds and the site showing approach road to the factory all buildings in and around and safety distances maintained.
- iii. Particulars of competent persons and their experience in related fields.
- iv. Passport size photographs of the occupier along with documentary evidence of nomination mentioned as occupier as per Rule 2.
- v. Scrutiny fee as Schedule IV, Part -2

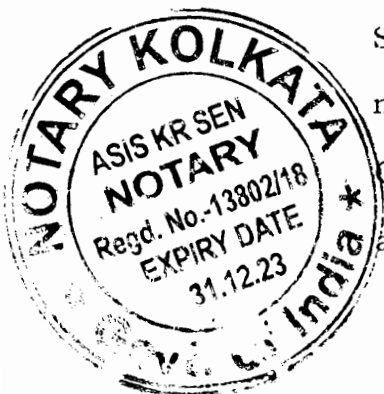
## Documents required for grant of licence

- i. Form AE-1
- ii. Plan of the proposed building or sheds and the site showing approach road to the factory, all building in and around, and safety distance maintained
- iii) Particulars of competent persons and their experience in related fields
- iv. Passport size photograph of the Occupier.
- v. Completion Certificate.
- vi. Indemnity bond in CE-3
- vii. Licence fee as per Schedule IV, Part-2

and the licensing authority is District Magistrate as per serial no. 1(a) of Schedule IV, Part 1 of the Explosives Rules, 2008.

Similarly for manufacture of fireworks exceeding 15 KG. but not exceeding 500 kgs. at any one time, licensing authority is

Controller of Explosives and the documents required for approval or for grant of licences in form LE-1 are :-



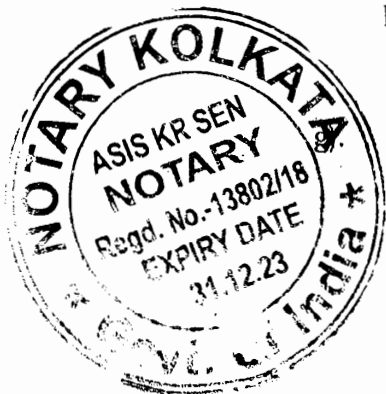
Documents required for approval

- i. Form AE-1 and additional information like details of process.
- ii. Plans of the proposed building or sheds and the site showing approach road to the factory or premises, all buildings blast wall, safety distances, plant, equipment explosives limit man limit.
- iii. Distance From DE-1
- iv. Particulars of competent technical persons or foreman and their experience is related field.
- v. Passport size photographs of the occupier along with documentary evidence of nomination mentioned as occupier as per Rule 2.
- vi. Scrutiny fee as Schedule IV, Part -2

Documents required for grant of licence

- i. Form AE-1 and additional information like details of process.
- ii. Plans of the completed building and the site showing approach road net work to the factory or premises etc. Distance From DE-1
- iii. Particulars of competent
- iv. persons  
NOC along with approval plan
- v. from competent issuing authority
- vi. Completion Certificate.
- vii. Passport size photograph of the Occupier.
- viii. Indemnity bond
- ix. Licence fee as per Schedule IV, Part-2

It is further submitted that the office of the Jt. Chief, Controller of the Explosive, Kolkata, has granted licences for manufacturing of fire works in the state of West Bengal as under :-



List of licences issued by the office of Jt. Chief Controller of Explosives, East Circle, Kolkata in the state of West Bengal for manufacturing of fireworks.

Sl. No.	Name of licensee	Place	Licence Number
01.	M/s. Champion Fireworks	Janai. Dist Hooghly	E/EC/WB/20 /28 (E38464)
02.	M/s. Jawan Fireworks	Saibana, Dist. North 24 Parganas	E/EC/WB/20 /27 (E24783)
03.	M/s. Bajrangi Fireworks, Sri Inderjeet Budhiraja	Vill. Jalsukha, near Nilgunge, Barasat, Dist. North 24 Parganas.	E/EC/WB/20 /2 (E13481)

h). It is further submitted that other than the above non has applied for grant of any licences for manufacture of fire works, neither any application is pending with the office of the Joint Chief Controller of Explosive Kolkata for want of documents.

i). It is also submitted that Rule 128 of Explosive rules 2008, empower various authorities for search, seize and inspection.

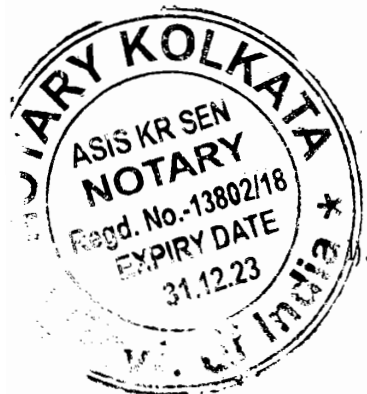
As per Rule 128(4) of Explosive Rule 2008 the Executive Magistrate or Police officers authorized in the table shall carry out the inspection of the magazines located within their jurisdiction once in six months in order to ascertain whether



these has been any violation of the act or rules thereof. An assessment regarding adequacy of security guard provided by the licensee at the magazines as per Rule 21(2) should also be made during such inspection. The inspection report is required to be submitted to the concern District Magistrate or Superintendent of Police or Commissioner of Police with a copy of the Rule 128 of Explosive Rule 2008 is annexed hereto is marked as Annexure - "R-4".

- k). it is on record that the office of Jt. Chief Controller of <sup>EXPLOSIVE</sup> Eastern <sub>2</sub> Circle Kolkata has inform all the District Magistrates and Commissioner of Police vide Letter No. PESO/EC/KOL/Report/General dt. 17.07.2014, dt. 08.09.2015 and letter No. PESO/EC/Fireworks/Misc. dt. 05.11.2015 to comply the requirements of Explosive Rules 2008 and forward the copies of licences granted by the District Authorities under their jurisdiction for fire works shop, fire work manufacturing factories, store house, magazine etc. In some cases details of licences have been received from the District Authorities but this office has no information about the illegal manufacturing, sale, storage of fire works. The copies of letter dated 17.07.2015, 08.09.2015 and 05.11.2015 are enclosed and annexed hereto mark as annexure - "R 5, 6, 7".

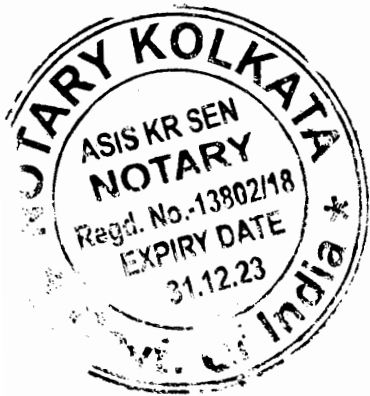
It is also relevant to maintain here that as per Rule-7 of the Explosive Rule 2008 no person small manufacture, import,



export, transport possess for sale or use an explosive except as authorized and licensed under these rules. If any such matter/information of illegal manufacture, sale storage of fire works is brought to the notice of the office of the Jt. Chief Controller of Explosive, Eastern Circle Kolkata, the matter is referred to the District Magistrate who shall take immediate action and inform Jt. Chief Controller of Explosive, Eastern Circle, Kolkata about the action taken by him on such report as per Rule 130 of Explosive Rule 2008.

Xerox copy of Rule 130 is annex hereto and is mark as Annexure - "R-8".

- m). The Respondent hereby submits that his office has meager strength of eight officers only for the entire Eastern Region comprising state of West Bengal, Bihar Odisha, Sikkim, Assam, Meghalaya, Monipur, Nagaland, Mizoram, Tripura, Arunachal Pradesh and Andaman Nicobar Island and it has to look after the administration the Explosive Act Petroleum Act, Inflammable Substance Act and Rule Framed thereunder with this meager strength of officer, the officer<sub>3</sub> of the PESO, inspect fire works manufacture unit, storage premises, fire works shops from time to time and take action approved under the Rules. As result where of no untoward incident have taken place in any fire works manufacture units, store houses, fire works shops etc, during last many years.



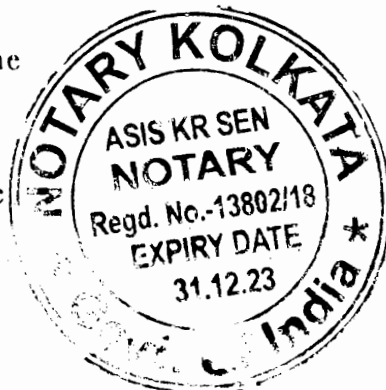
8. The in view of aforesaid fact the grounds taken in paragraph - I to IX under head grounds have no legs to stand so far the action of this Respondent is concerned.
9. With reference to the statements and/or contention made in paragraph 26-28 it is submitted that Respondent can not be blamed in any way.
10. That statement made above are true to my knowledge and belief.

**VERIFICATION**

I, R. N. Meena, son of Late R. P. Meena....., working as Chief Controller of Explosive, Eastern Circle, working for gain at 8, Esplanade East 1<sup>st</sup> Floor, Kolkata - 700089, do hereby say that the contents of the affidavit made in paragraph 1 to 9 are true to my knowledge and those made in paragraph 10 are my respectful submission before this Hon'ble Tribunal and I say that I have not conceal and/or suppressed material, facts. I sign this verification on this 4<sup>th</sup> day of January, 2016 in the chamber of my advocate.

Identified by me

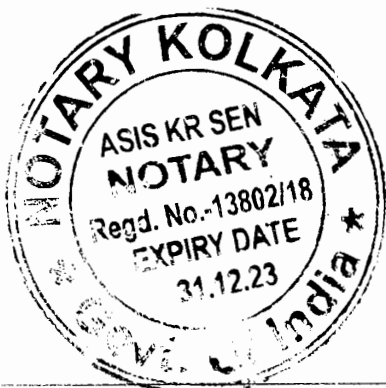
Advocate



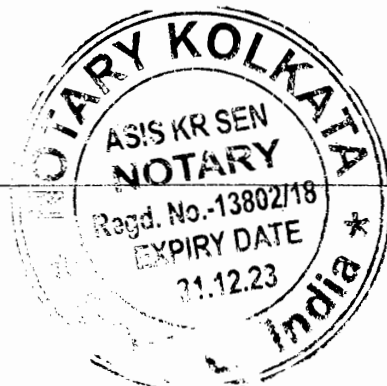
DEPONENT

113. Documents for approval and grant of licence.—The following documents shall be required to be submitted for approval and grant of licence.—

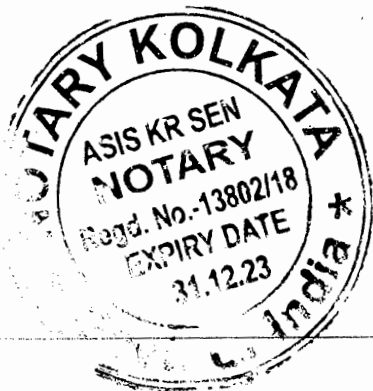
Sl. No.	Purpose of Licence	Article number as per Part I of Schedule IV	Licence Form	Documents required for approval	Documents required for grant of licence
1	2	3	4	5	6
1.	Licence to manufacture fireworks or gunpowder or both not exceeding 15 kilogrammes at any one time.	1(a)	LE-1	(i) Form AE-1; (ii) Plans of the proposed buildings or sheds and the site showing approach road to the factory, all buildings in and around, and safety distances maintained; (iii) Particulars of competent persons and their experience in related fields; (iv) Passport size photographs of the occupier alongwith documentary evidence of nomination as occupier as per rule 2; (v) Scrutiny fee as per Schedule IV, part-2.	(i) Form AE-1; (ii) Plans of the proposed (buildings or sheds and the site showing approach road to the factory, all buildings in and around, and safety distances maintained; (iii) Particulars of competent persons and their experience in related fields; (iv) Passport size photographs of the occupier alongwith documentary evidence of nomination as occupier as per rule 2; (v) Completion certificate; (vi) Indemnity bond in CE-3; (vii) Licence fee as per Schedule IV, part-2.
2.	Licence to manufacture fireworks or gunpowder or both exceeding 15 kilogrammes but not exceeding 500 kilogrammes at any one time.	1(b)	LE-1	(i) Form AE-1 and additional information like details of process; (ii) Plans of the proposed buildings and the site showing approach road net work to the factory or premises; all buildings, blast wall, safety distances, plant, equipment, explosives limit, man limit; (iii) Distance form DE-1; (iv) Particulars of competent technical persons or foreman and their experience in related fields; (v) Passport size photographs of the occupier alongwith documentary evidence of nomination as occupier as per rule 2; (vi) Scrutiny fee as per Schedule IV, part-2.	(i) Form AE-1 and additional information like details of process; (ii) Plans of the completed buildings and the site showing approach road net work to the factory or premises; all buildings, blast wall, safety distances, plant, equipment, explosives limit, man limit; (iii) Distance form DE-1; (iv) Particulars of competent technical persons or foreman and their experience in related fields; (v) No objection certificate alongwith approved plan from competent issuing authority; (vi) Completion certificate; (vii) Passport size photographs of the occupier alongwith documentary evidence of nomination as occupier as per rule 2; (viii) Indemnity bond in CE-3; (ix) Licence fee as per Schedule IV, part-2.



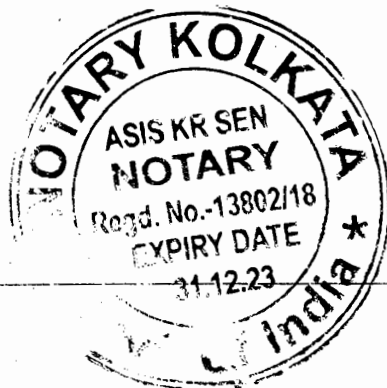
2	3	4	5	6
3 Licence to manufacture fireworks or gunpowder or both exceeding 500 kilogrammes at any one time.	1(c)	LE-1	<p>(i) Form AE-1 and additional information like details of process;</p> <p>(ii) Plans of the proposed buildings and the site showing approach road net work to the factory or premises; all buildings, blast wall, safety distances, plant, equipment, explosives limit, man limit;</p> <p>(iii) Distance form DE-1;</p> <p>(iv) Particulars of competent technical persons or foreman and their experience in related fields;</p> <p>(v) Passport size photographs of the occupier alongwith documentary evidence of nomination as occupier as per rule 2;</p> <p>(vi) Scrutiny fee as per Schedule IV, part-2.</p>	<p>(i) Form AE-1 and additional information like details of process;</p> <p>(ii) Plans of the completed buildings and the site showing approach road net work to the factory or premises; all buildings, blast wall, safety distances, plant, equipment, explosives limit, man limit;</p> <p>(iii) Distance form DE-1;</p> <p>(iv) Particulars of competent technical persons or foreman and their experience in related fields;</p> <p>(v) No objection certificate along with approved plan from competent issuing authority;</p> <p>(vi) Completion certificate;</p> <p>(vii) Passport size photographs of the occupier along with documentary evidence of nomination as occupier as per rule 2;</p> <p>(viii) Indemnity bond in CE-3;</p> <p>(ix) Licence fee as per schedule IV, part-2.</p>
4 Licence to manufacture at site, ANFO explosives not exceeding 200 kilogrammes at any one time.	1(d)	LE-1	<p>(i) Form AE-1 and additional information like details of process;</p> <p>(ii) Plans of the proposed manufacturing shed and the site showing approach road net work to the premises; safety distance and equipments for ANFO manufacture;</p> <p>(iii) Particulars of competent technical persons and their experience in related fields;</p> <p>(iv) Passport size photographs of the occupier alongwith documentary evidence of nomination as occupier as per rule 2;</p> <p>(v) Scrutiny fee as per Schedule IV, part-2.</p>	<p>(i) Form AE-1 and additional information like details of process;</p> <p>(ii) Plans of the completed manufacturing shed and the site showing approach road net work to the premises; safety distance and equipments for ANFO manufacture;</p> <p>(iii) Particulars of competent technical persons and their experience in related fields;</p> <p>(iv) No objection certificate along with approved plan from competent issuing authority;</p> <p>(v) Completion certificate;</p> <p>(vi) Passport size photographs of the occupier along with documentary evidence of nomination as occupier as per rule 2;</p> <p>(vii) Indemnity bond in CE-3(not required if covered under the Mines Act, 1955)</p>



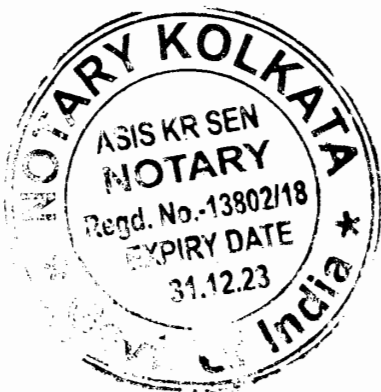
1	2	3	4	5	5
					(vii) Indemnity bond in CE-3 (not required if covered under the Mines Act, 1955).
					(viii) Licence fee as per Schedule IV, Part-2.
5.	Licence to manufacture 1(e) liquid oxygen explosives (LOX).	LE-1	(i) Form AE-1 and additional information like details of process; (ii) Plans of the proposed LOX depot and the site showing approach road net work to the premises; safety distance, and equipments for LOX manufacture; (iii) Particulars of competent technical persons and their experience in related fields; (iv) Passport size photographs of the occupier along with documentary evidence of nomination as occupier as per rule 2; (v) Scrutiny fee as per Schedule IV, Part-2.	(i) Form AE-1 and additional information like details of process; (ii) Plans of the completed LOX depot and the site showing approach road net work to the premises; safety distance, and equipments for LOX manufacture; (iii) Particulars of competent technical persons and their experience in related fields; (iv) No objection certificate along with approved plan from competent issuing authority; (v) Completion certificate; (vi) Passport size photographs of the occupier along with documentary evidence of nomination as occupier as per rule 2; (vii) Indemnity bond in CE-3 (not required if covered under the Mines Act, 1955); (viii) Licence fee as per Schedule IV, Part-2.	
6.	Licence to manufacture 1(f) site mixed explosives (SME).	LE-1	(i) Form AE-1 and additional information like details of process; (ii) Plans of the proposed support plant and the site showing approach road net work to the premises; all buildings, distances, plant, equipment, attached BMD vehicles and annual capacity; (iii) Particulars of competent technical persons and their experience in related fields; (iv) Passport size photographs of the occupier along with documentary evidence of nomination as occupier as per rule 2; (v) Scrutiny fee as per Schedule IV, Part-2.	(i) Form AE-1 and additional information like details of process; (ii) Plans of the completed support plant and the site showing approach road net work to the premises; all buildings, distances, plant, equipment, attached BMD vehicles and annual capacity; (iii) Particulars of competent technical persons and their experience in related fields; (iv) No objection certificate along with approved plan from competent issuing authority; (v) Completion certificate; (vi) Passport size photographs of the occupier along with documentary evidence of	



1	2	3	4	5	5
					nomination as occupier as per rule 2;
					(vii) Indemnity bond in CE-3 (not required if covered under the Mines Act, 1955);
					(viii) Licence fee as per Schedule IV, Part-2.
7.	Licence to manufacture explosives other than fireworks, gunpowder, ANFO, LOX and SME.	1(g)	LE-1	(i) Form AE-1 and additional information like details of manufacturing process; (ii) Plans of the proposed buildings and the site showing full approach road net work to the factory/or premises; all buildings, mounds, safety distances, plant, equipment, explosives limit, man limit, annual capacity; (iii) Distance form DE-1; (iv) Quality control plan and procedures for raw materials, intermediate and finished products; (v) Safety management plan; (vi) Particulars of competent technical persons or foreman and their experience in related fields; (vii) Passport sized photographs of the occupier along with documentary evidence of nomination as occupier as per rule 2; (viii) Details of BMD vehicles in case of SME plant; (ix) Scrutiny fee as per Schedule IV, Part-2.	(i) Form AE-1 and additional information like details of manufacturing process; (ii) Plans of the proposed buildings and the site showing full approach road net work to the factory/or premises; all buildings, mounds, safety distances, plant, equipment, explosives limit, man limit, annual capacity; (iii) Distance form DE-1; (iv) Safety management plan; (v) Particulars of competent technical persons or foreman and their experience in related fields; (vi) Passport sized photographs of the occupier along with documentary evidence of nomination as occupier as per rule 2; (vii) No objection certificate along with approved plan from competent issuing authority; (viii) Indemnity bond in CE-3; (ix) Completion certificate; (x) Licence fee as per Schedule IV, Part-2.
8.	Licence to possess gunpowder not exceeding 15 kilogramme at any one time for manufacture of adirvertus and possession of adirvertus not exceeding 200 in number at any one time.	2	LE-2	Not necessary as per sub-rule (4) of rule 101.	(i) Form AE-2; (ii) The plan showing place for storage of Gun powder, filling and firing of Adirvertus and protected works within 100 metres on all sides; (iii) Passport sized photographs of the occupier along with documentary evidence of nomination as occupier as per rule 2; (iv) Licence fee as per Schedule IV, Part-2; (v) Public liability insurance.



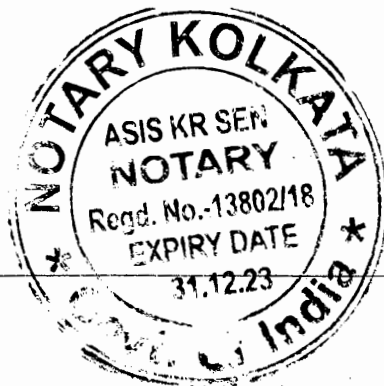
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9.	Licence to possess for use, for agricultural purpose or in small quarry, explosives not exceeding 25 kilograms of Class 1, 2 or 3; 1500 numbers detonators; 1500 meters of Detonating Fuse or Safety Fuse at any one time in a magazine.	3(a)	LE-3	(i)Form AE-3 (for possession and use); (ii) Plans of the proposed magazine and the site showing approach road; safety distances, licensed capacity; (iii) Passport size photographs of the occupier along with documentary evidence of nomination as occupier as per rule 2; (iv) Scrutiny fee as per Schedule IV, Part-2.	(i)Form AE-3 (for possession and use); (ii) Plans of the completed magazine and the site showing approach road; safety distances, licensed capacity; (iii) Completion certificate; (iv) Passport size photographs of the occupier along with documentary evidence of nomination as occupier as per rule 2; (v) Licence fee as per Schedule IV, Part-2.
10.	Licence to possess for sale of explosives of Class 1,2,3,4, 5,6 or 7 in a magazine.	3(b)	LE-3	(i) Form AE-3; (ii) Plans of the proposed magazine and the site showing approach road; mounds, safety distances, licensed capacity; (iii) Distance form DE-1;  (iv) Passport size photographs of the occupier along with documentary evidence of nomination as occupier as per rule 2; (v) Scrutiny fee as per Schedule IV, Part-2.	(i) Form AE-3; (ii) Plans of the completed magazine and the site showing approach road; mounds, safety distances, licensed capacity; (iii) Distance form DE-1;  (iv) Completion certificate (v) No objection certificate with approved Plan from District Magistrate; (vi) Licence fee as per Schedule IV, Part-2.
11.	Licence to possess for use, explosives of class 1, 2, 3,4,5,6 or 7 in a magazine.	3(c)	LE-3	(i)Form AE-3; (ii) Plans of the proposed magazine and the site showing approach road; mounds, safety distances, licensed capacity; (iii) Distance form DE-1;  (iv) Passport size photographs of the occupier along with documentary evidence of nomination as occupier as per rule 2; (v) Scrutiny fee as per Schedule IV, Part-2.	(i)Form AE-3; (ii) Plans of the completed magazine and the site showing approach road; mounds, safety distances, licensed capacity; (iii) Distance form DE-1;  (iv) Passport size photographs of the occupier along with documentary evidence of nomination as occupier as per rule 2; (v) Completion certificate (vi) No objection certificate with approved Plan from District Magistrate; (vii) Licence fee as per Schedule IV, Part-2.
12.	Licence to possess fireworks not exceeding 5000 kilogramme or safety fuse not exceeding 50000 meters, in a storehouse, not	3(d)	LE-3	(i) Form AE-3; (ii) Plans of the proposed store house of site showing approach road, safety distance, licence capacity; (iii) Passport size photographs	(i) Form AE-3; (ii) Plans of the completed store house and the site showing approach road, licence capacity; (iii) Completion certificate;



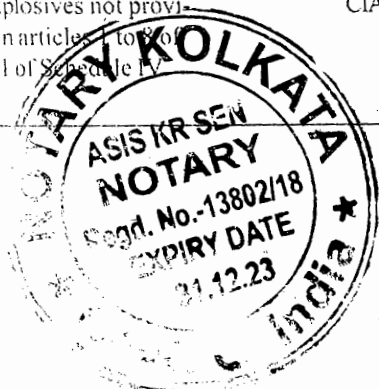
1	2	3	4	5	5
	for sale but for transfer to own licensed shop			of the occupier along with documentary evidence of nomination as occupier as per rule 2;  (iv) Scrutiny fee as per Schedule IV, Part-2.	(iv) No Objection Certificate with approved plan by District Magistrate (v) Passport size photographs of the occupier along with documentary evidence of nomination as occupier as per rule 2; (vi) Licence fee as per Schedule IV, Part 2.
13	Licence to possess and transport explosives of class 2 or 3 not exceeding 25 kilogramms, electric or ordinary detonators not exceeding 200 numbers, detonating fuse not exceeding 100 meters and safety use not exceeding 200 meters in a compressor mounted motor truck or tractor for use in well sinking	4	LE-4	Not necessary as per sub-rule (4) of rule 101 (Type approval to be obtained from Chief Controller).	(i) Form AE-4; (ii) Plans of the tractor compressor conforming to Specification 5; (iii) Passport size Photographs of the occupier alongwith documentary evidence of nomination as occupier as per rule 2; (iv) Licence fee as per Schedule IV, Part-2.
14	Licence to possess and sale from a shop, at any one time, not exceeding 25 kilogramms of small arms nitrocompound .	5(a)	LE-5	Not necessary as per sub-rule (4) of rule 101.	(i) Form AE-5; (ii) Plans of the shop showing storage capacity, approach road, surrounding facilities specifically indicating compliance of sub-rule (3) of rule 86; (iii) Passport size photograph of the occupier alongwith documentary evidence of nomination as occupier as per rule 2; (iv) Licence fee as per Schedule IV, Part 2.
15	Licence to possess and sale from a shop at any one time, not exceeding 100 kilogrammes of manufactured fireworks of class 7, division 2, sub-division 2 and 500 kilogramms of Chinese crackers or sparklers.	5(b)	LE-5	Not necessary as per sub-rule (4) of rule 101.	(i) Form AE-5; (ii) Plans of the shop showing storage capacity, approach road, surrounding facilities specifically indicating compliance of sub-rule (3) of rule 86; (iii) Passport size photograph of the occupier alongwith documentary evidence of nomination as occupier as per rule 2; (iv) Licence fee as per Schedule IV, Part 2.



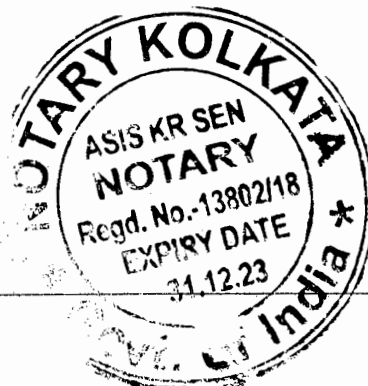
1	2	3	4	5	6
16.	Licence to possess and sale from a shop, at any one time, not exceeding 2000 nos. of pyrotechnic device explosives of class 6 division 1.	5(c)	LE-5	Not necessary as per sub rule (4) of rule 101	(i) Form AE-5; (ii) Plans of the shop showing storage capacity, approach road, surrounding facilities specifically indicating compliance of sub-rule (3) of rule 86; (iii) Passport size photograph of the occupier alongwith documentary evidence of nomination as occupier as per rule 2; (iv) Licence fee as per Schedule IV, Part 2.
17.	Licence to possess for use gunpowder not exceeding 5 kilogramms and safety fuse not exceeding 50 meters in the states of Bihar, West Bengal, Kerala and Tamil Nadu	5(d)	LE-5	Not necessary as per sub rule (4) of rule 101	(i) Form AE-5; (ii) Plans of the shop showing storage capacity, approach road, surrounding facilities specifically indicating compliance of sub-rule (3) of rule 86; (iii) Passport size photograph of the occupier alongwith documentary evidence of nomination as occupier as per rule 2; (iv) Licence fee as per Schedule IV, Part 2.
18.	Licence to possess, for use of small arms nitrocompound not exceeding 5 kilogramms in the state of Kerala.	5(e)	LE-5	Not necessary as per sub rule (4) of rule 101	(i) Form AE-5; (ii) Plans of the shop showing storage capacity, approach road, surrounding facilities specifically indicating compliance of sub-rule (3) of rule 86; (iii) Passport size photograph of the occupier alongwith documentary evidence of nomination as occupier as per rule 2; (iv) Licence fee as per Schedule IV, Part 2.
19.	Licence to possess and sale from a shop manufactured fireworks of class 7, division 2, sub-division 2 exceeding 100 kilogramms but not exceeding 300 kilogramms and Chinese crackers or sparklers exceeding 500 kilogramms but not exceeding 1200 kilogramms	5(f)	LE-5	Not necessary as per sub rule (i) (4) of rule 101.	(i) Form AE-5; (ii) Plans of the shop showing storage capacity, approach road, surrounding facilities specifically indicating compliance of sub-rule (3) of rule 86; (iii) Passport size photograph of the occupier alongwith documentary evidence of nomination as occupier as per rule 2;



1	2	3	4	5	6
					(iv) No Objection Certificate with approved plan by District Magistrate
					(v) Licence fee as per Schedule IV, Part 2.
20.	Licence to possess and use fireworks for public display	6	LE-6	Not necessary as per sub rule (4) of rule 101.	(i) Form AE-6; (ii) Site Plan for display of fireworks; (iii) Passport size photographs of the occupier alongwith documentary evidence of nomination as occupier as per rule 2; (iv) Licence fee as per schedule IV Part 2; (v) Public liability insurance.
21.	Licence to transport explosives in a road van	7	LE-7	(i) Form AE-7; (ii) Plans of the proposed Explosives Van as per Specification 4; (iii) Passport size photographs of the occupier along with documentary evidence of nomination as occupier as per rule 2; (iv) Scrutiny fee as per Schedule IV, Part-2.	(i) Form AE-7; (ii) Plans of the Explosives Van as per Specification.4; (iii) Completion certificate (iv) Attested copy of registration certificate of the vehicle; (v) No objection certificate from District Magistrate (not applicable where the applicant is holder of licence for possession of explosives for sale or use in which case a copy of the said licence to be submitted); (vi) Passport size photographs of the occupier alongwith documentary evidence of nomination as occupier as per rule 2; (vii) Licence fee as per Schedule IV Part 2.
22.	Licence to import or export explosives otherwise than by land	8	LE-8	Not necessary as per sub rule (4) of rule 101.	(i) Form AE-8; (ii) Passport size photographs of the occupier alongwith documentary evidence of nomination as occupier as per rule 2 or exporter; (iii) Licence fee as per Schedule IV, Part-2.
23.	Licence to manufacture, possess, sale, use etc. of explosives not provided in articles to Part I of Schedule IV	9	LE-9 (SPE-CIAL)	(i) Form AE-1; (ii) Plans of the proposed buildings and the site showing full approach road, network to the factory or premises, all buildings, mounds, safety	(i) Form AE-9; (ii) Plans of the proposed buildings and the site showing full approach road, network to the factory or premises, all buildings, mounds, safety



1	2	3	4	5	6
				<p>distances, plant, equipments, explosives limit, man limit, annual capacity, as the case may be;</p> <p>(iii) Any other document(s) as may be required by the Chief Controller;</p> <p>(iv) Passport size photograph of the occupier alongwith documentary evidence of nomination as occupier as per rule 2;</p> <p>(v) Scrutiny fee as per Schedule IV, Part 2.</p>	<p>distances, plant, equipment, explosives limit, man limit, annual capacity, as the case may be;</p> <p>(iii) Any other document(s) as may be required by the Chief Controller;</p> <p>(iv) No objection certificate with approved Plan from District Magistrate;</p> <p>(v) Completion certificate;</p> <p>(vi) Passport size photographs of the occupier alongwith documentary evidence of nomination as occupier as per rule 2;</p> <p>(vii) Licence fee as per Schedule IV, Part-2.</p>
	24. Shot firer's Certificate	10	LE-10	Not required.	<p>(i) Form AE-10;</p> <p>(ii) 2 copies of passport size photograph;</p> <p>(iii) Proof of date of birth;</p> <p>(iv) Certificate of educational qualification and experience;</p> <p>(v) Medical fitness certificate;</p> <p>(vi) No objection certificate from In-charge of Police Station, (not required in case competency is required only for blasting in connection with testing of explosives in a factory or recognised laboratory);</p> <p>(vii) Fee as per Schedule IV, Part-2.</p>
	25. Foreman's Certificate		LE-11	Not required.	<p>(i) Form AE-11;</p> <p>(ii) 2 copies of passport size photograph;</p> <p>(iii) Proof of date of birth;</p> <p>(iv) Certificate of educational qualification and experience;</p> <p>(v) Medical fitness certificate;</p> <p>(vi) Fee as per Schedule IV, Part-2.</p>



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No.		
8.	Jar, cylindrical, brown glass	1
9.	Pipette 10 cubic centimetres	1
10.	Rod, stirring, glass	1
11.	Sodium nitrite solution containing 1.7 grams in 1 litre	Sufficient supply
12.	Stopper, rubber, with 4 platinum hooks	1

**Application of the Test :**

The solution is to be brought to 15° C before use. 2 grammes of ferrous ammonium sulphate are weighed out and placed in the glass jar, 90 cubic centimetres of the normal sulphuric acid added and solution effected by stirring with the glass rod. The jar is then placed in a bath of water at 15° C, and must be kept at the temperature of the air should be 15° C to 17° C. 10 cubic centimetres of the sodium nitrite solution are then added by means of the pipette and well stirred in. An aluminium annulus is placed centrally over the mouth of the jar and the orifice covered by the graphite slab; over this is placed a second annulus. Good contact between surfaces is to be ensured by exerting a slight pressure and twisting motion.

The glass cylinder with rubber stopper and light tight cap are then placed on the second annulus, and the assembled apparatus is allowed to stand for 20 minutes. After the expiration of the 20 minutes, the light tight cap and the glass cylinder are removed, the rubber stopper taken out of the cylinder waved several times through the air. As soon as possible, four of the heat test papers to be tested are moistened with glycerine solution, placed on the platinum hooks of the stopper, the stopper inserted in the cylinder, and the cylinder and light tight cap again placed in position of the second annulus, and the time noted.

When the papers read by reflected light reach the standard tint, the time is again noted; the difference gives the time of test. Standard tint papers to be read by reflected light are used for comparison.

The cylinder is then removed uncorked, waved several times through the air, and a fresh set of papers is at once put on for test. After four sets of tests have been made the graphite slab must be heated to 200° C for 1 hour allowed to cool in an evacuated desiccators over potash for at least 16 hours before being used again.

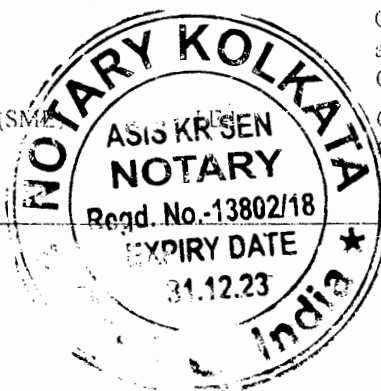
A batch of papers is to be tested by carrying out four consecutive tests of four papers on each of two days.

**SCHEDULE IV****Part 1**

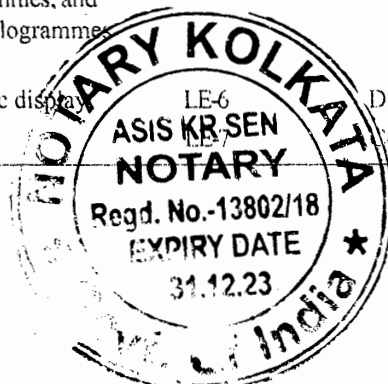
(See rule 99)

**Licences and licensing authorities**

Article No.	Purpose for which granted	Licence Form	Licensing Authority
1	2	3	4
1	(a) Licence to manufacture fireworks or gunpowder or both not exceeding 15 kilogrammes at any one time.	LE-1	District Magistrate.
	(b) Licence to manufacture fireworks or gunpowder or both exceeding 15 kilogrammes but not exceeding 500 kilogrammes at any one time.	LE-1	Controller of Explosives.
	(c) Licence to manufacture fireworks or gunpowder or both exceeding 500 kilograms at any one time.	LE-1	Chief Controller or Controller of Explosives authorised by Chief Controller.
	(d) Licence to manufacture at site, ANFO explosives not exceeding 200 kilogrammes at any one time.	LE-1	Controller of Explosives
	(e) Licence to manufacture liquid oxygen explosives (LOX).	LE-1	Chief Controller or Controller of Explosives authorised by Chief Controller.
	(f) Licence to manufacture site mixed explosives (SME).	LE-1	Chief Controller or Controller of Explosives authorised by Chief Controller.



1	2	3	4
	(g) Licence to manufacture explosives other than fireworks, gunpowder, ANFO, LOX and SME.	LE-1	Chief Controller or Controller of Explosives authorised by Chief Controller
2	Licence to possess gunpowder not exceeding 15 kilogramme at any one time for manufacture of adirverttus and possession of adirverttus not exceeding 200 in number at any one time.	LE-2	District Magistrate
3	(a) Licence to possess for use, for agricultural purpose or in small quarry, explosives not exceeding 25 kilogrammes of Class 1 or 2 or 3 and 1500 numbers detonators; and 1500 meters of detonating fuse or safety fuse at any one time in a magazine.	LE-3	District Magistrate
	(b) Licence to possess for sale, explosives of Class 1, 2, 3, 4, 5, 6 or 7 in a magazine.	LE-3	Chief Controller or Controller of Explosives authorised by Chief Controller
	(c) Licence to possess for use, explosives of Class 1, 2, 3, 4, 5, 6 or 7 in a magazine.	LE-3	Chief Controller or Controller of Explosives authorised by Chief Controller
	(d) Licence to possess fireworks not exceeding 5000 kilogramme or safety fuse not exceeding 50000 meters, in a storehouse, not for sale but for transfer to own licensed shop.	LE-3	Chief Controller or Controller of Explosives authorised by Chief Controller
4	Licence to possess and transport explosives of class 2 or class 3 not exceeding 25 kilograms, electric or ordinary detonators not exceeding 200 numbers, detonating fuse not exceeding 100 metres and safety fuse not exceeding 200 metres in a compressor mounted motor truck or tractor for use in well sinking.	LE-4	District Magistrate
5	(a) Licence to possess and sell from a shop, at any one time, not exceeding 25 kilogrammes of small-arms nitro- compound	LE-5	District Magistrate
	(b) Licence to possess and sell from a shop, at any one time, not exceeding 100 kilogrammes of manufactured fireworks of Class 7, Division 2, sub-division 2; and 500 kilogrammes of chinese crackers or sparklers	LE-5	District Magistrate
	(c) Licence to possess and sell from a shop, at any one time, not exceeding 2000 numbers of pyrotechnic device explosives of Class 6 Division 1	LE-5	District Magistrate
	(d) Licence to possess for use Gunpowder not exceeding 5 kilogrammes and safety fuse not exceeding 50 metres in the States of Bihar, West Bengal, Kerala and Tamilnadu.	LE-5	District Magistrate
	(e) Licence to possess for use of small-arms nitro-compound not exceeding 5 kilogrammes in the State of Kerala.	LE-5	District Magistrate
	(f) Licence to possess and sell from a shop manufactured fireworks of Class 7 Division 2 sub-division 2 exceeding 100 kilogrammes but not exceeding 300 kilogrammes, and chinese crackers or sparklers exceeding 500 kilogrammes but not exceeding 1200 kilogrammes.	LE-5	Controller of Explosives
6	Licence to possess and use fireworks for public display	LE-6	District Magistrate
7	Licence to transport explosives in a road van.		Controller of Explosives



1	2	3	4
8	Licence to import or export explosives otherwise than by land.	LE-8	Chief Controller
9	Licence to manufacture, possess, sell, use, etc of explosives not provided in articles 1 to 8.	LE-9(SPECIAL)	Chief Controller
10	Shot firer's Certificate.	LE-10	Controller of Explosives
11	Foreman's Certificate.	LE-11	Controller of Explosives

**Part 2**

(See rules 100 and 113)

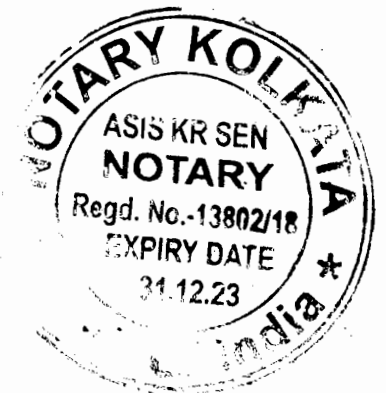
**A. Fees other than licence fees and fees for testing in the departmental testing station :** The following Fees other than licence fees and fees for testing in the departmental testing station shall be payable:

- |      |  |  |
|------|--|--|
| (1)  | Scrutiny fee for each proposal for inclusion of any explosive in the authorised list of explosives                     | Rs. 500  |
| (2)  | Fees for testing each sample of imported explosives  | Rs. 100  |
| (3)  | (i) Fees for testing each sample to issue certificate of safety  | Rs. 100  |
|      | (ii) Fees to renew each certificate issued under (i) above without fresh test.   | Rs. 50   |
|      | (iii) Fees for testing each sample to renew certificate issued under (i) above after fresh test.                       | Rs. 500  |
|      | (iv) Scrutiny fee for approval of manufacturing process for any new explosives.  | Rs. 2000   |
| (4)  | Fees for storage of explosives in excess of licensed capacity on each occasion.  | Rs. 500 for first 15 days and Rs. 200 for every additional day |
| (5)  | Fees for permit for temporary possession of fireworks in excess of licensed quantity                                   | Rs. 200  |
| (6)  | Scrutiny fee for application for approval before grant of a licence to manufacture                                     |  |
|      | (i) any explosives other than those mentioned under (ii), (iii) and (iv) below   | Rs. 2000   |
|      | (ii) site mixed ANFO Explosives  | Rs. 500  |
|      | (iii) Liquid Oxygen explosive  | Rs. 500  |
|      | (iv) (a) Fireworks or Gunpowder in a quantity not exceeding 15 Kilogrammes at a time.                                  | Rs. 50   |
|      | (b) Fireworks or Gunpowder in a quantity exceeding 15 Kilogrammes but not exceeding Rs. 500 200 Kilogrammes at a time. |  |
|      | (c) Fireworks or Gunpowder in a quantity exceeding 200 Kilogrammes at a time   | Rs. 500  |
| (7)  | Scrutiny fee for grant of approval to manufacture colour matches   | Rs. 1000   |
| (8)  | Scrutiny fee for application for approval before grant of licence to possess explosives in                             |  |
|      | (a) magazine or store house  | Rs. 500  |
|      | (b) shops  | Rs. 200  |
| (9)  | Scrutiny fee for application for grant of each licence to import or export explosives                                  | Rs. 500  |
| (10) | Scrutiny fee for application for grant of each licence to transport explosives   | Rs. 100  |
| (11) | Scrutiny fee for each application for grant of a licence for a road van compressor mounted motor truck or tractor      | Rs. 200  |
| (12) | Scrutiny fee for each application for grant of a shot-firer's certificate  | Rs. 300  |
| (13) | (a) Scrutiny fee for application for amendment or transfer of each licence or certificate                              |  |
|      | (i) to manufacture high explosives and of Class 6 and other explosives not mentioned below:                            | Rs. 1500   |
|      | (ii) to manufacture fireworks or Gunpowder in a quantity not exceeding 15 Kilogrammes at a time:                       | Rs. 50   |



List of licences issued by the office of Jt. Chief Controller of Explosives, East Circle, Kolkata in the state of West Bengal for manufacturing of fireworks.

Sl. No.	Name of licensee	Place	Licence Number
01.	M/s. Champion Fireworks	Janai, Dist. Hooghly	E/EC/WB/20/28(E38464)
02.	M/s. Jawan Fireworks	Saibana, Dist. North 24 Parganas	E/EC/WB/20/27(E24783)
03.	M/s. Bajrangi Fireworks, Sri Inderjeet Budhiraja	Vill. Jalsukha, near Nilgunge, Barasat, Dist. North 24 Parganas.	E/EC/WB/20/2(E13481)



(b) shall await the directions of the licensing authority with regard to the disposal of the explosives kept at the licensed premises.

**124. Loss of licence.**—Where a licence granted under these rules or an authenticated copy granted thereof, is lost or accidentally destroyed, a duplicate may be granted on payment of fees, specified in Part 2 of Schedule IV.

### Chapter—IX

#### Powers vested with Authorities

##### 125. Power of officers to demand licence or pass.—

(1) Every person holding or acting under a licence granted under these rules shall, when called upon to do so by any authority specified in rule 128, produce it, or an authenticated copy of it, at such time and place as may be directed by such officer.

(2) Every person in charge of a consignment of explosives in transit under cover of a pass issued under these rules shall produce it when called upon to do so by any authority specified in rule 128.

(3) Copies of any licence may, for the purposes of this rule, be authenticated free of charge by the authority, which granted the licence.

**126. Executive control over authorities.**—Every authority other than the Central Government acting under this Chapter shall be subject to the directions and control of the Central Government :

Provided that nothing in this rule shall be deemed to affect the powers of executive control of the Chief Controller over the officers subordinate to him.

**127. Power of officers to prevent dangerous practices.**—(1) If in any matter which is not provided for by any express provision of, or condition of a licence granted under these rules and a Controller or District Magistrate finds any factory, magazine or place where an explosive is being manufactured, possessed or sold, or used or any part thereof, or anything or practice therein or connected therewith or with the handling or transport of explosives to be unnecessarily dangerous or defective so as, in his opinion, to tend to endanger the public safety or the bodily safety of any person, such Controller or District Magistrate may, by an order in writing, require the occupier of such factory magazine, store house or place or the owner of the explosive, to remedy the same within such time as may be specified in the order.

(2) Where the occupier or owner objects to an order made under sub-rule (1), he may appeal to the appellate authority in accordance with rule 121.

**128. Powers of search and seizure.**—(1) Any authority specified in column (1) of the Table below may within the jurisdiction specified in the corresponding entry in column (2) of that Table—

(a) enter, inspect and examine any place, aircraft, train, carriage, vessel or any mode of transport in which an explosive is being manufactured, possessed, used, sold, transported, exported or imported under a licence granted under these rules, or in which he has reason to believe that an explosive has been or is being manufactured, possessed, used, sold, transported, exported or imported in contravention of the Act or these rules;

(b) search for explosives or ingredients thereof;

(c) take samples of any explosive or ingredients found therein on payment of the value thereof, if such payment is demanded at the time of the sample are taken;

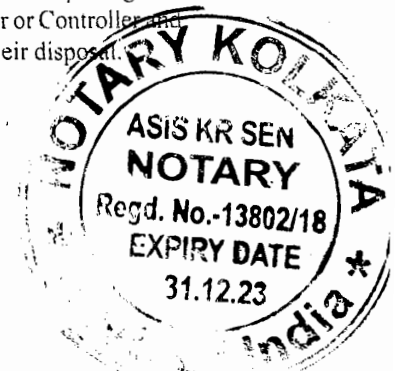
(d) seize, detain and remove any explosive or ingredients thereof found therein together with connected documents thereof in respect of which he has reason to believe that any of the provisions of the Act or these rules have been contravened.

Table

Authority	Jurisdiction
The Chief Controller or Controller	All parts of India
All District Magistrates	Their respective jurisdiction
All Executive Magistrates subordinate to the District Magistrate	Their respective jurisdiction
All Commissioners of Police or Police Officers of rank not below that of a Sub-Inspector of Police	Their respective jurisdiction
The Director General of Mines or officers subordinate to him	Their respective jurisdiction

(2) Whenever any officer other than the Chief Controller seizes, detains or removes any explosive or ingredients thereof or any connected documents thereof under this rule, he shall forth with report the fact by telegram to the Chief Controller and the Controller under whose jurisdiction the place where the explosives were seized falls and whenever any officer not being the District Magistrate seizes, detains or removes any explosives or ingredients thereof or any connected documents thereof under this rule, he shall forthwith report the fact by telegram to the district authority concerned.

(3) Whenever any explosives are seized they shall be stored up in an isolated place under adequate guard until examination by the Chief Controller or Controller and receipt of instructions from him as to their disposal.



(4) Notwithstanding the above, the Executive Magistrates or Police Officers authorized in the table shall carry out inspection of the magazines located within their jurisdiction once in six months in order to ascertain if there has been any violation of the Act or the rules thereof. An assessment regarding adequacy of security guards provided by the licensee at the magazines as per Rule 21(2) should also be made during such inspection. A report of such inspection should be submitted to the concerned District Magistrate or Superintendent of Police or Commissioner of Police with a copy to the licensing authority.

**129. Power to destroy explosives and ingredients thereof.**—(1) The Chief Controller or a Controller—

- (a) shall destroy any explosive other than military ammunition of Indian or foreign origin, whenever found—
- (i) the manufacture, possession or import of which has been prohibited absolutely under section 6 of the Act; or
  - (ii) if the explosive belongs to the Class 5 (Fulminate) and is being manufactured, possessed, used, sold, transported, exported or imported illegally without a licence under these rules;

(b) may destroy or render harmless any other explosives coming within the purview of these rules, or ingredient thereof in respect of which the Chief Controller or Controller has reasons to believe that any of the provisions of the Act or these rules have been contravened or which in his opinion are no longer fit for storage, transport or use and the matter appears to be urgent to such Controller and fraught with serious danger to public.

(2) Whenever the Chief Controller or a Controller destroys any explosive or ingredient thereof or renders it harmless under sub-rule (1), he shall take and keep a sample thereof:

Provided that if in his opinion such sample can be taken, transported and kept safely for the period required without any danger to any life or property and if required, he may give a portion of the sample to the person owning the explosive or having the same under his control at the time of seizure.

(3) Where any explosive or ingredient thereof is destroyed by a Controller, he shall report all the facts to the Chief Controller. The explosives shall be destroyed or rendered harmless as provided under this rule at the expense of the occupier of factory, magazine, storehouse or the place or owner of the explosives.

**130. Procedure on reports of infringement**—Whenever any report is made to the District Magistrate by the Chief Controller or Controller of an infringement of the act or of these rules, the District Magistrate shall take

immediate action and shall inform the Chief Controller or the Controller, as the case may be, of the action taken by him on such report.

## Chapter X

### Accidents, Enquiries and Reports

**131. Notice of accident.**—(1) The notice of an accident required to be given under section 8 of the Act shall be given within twenty four hours of the happening of the accident by telephone, telegram, E-mail, fax or in any other electronic mode or by special messenger followed by a written report signed by the occupier or authorised person to the same authorities giving particulars of circumstances leading to accident, loss of human life, injury to persons, damage to property, emergency action taken etc. to the—

- (a) Chief Controller;
- (b) Controller in whose jurisdiction accident has taken place;
- (c) District Magistrate; and
- (d) Officer-in-charge of the nearest police station.

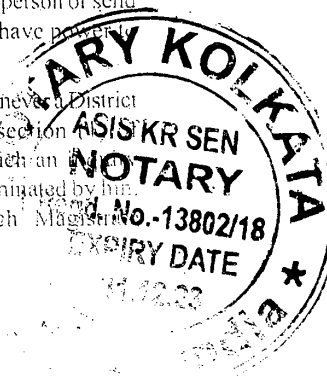
(2) Pending the visit of the Chief Controller, or his authorised representative or instruction received from the Chief Controller or his representative that he does not wish any further investigation or inquiry to be made, all wreckage and debris shall be left untouched, except in so far as its removal may be necessary for the rescue of persons injured and recovery of the bodies of any persons killed, by the accident or in the case of aerodromes or railways, for the restoration of thorough communication.

(3) The Chief Controller or his authorised representative, if so required by them, shall be provided with all assistance by the officer in charge of the nearest police station.

**132. Procedure at courts of inquiry.**—(1) The Chief Controller shall arrange with the heads of the Armed Forces or Ordnance Factories or other establishments of such forces to be represented at Courts of Inquiry where he so desires. The Chief Controller shall be provided with copies of the proceedings of Court where he is not represented. The heads of Armed Forces or Ordnance Factories or other establishments of such forces, as the case may be, shall co-operate with the Chief Controller by informing him immediately of occurrences, liable to lead to the summoning of Courts of Inquiry on matters of interest to the Chief Controller as indicated by him.

(2) The Chief Controller may attend in person or send a representative and in either case he shall have power to examine witnesses, where he so desires.

**133. Inquiry into accident.**—(1) Whenever a District Magistrate, holds an inquiry under sub-section 9A of the Act, he shall adjourn such an inquiry unless the Chief Controller or an officer nominated by him is present to watch the proceedings or such Magistrate



Most Urgent



भारत सरकार  
GOVERNMENT OF INDIA

112

पेट्रोलियम तथा विस्फोटक सुरक्षा संगठन (पेसो)  
PETROLEUM & EXPLOSIVES SAFETY ORGANISATION (PESO)  
(पूर्व नाम - विस्फोटक विभाग) (Formerly - Department of Explosives)  
कार्यालय संयुक्त मुख्य विस्फोटक नियंत्रक, पूर्वी अंचल  
O/o.Jt.Chief Controller of Explosives, East Circle  
८, एस्प्लेनेड ईस्ट कोलकता-७०००६९  
8, Esplanade East, Kolkata, 700069.

संख्या /No. PESO/EC/KOL/Report/General

दिनांक /Dated 17.7.2014

To

28 JUL 2014

The Commissioner of Police, Kolkata &  
The District Magistrates of West Bengal, Sikkim, Andaman  
(As per list enclosed)

Sub : Information regarding details of licences granted by the District Authorities for fireworks and/or gun powder manufacturing factories under their jurisdiction.

Dear Sir,

Recently two accidents have occurred in the fireworks / gun powder manufacturing factories licensed by the District Magistrate. These factories could not be inspected due to non-availability of the records with PESO. Therefore, there is a proposal to create a database of licences for the fireworks / gun powder manufacturing factories granted by the District Magistrates. Your attention is invited to Rule 107 (Sub-Rule 7) of the Explosives Rules, 2008 (copy enclosed for ready reference) which requires the district authority to forward a copy of every licence granted by him in Form LE - I, II, III, V to the Controller having jurisdiction over the area. You are therefore requested to send a copy of the licence and status of renewal of licence as required under Rule 112 (Sub Rule 11) of the Explosives Rules, 2008 (copy enclosed for ready reference.)

The required information may be furnished as per following proforma along with copies of licences and approved plan :-

Sl.No.	Name & Address of Licensee	Licence No.	Form	Capacity	Date of Grant of Licence	Date of Validity of Licence

Encl.: as above

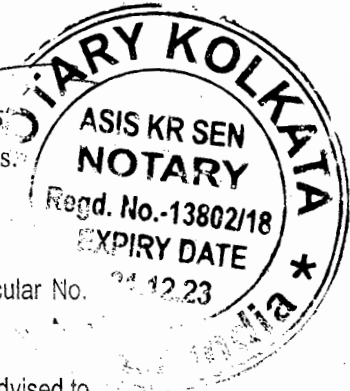
भवदीय / Yours faithfully,

कृते संयुक्त मुख्य विस्फोटक नियंत्रक  
for Jt.Chief Controller of Explosives.

Not in original

cc. 1) The Chief Controller of Explosives, Nagpur for information with reference to his Circular No. R.4(1)57/VI(Vol.VI), dated 10.7.2014.

2) The Dy.CCE, Bhubaneswar, Asansol, Ranchi, Guwahati and the CE, Patna. They are advised to issue similar circulars to the respective District Authorities under their jurisdiction.





ANNEXURE 6

भारत सरकार

GOVERNMENT OF INDIA

पेट्रोलियम तथा विस्फोटक सुरक्षा संगठन  
PETROLEUM & EXPLOSIVES SAFETY ORGANISATION

(Formerly known as Department of Explosives)

कार्यालय संयुक्त मुख्य विस्फोटक नियंत्रक, पूर्वी अंचल  
O/o.Jt.Chief Controller of Explosives, East Circle

८, एस्पलेनेड ईस्ट कोलकाता-७०००६९

8, Esplanade East, Kolkata, 700069.

No. PESO/EC/KOL/REPORTS/GENERAL/II.

Date : 08.09.2015.

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To

All District Magistrates  
of West Bengal, Sikkim and Andaman  
&  
The Commissioners of Police  
of Kolkata, Howrah, Bidhannagar, Barrackpore, Siliguri  
and Asansol Durgapur Commissionerate of WB.

9 SEP 2015

Sub : Information regarding details of licences granted by the District Authorities under their jurisdiction for fireworks shop in Form LE-5 under the Explosives Rules, 2008.

Sir,

In continuation to this office letter of even no. dt. 17.07.2014, your attention is invited to Rule 107(Sub Rule 7) of the Explosives Rules, 2008( copy enclosed for ready reference) which requires the District Authorities to forward a copy of every licence granted by him in Form LE-1, LE-2, LE-3, LE-4 and LE-5 to the Controller of Explosives having jurisdiction over the area. You are, therefore, requested to send a copy of every licence issued by you and status of renewal of licence as required under Rule 112 (sub Rule 11) of the Explosives Rules, 2008(copy enclosed for ready reference).

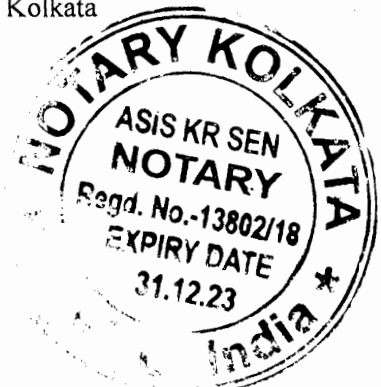
The required information may be furnished as per following proforma along with copies of licence, granted so far along with copies of approved drawing.

Sl. No.	Name and Address of Licensee	Licence No.	Form	Capacity	Date of grant of Licence	Date of validity of licence

Encl : As above.

Yours faithfully,

(SANJAY KUMAR)  
Controller of Explosives  
for Jt. Chief Controller of Explosives  
East Circle, Kolkata





भारत सरकार  
GOVERNMENT OF INDIA

पेट्रोलियम तथा विस्फोटक सुरक्षा संगठन (पेसो)  
PETROLEUM & EXPLOSIVES SAFETY ORGANISATION (PESO)  
(पूर्व नाम - विस्फोटक विभाग) (Formerly - Department of Explosives)  
कार्यालय संयुक्त मुख्य विस्फोटक नियंत्रक, पूर्वी अंचल  
O/o.Jt.Chief Controller of Explosives, East Circle  
८, एस्पलेनेड ईस्ट कोलकता-७०००६९  
8, Esplanade East, Kolkata, 700069.

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संख्या /No. PESO/EC/KOL/Report/General

दिनांक /Dated 17.7.2014

To

28 JUL 2014

The Commissioner of Police, Kolkata &  
The District Magistrates of West Bengal, Sikkim, Andaman  
(As per list enclosed)

Sub : Information regarding details of licences granted by the District Authorities for fireworks and/or gun powder manufacturing factories under their jurisdiction.

Dear Sir,

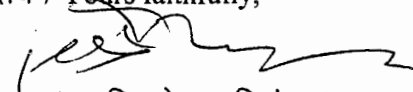
Recently two accidents have occurred in the fireworks / gun powder manufacturing factories licensed by the District Magistrate. These factories could not be inspected due to non-availability of the records with PESO. Therefore, there is a proposal to create a database of licences for the fireworks / gun powder manufacturing factories granted by the District Magistrates. Your attention is invited to Rule 107 (Sub-Rule 7) of the Explosives Rules, 2008 (copy enclosed for ready reference) which requires the district authority to forward a copy of every licence granted by him in Form LE - I, II, III, V to the Controller having jurisdiction over the area. You are therefore requested to send a copy of the licence and status of renewal of licence as required under Rule 112 (Sub Rule 11) of the Explosives Rules, 2008 (copy enclosed for ready reference.)

The required information may be furnished as per following proforma along with copies of licences and approved plan :-

Sl.No.	Name & Address of Licensee	Licence No.	Form	Capacity	Date of Grant of Licence	Date of Validity of Licence

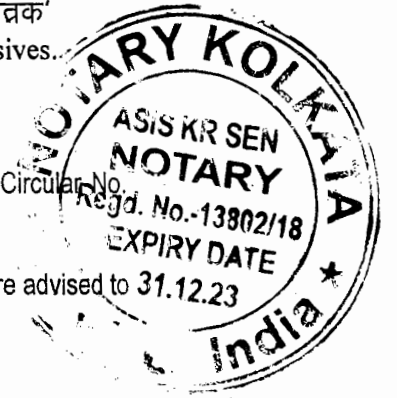
Encl.: as above

भवदीय / Yours faithfully,

  
कृते संयुक्त मुख्य विस्फोटक नियंत्रक  
for Jt.Chief Controller of Explosives.

Not in original

- cc. 1) The Chief Controller of Explosives, Nagpur for information with reference to his Circular No. R.4(1)57/VI(Vol.VI), dated 10.7.2014.
- 2) The Dy.CCE, Bhubaneswar, Asansol, Ranchi, Guwahati and the CE, Patna. They are advised to issue similar circulars to the respective District Authorities under their jurisdiction.



(8) No licence for manufacture of explosives other than Liquid Oxygen Explosives shall be granted or renewed to a person for his factory or mine not covered under the Factories Act, 1948 (63 of 1948) or the Mines Act, 1952 (35 of 1957), as the case may be, unless he executes a bond in Form CE-3 indemnifying person injured or dependants of deceased workers in the event of an accident in the factory or mine for an amount of Rs. 10,000 for factories manufacturing up to 15 kilograms of gunpowder or fireworks at any one time, an amount of Rs. 25,000 for factories manufacturing up to 200 kilograms, of gunpowder or fire works at any one time and Rs. 50,000 in every other case in respect of factory or mines.

104. Commencement of construction of premises.—On receipt of no objection certificate under rule 103, the applicant shall start construction of the premises or installation of the facilities:

Provided that in case of shops or storehouses or other premises, which are already constructed, no objection certificate may be obtained subsequently.

105. Application for grant of licence.—After the construction of premises is completed, the applicant shall apply for grant of licence along with documents stated in rule 113.

106. Period of validity of licence.—The licensing authority may grant a licence for the period deemed necessary but not exceeding—

- (1) six months for import or export of explosives;
- (2) one month for public display of fireworks;
- (3) five financial years or part thereof in case of manufacture of explosives or storage magazine;
- (4) thirty days for temporary fireworks shops;
- (5) ten financial years or part thereof for all other cases.

107. Grant of a licence and certificate.—(1) The licensing authority, on being satisfied with the documents received for grant of licence, and after making such inquiry, if any, as it may consider necessary, shall, subject to the other provisions of this Act and these rules, by order in writing either grant the licence or refuse to grant the same.

(2) A copy each of every licence other than for import or export of explosives granted by the Chief Controller or the Controller shall be forwarded to the District Magistrate and the Superintendent of Police of the District and the Controller in whose jurisdiction the premises are situated.

(3) When the licensing authority grants a licence other than for export or import of explosives, after conducting inspection of the premises to ensure conformity of the premises to the provisions of the Act and these rules, such authority shall endorse the licence and from the date of such endorsement, the licence shall come into force:

Provided that if the licensing authority grants a licence without conducting prior inspection, such authority shall issue provisional permission pending endorsement of licence to use the licensed premises for a period which the licensing authority may determine for conducting inspection of the premises for endorsement of the licence.

Regd. No. -13302/18

EXPIRY DATE \*

31.12.23

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licensing authority observes, on inspection, that the premises do not conform to the provisions of the Act and these rules and not fit for endorsement, the licensing authority shall communicate to the licensee—

- (i) his direction for rectification of deficiencies; or
- (ii) reasons for not regular endorsement of the licence; or
- (iii) reasons for suspension or revocation of the licence, as the case may be.

(5) In case of application for grant of shot firer's certificate, the Controller on receipt of documents specified in item number 24 of rule 113 shall conduct such examination and enquiries as deemed necessary before granting the shot-firer's certificate. On his being satisfied that the applicant has adequate knowledge and experience in related field of handling and blasting explosives, he shall grant the shot firer's certificate in Form LE-10 specifying therein the authorised area and category of blasting. Such certificate shall be valid for a period of five years from the date of issue. The certificate may be revalidated for subsequent five-year periods on completion of procedures as in the case of fresh grant.

Explanation.—For the purposes of this sub-rule, there shall be the following categories of blasting, namely:—

Class	Category	Type of blasting permitted
A	Unlimited	All types of blasting
B	General aboveground	All phases of aboveground blasting operation
C	General underground	All phases of underground blasting operation
D	Demolition	All phases of blasting in demolition projects
E	Seismic	All phases of blasting in seismic prospecting or production
F	Agricultural	All phases of blasting in agricultural and well sinking
G	Special	Blasting for special purpose not covered under the above categories

(6) In case of application for grant of foreman's certificate, the Controller on receipt of documents specified in item number 25 of rule 113 shall conduct such examination and enquiries as deemed necessary before granting the foreman's certificate. On his being satisfied that the applicant has adequate knowledge and experience in related field of handling and blasting explosives, he shall grant the foreman's certificate in Form LE-11 specifying therein the authorised area of manufacture. Such certificate shall be valid for a period of five years from the date of issue. The certificate may be revalidated for subsequent five-year periods on completion of procedures as in the case of fresh grant.

(7) The District Authority shall forward a copy of every licence granted by him in Form LE-1, LE-2, LE-3, LE-4 and LE-5 to the Controller having jurisdiction over the area.

(8) Wherever licence is granted in Form LE-1 for manufacture of fireworks by the District Authority, he shall ensure that such licence is issued for manufacture of only such fireworks item which are authorized by the Chief Controller.

(e) requisite scrutiny fee and amendment fee .

(2) In case of change of name of licensee being manufacturer of explosives, the licensee shall apply for corresponding amendments in the list of authorised explosives in respect of explosives manufactured by him.

**11. Procedure for change of partners or directors or members or occupier.**—Whenever any new partner or member or director is inducted in the partnership firm or society or association or company, as the case may be, without any change in the name of the licensee firm or society or association or company, the licensee shall submit application to the licensing authority for accepting the newly inducted partners or members or directors,—

- (a) names and addresses of newly inducted partners or directors or members as the case may be, and in case the occupier is changed, photographs of the new occupier;
- (b) certificate of verification of antecedents from the District Magistrate of the newly inducted partners or members or directors or occupier, as the case may be;
- (c) requisite scrutiny fee;
- (d) any other document as may be called for by the licensing authority.

**12. Renewal of licence.**—(1) Every licence except the licences granted for a specific period not exceeding one year, shall be renewable for a maximum period of five financial years ending on the 31st March.

(2) Every application under sub-rule (1) for renewal of the licence shall be accompanied by the following documents, namely:—

- (a) application in Form RE- 1;
- (b) the original licence;
- (c) prescribed renewal fee.

(3) A licence may be renewed by the authority empowered to grant such licence :

Provided that a licence which has been granted by the Chief Controller may be renewed without any alteration by a Controller duly authorised by the Chief Controller in this behalf.

Provided further that a licence, which has been granted by the District Magistrate, may be renewed without any alteration by a Sub-Divisional Magistrate or an Executive Magistrate duly authorised by the District Magistrate in this behalf.

(4) Every application for the renewal of a licence shall be made so as to reach the licensing authority or the authority empowered to renew the licence on or before the date on which the licence expires.

(5) If the application for renewal reaches the renewing or licensing authority on or before the date of expiry, the licence shall be deemed to be in force until such date as the licensing authority renews the licence or until an intimation that the renewal of the licence is refused has been communicated to the applicant.

(6) The same fee shall be charged for the renewal of a licence for each year as for grant thereof.

Provided that if the renewal application together with complete documents is received by the licensing authority after the date of expiry but not later than six months from the date of expiry; and if the licensing authority is satisfied that such delay is beyond the control of the licensee, the licence may, without prejudice to any other action that may be taken in this behalf, be renewed on payment of penalty fee which is equal to one year's licence fee.

(7) In case of an application for the renewal of the licence for a period of more than one year at a time, the fee prescribed under proviso of sub-rule (6), if payable, shall be paid only for the first financial year of renewal.

(8) Every licence granted under these rules other than a licence granted for a specified period shall be renewable for a maximum period of five years where there has been no contravention of the Act or these rules framed there under or of any condition of the licence so renewed.

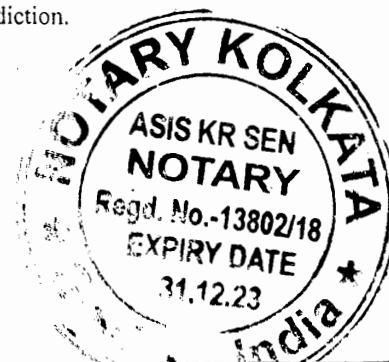
(9) Where a licence renewed for more than one financial year is surrendered before its expiry, the renewal fee paid for the unexpired portion of the licence shall be refunded to the licensee:

Provided that no refund of renewal fee shall be made for any financial year during which—

- (a) the licensing authority received the renewed licence for surrender;
- (b) any explosive is received or stored on the authority of the licence.

(10) No licence shall be renewed if the application for renewal is received by the licensing or renewing authority after three months of the date of its expiry. An application for revalidation received after three months of the expiration of the licence shall be considered as an application for a new licence.

(11) When a licence is renewed by the Chief Controller or a Controller, an intimation to that effect shall be sent to the District Magistrate concerned and when a licence is renewed by the District Magistrate, intimation to that effect shall be sent to the Controller having jurisdiction.





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भारत सरकार  
GOVERNMENT OF INDIA

पेट्रोलियम तथा विस्फोटक सुरक्षा संगठन (पेसो)  
PETROLEUM & EXPLOSIVES SAFETY ORGANISATION (PESO)  
(पूर्वाम - विस्फोट विभाग) (Formerly - Department of Explosives)  
कार्यालय संयुक्त मुख्य विस्फोटक नियंत्रक, पूर्वी अंचल  
O/o.Jt.Chief Controller of Explosives, East Circle  
८, एस्पलेनेड ईस्ट कोलकता-७०००६९  
8, Esplanade East, Kolkata, 700069.

संख्या /No. PESO/EC/Fireworks /Misc.

दिनांक /Dated 05.11.2015

To

All District Magistrates/ Commissioners of Police,  
West Bengal.

L-300120

Sub : Request for forwarding copies of fireworks licences along with approved drawing granted by Distt. Authority in Form LE-1,2,3,4,5 under the provisions of Rule 107(7) of the Explosives Rules, 2008.

Sir,

Please refer to this office letter no: PESO/EC/KOL/REPORTS/GENERAL/II, dated: 17.07.2014 & 08.09.2015, calling for copies of licences along with approved drawing granted by District Authority in Form LE-1,2,3,4,5 in accordance with Rule 107(7) of the Explosives Rules, 2008.

Hon'ble National Green Tribunal, Eastern Zone Bench, Kolkata vide their Order dated 16.10.2015 pertaining to OA No.101/2015/EZ: Biswajit Mukherjee Vs. UOI & Others, has directed all the concerned Respondents to check illegal cracker manufacturing units in West Bengal and take all steps and measures to close down all such illegal units and to file action report on the date fixed by the Tribunal.

In this connection you are requested to take necessary action as mentioned in above-mentioned Order of National Green Tribunal, Eastern Zone Bench, Kolkata and inform this office of the action taken by you in this regard as required under Rule 130 of the Explosives, Rules, 2008.

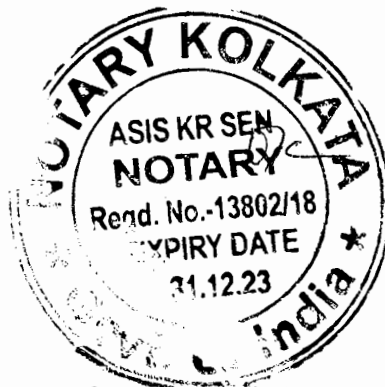
भवदीय / Yours faithfully,

(SANJAY KUMAR)

विस्फोटक नियंत्रक

Controller of Explosives,

कृते संयुक्त मुख्य विस्फोटक नियंत्रक  
for Jt.Chief Controller of Explosives.



Copy forwarded to :-

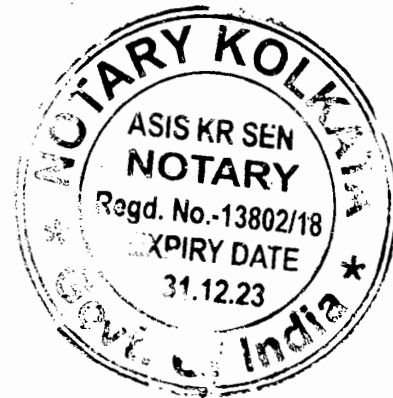
- 1) The Chief Secretary, Govt. of West Bengal, 'Nabanna', 325, Sarat Chatterjee Road, Shibpur, Howrah-711102 along with a copy of this office letter no: PESO/EC/KOL/REPORTS/GENERAL/II, dated: 17.07.2014 & 08.09.2015- for information and needful
- 2) The Director General & Inspector General of Police, West Bengal Police, 'Nabanna', 11th Floor, 325, Sarat Chatterjee Road, Shibpur, Howrah-711102 along with a copy of this office letter no: PESO/EC/KOL/REPORTS/GENERAL/II, dated: 17.07.2014 & 08.09.2015- for information and needful

✓ Court Case file

List of Address

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1. The Commissioner of Police, 18, Lalbazar Street, Kolkata.
2. The Commissioner of Police, Salt Lake, Kolkata.
3. The District Magistrate, Howrah
4. The Commissioner of Police, Howrah.
5. The District Magistrate, Hooghly, HQ. Chinsurah.
6. The District Magistrate Burdwan.
7. The Commissioner of Police, Asansol.
8. The District Magistrate, North 24 Parganas, HQ. Barasat.
9. The Commissioner of Police, Barrackpore.
10. The District Magistrate, South 24 Parganas, HQ. Alipore.
14. The District Magistrate, Birbhum, HQ. Suri.
15. The District Magistrate, Purulia.
16. The District Magistrate, Paschim Medinipore, HQ Medinipur.
17. The District Magistrate, Purba Medinipur, HQ. Tamluk.
18. The District Magistrate, Bankura.
19. The District Magistrate, Nadia, HQ. Krishnagar.
20. The District Magistrate, Murshidabad, HQ. Baharampur.
21. The District Magistrate, Malda.
22. The District Magistrate, Dakshin Dinajpur, HQ. Balurghat.
23. The District Magistrate, Uttar Dinajpur, HQ. Raiganj.
24. The District Magistrate, Jalpaiguri.
25. The District Magistrate, CoochBehar.
26. The District Magistrate, Darjeeling.
27. The District Magistrate, Alipurduar.



(4) Notwithstanding the above, the Executive Magistrates or Police Officers authorized in the table shall carry out inspection of the magazines located within their jurisdiction once in six months in order to ascertain if there has been any violation of the Act or the rules thereof. An assessment regarding adequacy of security guards provided by the licensee at the magazines as per Rule 21(2) should also be made during such inspection. A report of such inspection should be submitted to the concerned District Magistrate or Superintendent of Police or Commissioner of Police with a copy to the licensing authority.

**129. Power to destroy explosives and ingredients thereof.**—(1) The Chief Controller or a Controller—

- (a) shall destroy any explosive other than military ammunition of Indian or foreign origin, whenever found—
  - (i) the manufacture, possession or import of which has been prohibited absolutely under section 6 of the Act; or
  - (ii) if the explosive belongs to the Class 5 (Fulminate) and is being manufactured, possessed, used, sold, transported, exported or imported illegally without a licence under these rules;

(b) may destroy or render harmless any other explosives coming within the purview of these rules, or ingredient thereof in respect of which the Chief Controller or Controller has reasons to believe that any of the provisions of the Act or these rules have been contravened or which in his opinion are no longer fit for storage, transport or use and the matter appears to be urgent to such Controller and fraught with serious danger to public.

(2) Whenever the Chief Controller or a Controller destroys any explosive or ingredient thereof or renders it harmless under sub-rule (1), he shall take and keep a sample thereof:

Provided that if in his opinion such sample can be taken, transported and kept safely for the period required without any danger to any life or property and if required, he may give a portion of the sample to the person owning the explosive or having the same under his control at the time of seizure.

(3) Where any explosive or ingredient thereof is destroyed by a Controller, he shall report all the facts to the Chief Controller. The explosives shall be destroyed or rendered harmless as provided under this rule at the expense of the occupier of factory, magazine, storehouse or the place or owner of the explosives.

**130. Procedure on reports of infringement—**

Whenever any report is made to the District Magistrate by the Chief Controller or Controller of an infringement of the act or of these rules, the District Magistrate shall take

immediate action and shall inform the Chief Controller or the Controller, as the case may be, of the action taken by him on such report.

## Chapter X

### Accidents, Enquiries and Reports

**131. Notice of accident.**—(1) The notice of an accident required to be given under section 8 of the Act shall be given within twenty four hours of the happening of the accident by telephone, telegram, E-mail, fax or in any other electronic mode or by special messenger followed by a written report signed by the occupier or authorised person to the same authorities giving particulars of circumstances leading to accident, loss of human life, injury to persons, damage to property, emergency action taken etc. to the—

- (a) Chief Controller;
- (b) Controller in whose jurisdiction accident has taken place;
- (c) District Magistrate; and
- (d) Officer-in-charge of the nearest police station.

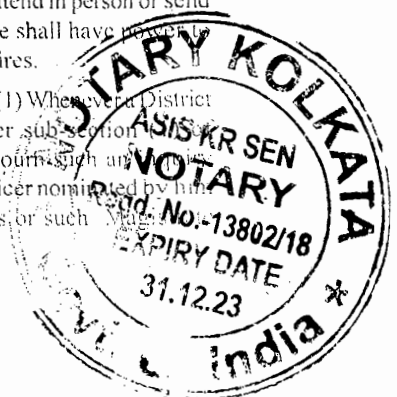
(2) Pending the visit of the Chief Controller, or his authorised representative or instruction received from the Chief Controller or his representative that he does not wish any further investigation or inquiry to be made, all wreckage and debris shall be left untouched, except in so far as its removal may be necessary for the rescue of persons injured and recovery of the bodies of any persons killed, by the accident or in the case of aerodromes or railways, for the restoration of thorough communication.

(3) The Chief Controller or his authorised representative, if so required by them, shall be provided with all assistance by the officer in charge of the nearest police station.

**132. Procedure at courts of inquiry.**—(1) The Chief Controller shall arrange with the heads of the Armed Forces or Ordnance Factories or other establishments of such forces to be represented at Courts of Inquiry where he so desires. The Chief Controller shall be provided with copies of the proceedings of Court where he is not represented. The heads of Armed Forces or Ordnance Factories or other establishments of such forces, as the case may be, shall co-operate with the Chief Controller by informing him immediately of occurrences, liable to lead to the summoning of Courts of Inquiry on matters of interest to the Chief Controller as indicated by him.

(2) The Chief Controller may attend in person or send a representative and in either case he shall have power to examine witnesses, where he so desires.

**133. Inquiry into accident.**—(1) Whenever a District Magistrate, holds an inquiry under sub-section 9A of the Act, he shall adjourn such inquiry unless the Chief Controller or an officer nominated by him is present to watch the proceedings or such



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BEFORE THE NATIONAL GREEN TRIBUNAL  
EASTERN ZONE BENCH, KOLKATA

DISTRICT : KOLKATA

ORIGINAL APPLICATION NO. 101/2015/EZ

BETWEEN

BISWAJIT MUKHERJEE

..... APPELLANT (S)

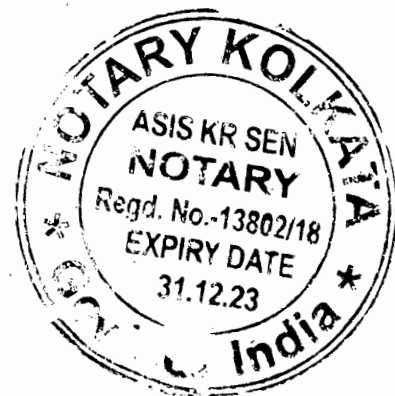
-VERSUS-

UNION OF INDIA & ORS.

..... RESPONDENT(S)

AFFIDAVIT IN OPPOSITION ON BEHALF OF  
THE RESPONDENT No.1 UNION OF INDIA  
THROUGH JOINT CONTROLLER OF  
EXPLOSIVE, EAST CIRCLE

SUBHANKAR CHATTERJEE  
Advocate  
High Court Calcutta  
Mob : 9748029575

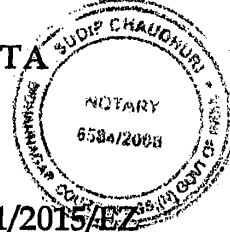


Annexure 'A10'

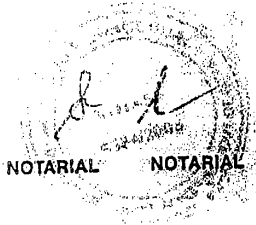
121

BEFORE THE NATIONAL GREEN TRIBUNAL

EASTERN ZONE BENCH, KOLKATA



ORIGINAL APPLICATION NO. 101/2015/EZ



BETWEEN

SHRI BISWAJIT MUKHERJEE

..... APPLICANT

VERSUS :

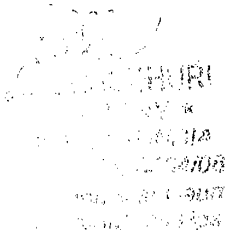
UNION OF INDIA & OTHERS

..... RESPONDENT(S)

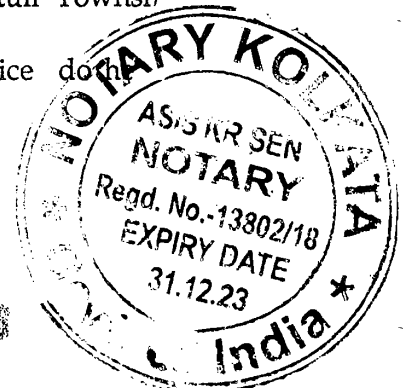
AFFIDAVIT ON BEHALF OF THE RESPONDENT NO. 3,  
THE WEST BENGAL POLLUTION CONTROL BOARD.

Most Respectfully Sweath

I, Amar Nath Goswami aged about 50 years, S/o. Shri Madan Mohar  
Goswami residing at L-111/2, G-13, Baishnabghata Patuli Townsh  
Kolkata 700 094 by religion Hindu, by occupation service doct  
solemnly declare and affirm as follows :-

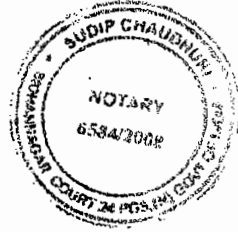


05 APR 2016

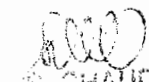


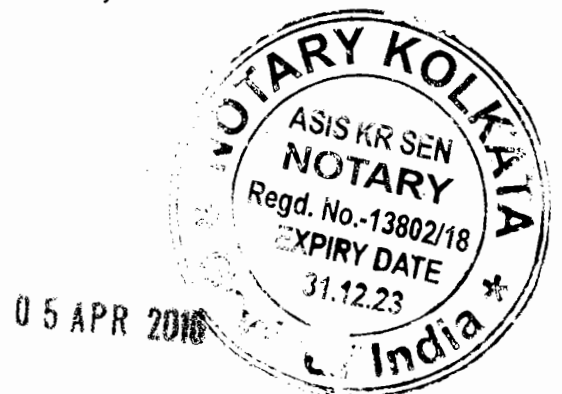
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=2=



1. That, I am the Sr. Law Officer of the West Bengal Pollution Control Board (hereinafter will be referred to as the State Board) and as such I am fully acquainted with the facts and circumstances of the case and I am competent and duly authorized by the Respondent No. 3 to file the affidavit on behalf of the Respondent No. 3.
  
2. That, this affidavit is being affirmed pursuant to the solemn order passed by the Hon'ble Tribunal dated 07-03-2016.
  
3. That, as per record of the State Board the status of Consent to Establish/ Consent to Operate of fireworks manufacturing units is annexed herewith and marked with letter R.
  
4. 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  
No. 6584/08  
West Bengal Court  
Dist. North 24 Pgs.



123

=3=

BEFORE THE NOTARY PUBLIC  
DISTRICT NORTH 24 PARGANS



**VERIFICATION**

Verified at Kolkata by the deponent above named on this the .....day of April,2016 and say that the contents of this affidavit made in paragraph nos. 1 is true to my knowledge and those made in paragraphs nos. 2 to 3 are true to my information derived from records and rest are my respectful submission before this Hon'ble Tribunal.

*S. Chaudhuri*  
S. CHAUDHURI  
\* NOTARY \*  
GOVT. OF INDIA  
Regd. No.-8584/08  
Bidhannagar Court  
Dist. North 24 Pys.

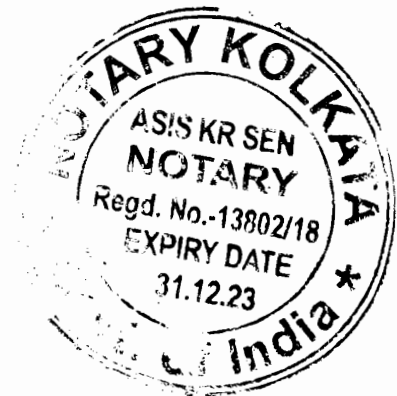
*Aman Nath Goswami*

DEPONENT

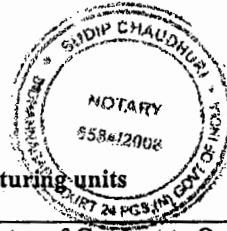
Identified By Me

*S. Dey*  
ADVOCATE

05 APR 2016



124

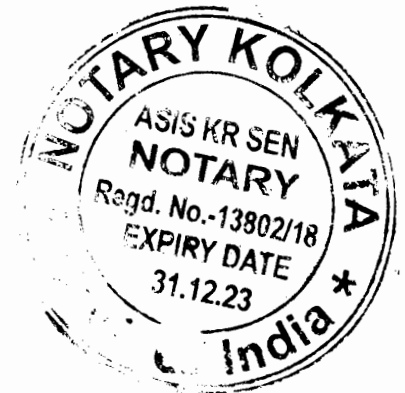


'R'

## Status of CFE /CFO of fireworks manufacturing units

Sl. No.	Name & Address of Unit	Status of Consent to Establish (Issue date)	Status of Consent to Operate
1.	Ma Tripura Industries Vill.-Anandamunitala,P.O.- Khojkhidir,P.S.-Mathurapur, 24pgs(S),Pin-743354	-----	Consent to operate is valid upto 31/07/2017
2.	The Pitambar Fire Works Factory Vill.-Khanpara,P.O.-Khari, P.S.-Raidighi,24Pgs(S), Pin-743349	-----	Consent to operate is valid upto 29/02/2016
3.	Mondal Fire Works Vill.-Khari Adakpara, P.O.-Koutala,P.S.-Raidighi,24pgs(S)	-----	Consent to operate is valid upto 30/06/2017
4.	Asha Fire Works. Vill. Nandarampur, P.O. Maheshtala, P.S. Budge Budge, Pin. 700141	26/08/2004	Unit has not yet applied for Consent to Operate
5.	Sukla Fire Works Vill. & P.O. Daulatpur, P.S. Maheshtala, Pin. 700139	--	Consent to operate is valid upto 30/10/2017
6.	B.K. Industries Vill. Nandarampur, P.O. Maheshtala, P.S. Budge Budge, Pin. 700141	--	Consent was valid from 27/01/2005 to 31/01/2007.
7.	Shiba Fire Works, Vill. Balarampur, P.O. Maheshtala, P.S. Budge Budge, Pin. 700141	--	Consent to operate is valid upto 28/02/2017
8.	Basanti Fire Works Vill.-Khari Majherpara, P.O.-Koutala,P.S.-Raidighi,24pgs(S)	18/02/2014	Unit has not yet applied for Consent to Operate
9.	Masima Fire Works, Vill. Balarampur, P.O. Maheshtala, P.S. Budge Budge, Pin. 700141	21/10/2015	Unit has not yet applied for Consent to Operate
10.	Sadhu Fire Works, Vill. Nandarampur, P.O. Maheshtala, P.S. Budge Budge, Pin. 700141	13/09/2004	Unit has not yet applied for Consent to Operate
11.	Rahul Fire Works (Prop. Ganesh Mondal), Vill. Balarampur, P.O. Maheshtala, P.S. Budge Budge, Pin 700141	21/10/2005	Unit has not yet applied for Consent to Operate

05 APR 2016

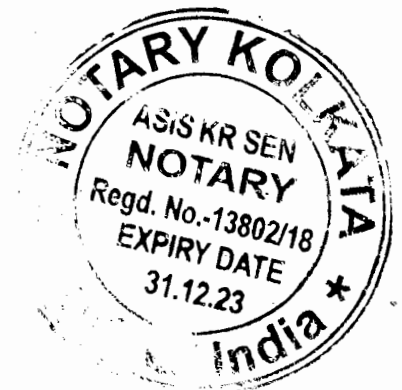


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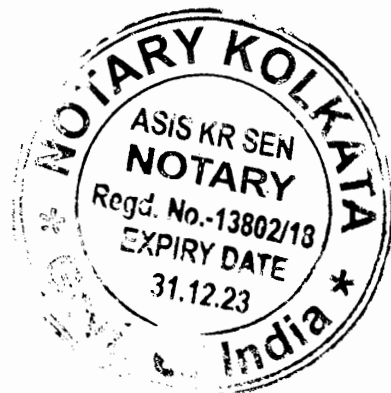
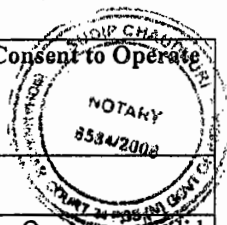
Sl. No.	Name & Address of Unit	Status of Consent to Establish (Issue date)	Status of Consent to Operate
12.	Ma Kali Fire Works Prop. Mr. Gopal Chandra Khotel, Vill. Kumirmorah, P.O. Joka, P.S. Uday Narayanpur, Dist. Howrah, Pin. 711226	--	Consent to Operate is valid up to 31/08/2018
13.	Tara Ma Fire Works Prop. Sri Bhagbot Khote, Vill. Kumirmorah, P.O. Joka, P.S. Uday Narayanpur, Dist. Howrah, Pin. 711226		Consent to Operate is valid up to 31/08/2018
14.	Atas Baji Fire Works Pro. Sri Subhas Chandra Khotel, Vill. Kumirmorah, P.O. Joka, P.S. Uday Narayanpur, Dist. Howrah, Pin. 711226		Consent to Operate is valid up to 31/03/2018
15.	Praloy Fire Works, Prop. Sri Salil Kr. Saw, Vill. Bhuarah, P.O. Agunshi, P.S. Bagnan, Dist. Howrah, Pin. 711303		Consent to Operate is valid up to 31/03/2018
16.	Satish Chandra Maity & Bros. Partner, Sri Asta Pada Maity, Vill. Bhuarah, P.O. Agunshi, P.S. Bagnan, Dist. Howrah, Pin. 711226		Consent to Operate is valid up to 31/03/2018
17.	Pratima Industries Plot No. 111 & 158, Kh. No. 07 & 187, Mouja - Haral & Solgohalia, P.O. - Champahati, P.S. Baraipur, Dist. 24 PGS (S), Pin. 743330	--	Consent to operate is valid upto to 31/03/2016
18.	Banbibi Ma Industries Vill. Haral & Solgohalia, P.O. Champahati, P.S. Baraipur, Dist. 24 PGS (S), Pin. 743330	--	Applied for CFO on 30/6/2014. Letter issued on 24/11/2014
19.	Tarama Fireworks Vill Haral, P.O. Champahit, P.S. Baraipur, J.L. No. 26, Plot No. 265, 270, 272, 276, 1566, Dist. 24 PGS (S)	---	Consent to Operate was valid upto 31/03/2012
20.	Bajrangi Fire Works Vill. Jalsukha, P.O. Nilgunje, P.S. Barasat, North 24 Pgs	--	Consent to Operate is valid upto 31/03/2018
21.	Krishna Factory Vill. Char, Kanchrapara, P.O.	---	Consent to Operate was valid upto 30/11/2013



05 APR 2016



Sl. No.	Name & Address of Unit	Status of Consent to Establish (Issue date)	Status of Consent to Operate
	Majherchar, P.S. Kalyani, Nadia		
22.	Mohan Industries Vill. Char, Kanchrapara, P.O. Majherchar, P.S. Kalyani, Nadia, 741235	---	Consent to Operate is valid upto 31/03/2018.
23.	Pawan Fire Works Industry Vill. Char, Kanchrapara, P.O. Majherchar, P.S. Kalyani, Nadia, Pin. 741235	--	Consent to Operate was valid upto 30/11/2013
24.	Jawan Fire Works Vill. Saibana, P.O. Mallikapur, North 24 Pgs	--	Consent to Operate is valid upto 31/07/2017.
25.	Indira Fire Works Vill. Bhaluka, P.O. Majhipara, P.S. Amdanga, Dist. North 24 PGS	--	Consent to Operate is valid upto 30/06/2018
26.	Paria Fire Works Prop.-Manas Paria Vill.-Arangkiyarona, P.O.- Goramohal, P.S.-Moyna, Dist.-Purba Medinipur, Pin-721642	29/10/2014	----
27.	M/S Sukumar Malakar Vill- Politapara, P.O-Somepara P.S-Rejinagar, Dist-Murshidabad Pin-742163		Consent to Operate is valid upto 31/07/2017
28.	M/S Lalu Sk Vill- Faridpur P.O-Rampara P.S-Rejinagar, Dist-Murshidabad Pin-742158		Consent to Operate is valid upto 29/02/2016
29.	M/S Tusi Fire Works Vill- Balia, P.O- Kandi Balia P.S- Kargram Dist - Murshidabad Pin-742137		Consent to Operate is valid upto 31/12/2016
30.	M/S Raj Fire Works Hatiramjote, P.O- Leusipakuri P.S-Phansidewa Dist- Darjeeling		Consent to Operate is valid upto 30/09/2016



05 APR 2016

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BEFORE THE NATIONAL GREEN TRIBUNAL

EASTERN ZONE BENCH, KOLKATA

ORIGINAL APPLICATION NO. 101/2015/EZ

BETWEEN

SHRI BISWAJIT MUKHERJEE

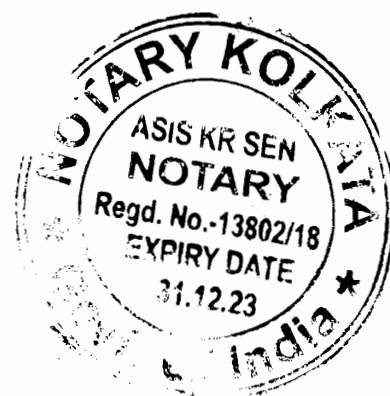
..... APPLICANT

VERSUS :

UNION OF INDIA & OTHERS

..... RESPONDENT(S)

AFFIDAVIT ON BEHALF OF THE RESPONDENT NO. 3,  
THE WEST BENGAL POLLUTION CONTROL BOARD.

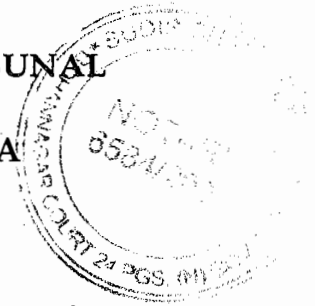


Annexure A-11

128

BEFORE THE NATIONAL GREEN TRIBUNAL

EASTERN ZONE BENCH, KOLKATA



ORIGINAL APPLICATION NO. 101/2015/EZ



BETWEEN

SHRI BISWAJIT MUKHERJEE

..... APPLICANT

VERSUS :

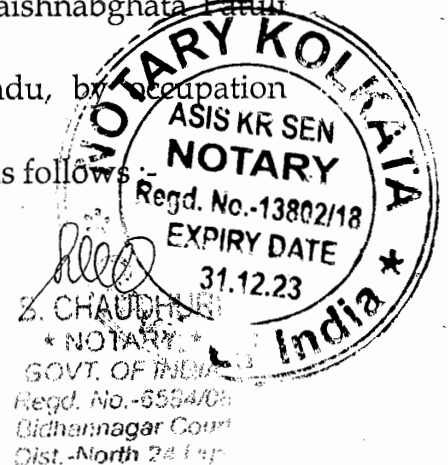
UNION OF INDIA & OTHERS

..... RESPONDENT(S)

AFFIDAVIT ON BEHALF OF THE RESPONDENT NO. 3,  
THE WEST BENGAL POLLUTION CONTROL BOARD.

Most Respectfully Sweath

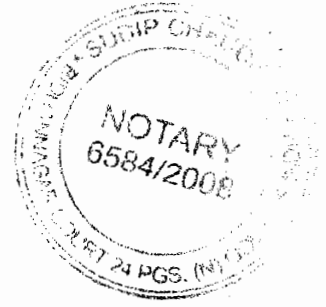
I, Amar Nath Goswami aged about 50 years, S/o. Shri Madan  
Mohan Goswami residing at L-111/2, G-13, Baishnabghata Pauli  
Township, Kolkata 700 094 by religion Hindu, by occupation  
service do hereby solemnly declare and affirm as follows -



18 JUN 2016

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129



1. That, I am the Sr. Law Officer of the West Bengal Pollution Control Board (hereinafter will be referred to as the State Board) and as such I am fully acquainted with the facts and circumstances of the case and I am competent and duly authorized by the Respondent No. 3 to file the affidavit on behalf of the Respondent No. 3.

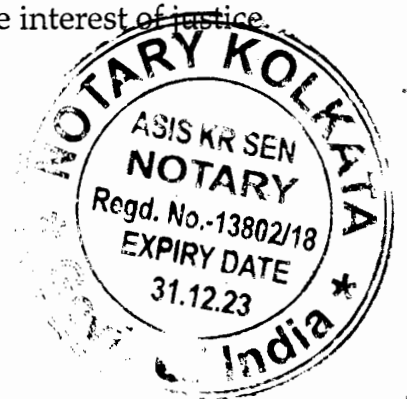
2. That, this affidavit is being affirmed pursuant to the solemn order passed by the Hon'ble Tribunal dated 2<sup>nd</sup> May, 2016.

3. That, the State Board vide its memo dated 23-06-2016 has issued an order of not to operate against 13 Nos. of firecrackers unit. Some those units do not possess 'Consent to Operate' of the State Board.

Copy of the order is hereby annexed and marked with letter R.

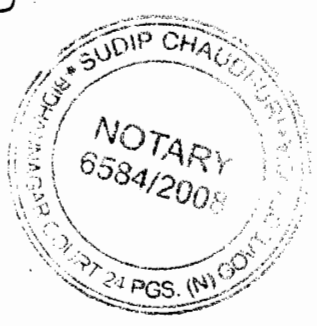
4. It is therefore respectfully prayed that Hon'ble Tribunal may pass such order/orders as it deems fit and proper in the interest of justice.

*Reeo*  
S. CHAUDHURI  
\* NOTARY \*  
GOVT. OF INDIA  
Regd. No. 6584/08  
Bishanpur Court  
Dist. -North 24 Pgs.



130

=3=  
NOTARY PUBLIC  
BIRBHANAGAR  
PARGANAS



**VERIFICATION**

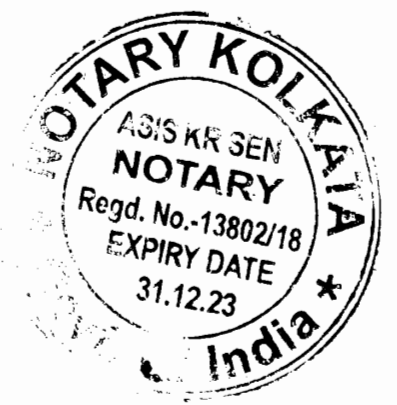
Verified at Kolkata by the deponent above named on this the .....day of June, 2016 and say that the contents of this affidavit made in paragraph nos. 1 is true to my knowledge and those made in paragraphs nos. 2 to 3 are true to my information derived from records and rest are my respectful submission before this Hon'ble Tribunal.

*Amar Nath Goswami*  
DEPONENT

Identified By Me  
*S. Dey*  
ADVOCATE

*hce*  
S. CHAUDHURY  
NOTARY  
GOVT. OF INDIA  
Regd. No. 6584/08  
Birbhanagar Court  
P. S. N. P. 21 PGS.

28 JUN 2016



131

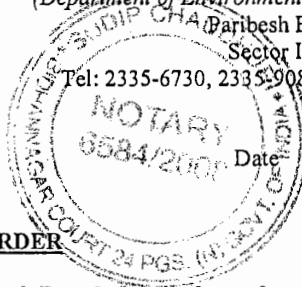
R



West Bengal Pollution Control Board  
(Department of Environment, Government of West Bengal)

Paribesh Bhawan, Bldg. 10A, Block LA  
Sector III, Salt Lake, Kolkata 700 098  
Tel: 2335-6730, 2335-9088/7428/8211/6731/0261/8861  
Fax: 2335-2813

Memo no : -294/WPB/O&E/2016



Date /06/2016

**ORDER**

WHEREAS, the West Bengal Pollution Control Board (hereinafter referred to as the Board) is responsible for executing different environmental laws for prevention and control of pollution within the territorial jurisdiction of West Bengal.

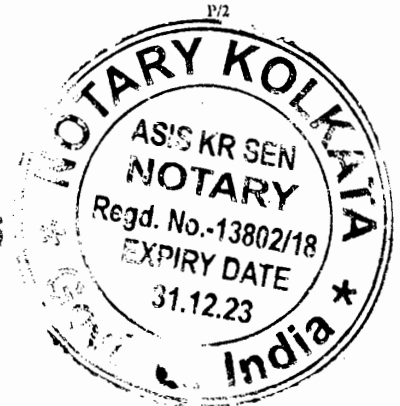
AND WHEREAS, the Hon'ble National Green Tribunal, Eastern Zone Bench, Kolkata has directed the State Board to file action taken reports on the steps taken against the illegally run fire cracker manufacturing units vide order dated 02/05/2016 in connection with O.A.no. 101/2015/EZ.

AND WHEREAS, the following thirteen(13) fire cracker manufacturing units are running without obtaining consent to operate from the Board:

1. The Pitambar Fire Works Factory, Vill.-Khanpara, P.O.-Khari, P.S.-Raidighi, 24 Pgs(S), Pin-743349.
2. Asha Fire Works, Vill. Nandarampur, P.O. Maheshtala, P.S. Budge Budge, Pin. 700141
3. B.K. Industries, Vill. Nandarampur, P.O. Maheshtala, P.S. Budge Budge, Pin. 700141
4. Basanti Fire Works, Vill.-Khari Majherpara, P.O.-Koutala, P.S.-Raidighi, 24 pgs(S)
5. Masima Fire Works, Vill. Balarampur, P.O. Maheshtala, P.S. Budge Budge, Pin. 700141
6. Sadhu Fire Works, Vill. Nandarampur, P.O. Maheshtala, P.S. Budge Budge, Pin. 700141
7. Rahul Fire Works (Prop. Ganesh Mondal), Vill. Balarampur, P.O. Maheshtala, P.S. Budge Budge, Pin 700141
8. Pratima Industries, Plot No. 111 & 158, Kh. No. 07 & 187, Mouja – Haral & Solgohalia, P.O. – Champahati, P.S. Barauipur, Dist. 24 PGS (S), Pin. 743330
9. Banbibi Ma Industries, Vill. Haral & Solgohalia, P.O. Champahati, P.S. Barauipur, Dist. 24 PGS (S), Pin. 743330
10. Tarama Fireworks, Vill Haral, P.O. Champahit, P.S. Barauipur, J.L. No. 26, Plot No. 265, 270, 272, 276, 1566, Dist. 24 PGS (S)
11. Krishna Factory, Vill. Char, Kanchrapara, P.O. Majherchar, P.S. Kalyani, Nadia
12. Pawan Fire Works Industry, Vill. Char, Kanchrapara, P.O. Majherchar, P.S. Kalyani, Nadia, Pin. 741235
13. Paria Fire Works, Prop.-Manas Paria, Vill.-Arangkiyarona, P.O.-Goramohal, P.S.-Moyna, Dist.-Purba Medinipur, Pin-721642

NOW THEREFORE, considering the violation of section 25&26 of the Water (Prevention and Control of Pollution) Act, 1974 and section 21 of the Air (Prevention and Control of Pollution) Act, 1981 and in compliance with the order of the Hon'ble National Green Tribunal, Eastern Zone Bench, Kolkata, aforementioned thirteen (13) fire cracker manufacturing units are hereby directed not to operate the plant without obtaining valid Consent to Operate from the Board.

28 JUN 2016



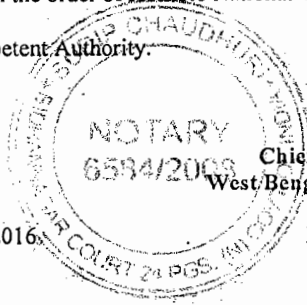
132

-2-

This direction is issued in exercise of the powers conferred under the provision of Section 33A of Water (Prevention & Control of Pollution) Act, 1974 and Section 31A of Air (Prevention & Control of Pollution) Act, 1981 and in compliance with the order of Hon'ble National Green Tribunal.

This direction has the approval of the Competent Authority.

By Order,



Sd/-

Chief Engineer, O&E Cell  
West Bengal Pollution Control Board

Memo no : 538(19)-294/WPB/O&E/2016

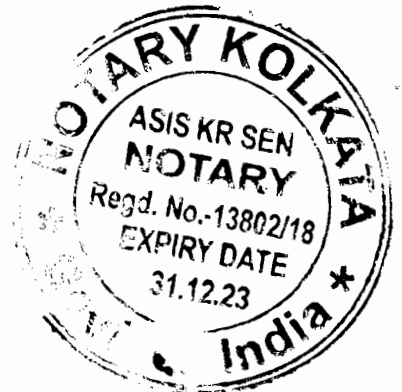
Date 23/06/2016

Copy to :

1. The Pitambar Fire Works Factory, Vill.-Khanpara, P.O.-Khari, P.S.-Raidighi, 24 Pgs(S), Pin- 743349.
2. Asha Fire Works, Vill. Nandarampur, P.O. Maheshtala, P.S. Budge Budge, Pin. 700141
3. B.K. Industries, Vill. Nandarampur, P.O. Maheshtala, P.S. Budge Budge, Pin. 700141
4. Basanti Fire Works, Vill.-Khari Majherpara, P.O.-Koutala, P.S.-Raidighi, 24 pgs(S)
5. Masima Fire Works, Vill. Balarampur, P.O. Maheshtala, P.S. Budge Budge, Pin. 700141
6. Sadhu Fire Works, Vill. Nandarampur, P.O. Maheshtala, P.S. Budge Budge, Pin. 700141
7. Rahul Fire Works (Prop. Ganesh Mondal), Vill. Balarampur, P.O. Maheshtala, P.S. Budge Budge, Pin 700141
8. Pratima Industries, Plot No. 111 & 158, Kh. No. 07 & 187, Mouja - Haral & Solgohalia, P.O. - Champahati, P.S. Baraipur, Dist. 24 PGS (S), Pin. 743330
9. Banbibi Ma Industries, Vill. Haral & Solgohalia, P.O. Champahati, P.S. Baraipur, Dist. 24 PGS (S), Pin. 743330
10. Tarama Fireworks, Vill Haral, P.O. Champahit, P.S. Baraipur, J.L. No. 26, Plot No. 265, 270, 272, 276, 1566, Dist. 24 PGS (S)
11. Krishna Factory, Vill. Char, Kanchrapara, P.O. Majherchar, P.S. Kalyani, Nadia, Pin. 741235
12. Pawan Fire Works Industry, Vill. Char, Kanchrapara, P.O. Majherchar, P.S. Kalyani, Nadia, Pin. 741235
13. Paria Fire Works, Prop.-Manas Paria, Vill.-Arangkiyarona, P.O.-Goramohal, P.S.-Moyna, Dist.- Purba Medinipur, Pin-721642
14. The D.G. & I.G. of Police, West Bengal
15. P.A. to the Chairman, WBPCB
16. P.A. to the Member Secretary, WBPCB
17. The Senior Environmental Engineer, Kankinara Circle Office, WBPCB
18. The Senior Environmental Engineer, Camac St. Circle Office, WBPCB
19. The Senior Law officer, WBPCB
20. The Environmental Engineer, Haldia/Howrah/Alipore/Barrackpore R.O.

*S. Anika*

Chief Engineer, O & E Cell  
West Bengal Pollution Control Board



28 JUN 2016

133

BEFORE THE NATIONAL GREEN TRIBUNAL  
EASTERN ZONE BENCH, KOLKATA

ORIGINAL APPLICATION NO. 101/2015/EZ

BETWEEN

SHRI BISWAJIT MUKHERJEE

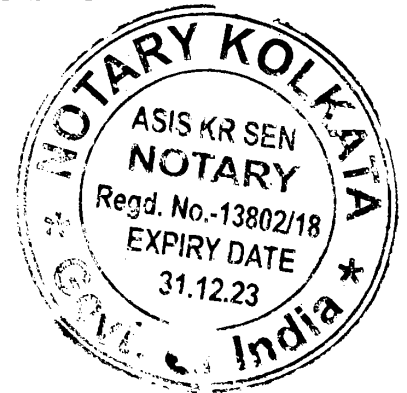
..... APPLICANT

VERSUS :

UNION OF INDIA & OTHERS

..... RESPONDENT(S)

AFFIDAVIT ON BEHALF OF THE RESPONDENT NO. 3,  
THE WEST BENGAL POLLUTION CONTROL BOARD.



Annexure 'A-12'

134

BEFORE THE NATIONAL GREEN TRIBUNAL,  
EASTERN ZONE BENCH, KOLKATA

ORIGINAL APPLICATION NO. 101 OF 2015/EZ

IN THE MATTER OF :-

Shri Biswajit Mukherjee

..... Applicant

Versus

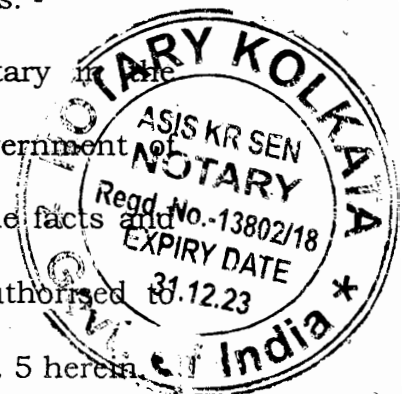
Union of India & Others

..... Respondents

Supplementary Affidavit on behalf of the Respondent No. 5

I, Sri Ashutosh Biswas, S/O Late Bhabesh Chandra Biswas, aged about 58 years, by faith - Hindu, by occupation - Service, presently working for gain as Deputy Secretary in the Department of Fire & Emergency Services, Government of West Bengal, having its office at Bikash Bhawan, South Block, Salt Lake City, Kolkata - 700091, do hereby solemnly affirm and declare as follows: -

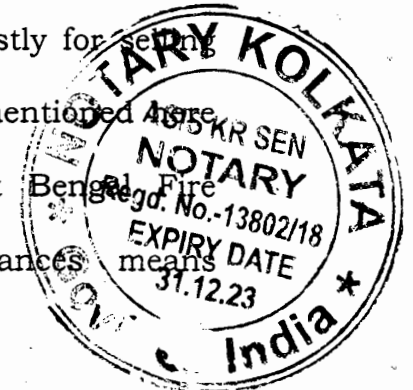
1. That I am working for gain as Deputy Secretary in the Department of Fire & Emergency Services, Government of West Bengal and as I am well acquainted with the facts and circumstances of the case, I have been duly authorised to affirm this affidavit on behalf of the Respondent No. 5 herein.



2. That I have gone through the orders dated 02/05/2016 and 28/07/2016 passed by Hon'ble National Green Tribunal, Eastern Zone Bench in the above referred matter and has understood the contents and purports thereof.

3. That it is respectfully submitted that the answering respondent No. 5 had initially filed one affidavit on 05/01/2016 wherein all the details relating to the process of issuance of license along with information relating to fire cracker units was furnished. In order to supplement the said affidavit with additional information for proper adjudication of the matter, the answering respondent is filing the present affidavit for kind consideration of this Hon'ble Tribunal.

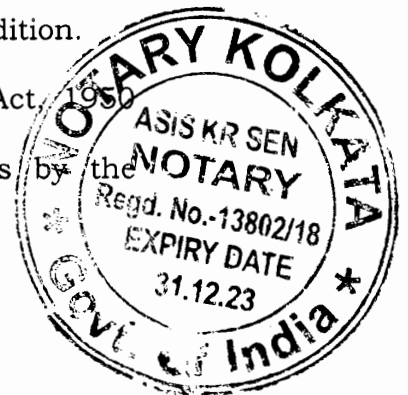
a. That fire cracker manufacturing units deals with several chemicals in order to manufacture the fireworks. As such the manufacturer in order to make the finished goods have to obtain stepwise licenses such as i) for procuring chemicals or explosives, ii) thereafter for storing, iii) thereafter for manufacturing fireworks or processing those procured or stored items and iv) lastly for <sup>selling</sup> fireworks. In this connection it may be mentioned <sup>that</sup> that according to section 2(h) of West Bengal <sup>Fire</sup> Services Act, 1950, Hazardous substances <sup>means</sup>



explosives under Indian Explosives Act, 1884, explosive substances within the meaning of Explosive Substances Act, 1908, dangerously inflammable substances under Inflammable Substances Act, 1952 and others.

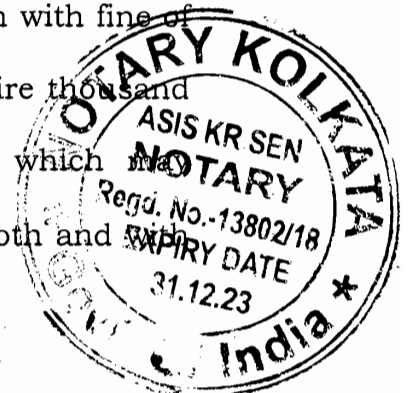
b. Section 12 of West Bengal Fire Services Act, 1950 restrains the use of the premises for storing and processing of hazardous substances in absence of any license to be issued by the collector under section 14 of the said Act. The collector issues licenses upon application, submission of annual fees, inspection and satisfactory report for storing and processing of hazardous substances as specifically enumerated in the exhaustive list of substances and processes in the Schedule - I & II of West Bengal Fire Service (Fire License) Rules, 2003. As such any premises used for fireworks manufacturing must obtain a license from collector for storing and /or manufacturing or processing those hazardous substances. Licenses are issued only after ensuring that all required fire prevention and safety measures are installed and working in good condition.

c. That section 9 of West Bengal Fire Services Act, 1950 stipulates a provision for selling of fireworks by the



collector. This is collateral with the provisions of clause 11 of section 66 of Kolkata Police Act, 1866 and/or clause (10) of section 40 of Kolkata Sub-urban Police Act, 1866 and perhaps differed on the point of jurisdiction.

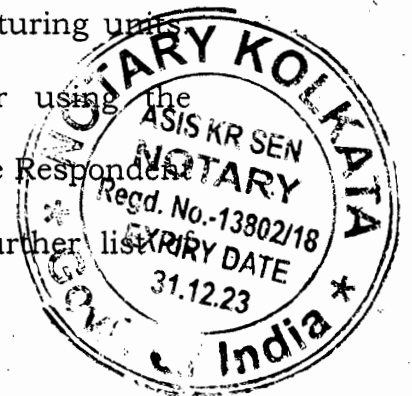
- d. The collector within the meaning of West Bengal Fire Services Act, 1950 only issues license when applied for and does not keep a vigil on those units if they have not applied for fire license. While reading these provisions of Chapter III and Chapter IV, it appears that the intention is that fire brigade shall only advice for installing specific fire prevention and safety measures for a specific activity and thereby prevents spread of fire in fire prone zones and as such it is a preventive measure of the fire brigade.
- e. Though West Bengal Fire Services Act, 1950 stipulates a penal section for using premises without proper fire license. In accordance with said penal section 26 of the said Act, it can be stated that "Any person who without a license uses any premises for the purpose referred to in section 12 shall be punishable, on conviction with fine of one thousand rupees which may extend to fire thousand rupees or with imprisonment for a term which may extend to two months or with fine or with both and



further fine not exceeding five thousand rupees for each day during which he may continue to so use such premises." As such, when it comes to the knowledge of the collector that a premises is being used for storing or processing of hazardous substances in contravention of the provisions of the said Act, 1950, they can at the most lodge an FIR with police authorities. It also needs to be stated here that according to section 33C of the said Act, 1950, all the offences under chapter V of the said Act including this section 26 are bailable and cognizable.

- f. Respondent No. 7 herein submitted an exhaustive list of units selling or storing and processing fireworks by filing a supplementary affidavit in view of the order dated 05/01/2016 passed by Hon'ble Tribunal and served the copy upon the answering respondent also. The said list has been tallied with the records of the Collector North Bengal and Collector South Bengal and it appears that most of them have only selling and / or storing license and a few of them are specifically manufacturing units.

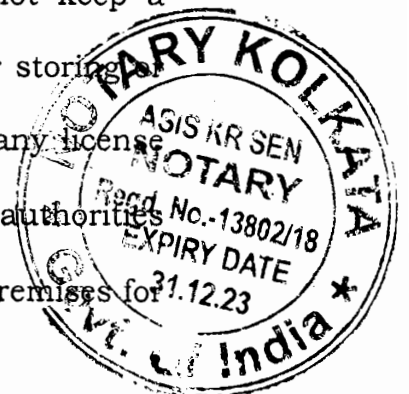
The licenses issued by the Collector for using the premises for selling fireworks was sent to the Respondent No. 7 on 15/07/2016 and thereafter a further list



licenses issued to the manufacturing units has also been sent to the Respondent No. 7 on 10/08/2016. The reason behind this action is that the collector, by any means, could not know whether any premises is being used for manufacturing purposes of fireworks or not as it is only a licensing authority and who can ascertain only those premises which applied before it for using any premises for storing or processing of hazardous substances or selling of fireworks.

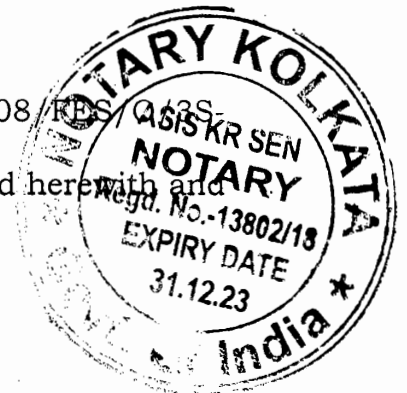
The photocopies of the letters dated 15/07/2016 & 10/08/2016 referred above are annexed hereto and marked as Annexure R1 Collectively.

- g. But it is true that there was no policy regarding endorsement of the licenses issued by the licensing authority to the police authority who in turn can file an FIR against the persons using the premises for manufacturing fireworks without any license. The collector, being the licensing authority, cannot keep a vigil on those who are using any premises for storing or processing of hazardous substances without any license as it remain unknown to him. It is the police authorities who can check whether any person, using a premises for



manufacturing fireworks, have any license for doing so or not as the offences stated in chapter V of the said Act, 1950 are cognizable and bailable. Accordingly this position has also been observed by the Hon'ble Tribunal in its order dated 28/07/2016 and previously on 02/05/2016 Hon'ble Tribunal was pleased to observe that "it is expected that the licensing authority would endorse a copy of each of such licenses granted by them to the police authorities to enable them to monitor the licenses." Feeling the necessity of having such a policy Department of Fire & Emergency Services, Government of West Bengal issued an order on 09/08/2016 directing the Collector of North Bengal and South Bengal to endorse each license issued or renewed, from time to time, to the fireworks manufacturing units within the limits of North Bengal and South Bengal, respectively, to the Superintendent of Police of respective district(S) for proper and effective monitoring of illegal fire cracker manufacturing units in the state.

The photocopy of order vide No. 1508/KBS/ASIS KR SEN 41/2015(P-I) dated 09/08/2016 is annexed herewith and marked as Annexure R2.



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The photocopy of order vide No. 1508/FES/O/3S-41/2015(P-I) dated 09/08/2016 is annexed herewith and marked as Annexure R3.

In the above premises, it is humbly prayed that this Hon'ble Tribunal may graciously be pleased to pass such order or orders as deemed fit and proper.

*Ashutosh Bhowmik*

Deponent

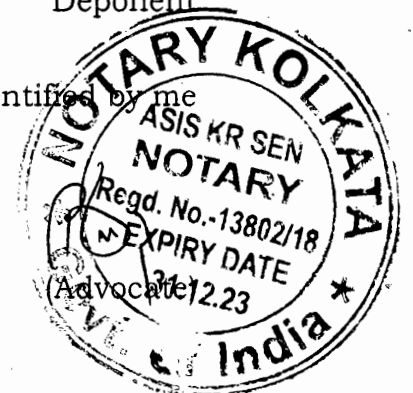
VERIFICATION

Verified at Kolkata on this the \_\_\_\_ day of August, 2016 that the contents of the affidavit stated in paragraphs 1 to 3 above are true and correct to the best of my knowledge and information derived from records maintained in the office and rest are my humble submission and prayer before Hon'ble Tribunal

*Ashutosh Bhowmik*

Deponent

Identified by me



Government of West Bengal  
Fire & Emergency Services Department  
Office of the Collector of Fire Licence  
13 D, Mirza Ghalib Street  
Kolkata -16

142

DATE: 15/07/16

MEMO NO : WBE/12/7-16

To : The Director General & Inspector General of Police, West Bengal  
West Bengal Police Directorate  
Bhabani Bhavan  
Alipore  
Kolkata-700027

Sub : Submission of Photocopies of Fire Licence for Fire Works in it.

Ref : This Memo No : 101 /Law Cell dated 24-06-2016  
Atm/C 12B-09(P1)

Reference above, enclosed please find herewith the Photocopies of 33 (thirty three) nos of Fire Licence for selling of Fire Works.

However, the list is not exhaustive, additional list would also be sent time to time as soon as the licence would be issued.

Track to 1201/201/09/1/06

সি.এম.এস. ডি.সি.সি.  
এম.এস.সি.এস.সি.সি.  
কলকাতা-৭০০০২৭  
তথ্য: ১৫/০৭/১৬  
১৫/০৭/১৬ ১৩:০০

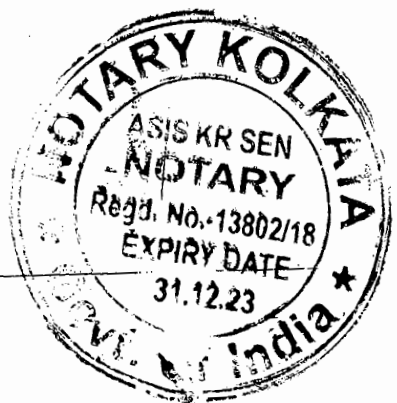
Collector  
Fire Licence

West Bengal Fire & Emergency Services  
13D, Mirza Ghalib Street  
Kolkata-700015

15/07/16

O/C

RCI /1201/201/09/1/06



143

Government of West Bengal  
Fire & Emergency Services Department  
Office of the Collector of Fire Licence  
13 D, Mirza Ghalib Street  
Kolkata -16

MEMO NO : WBFL/ 29/16

DATE : 10/08/16

To : The Director General & Inspector General of Police, West Bengal  
West Bengal Police Directorate  
Bhabani Bhavan  
Alipore  
Kolkata -700027

Sub : Submission of photocopies of Fire Licence for Fire Works unit.

Ref : (1) His Memo No :  $\frac{101}{\text{Adm/C 128-09(Pf)}}$  /Law Cell dated 24-06-2016.  
(2) Our Memo No : WBFL/27/16 dated 15-07-2016.  
(3) Order dated : 2<sup>nd</sup> May 2016 of National Green Tribunal, Eastern Zone Bench,  
Kolkata, in connection with O.A. No. 101/2015/EZ in the matter of Biswajit Mukherjee  
- VS - Union of India and this office earlier Memo No. 86/ Law Cell/ Adm/C-128/09(Pt)  
dated 09-06-2016.

In connection to office Memo No : WBFL/27/16 dated 15-07-2016, list of 04 (four) nos  
of Fire manufacturing units are hereby forwarded to his end.

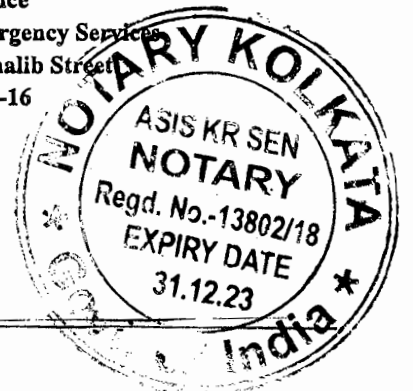
It is pertinent to say that actually photocopies of 37 (thirty seven) nos ( i.e. wrongly  
written 33 nos) of Fire Licence for selling of Fire Works were sent to his end under reference No. (2)  
above.

However , the list is not also exhaustive , additional list would also be sent time to time  
as soon as the licence would be issued.

Enclosure : As stated.



Collector  
Fire licence  
West Bengal Fire & Emergency Services  
13 D , Mirza Ghalib Street  
Kolkata -16



**FIRE WORKS (MANUFACTURING UNITS)**

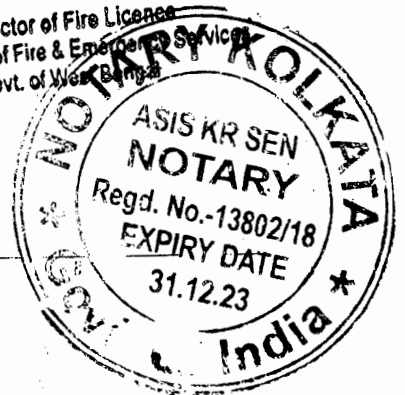
DISTRICT/ DIVISION	POLICE STATION	NAME AND ADDRESS OF FIREWORKS MANUFACTURING UNITS WITH POSTAL ADDRESS	NAME AND ADDRESS OF THE OWNERS	FIRE SERVICE LICENCE WITH VALIDITY, IF ANY	REMARKS
Nadia	Kalyani	M/S Pawan Fire Works Industry Vill- Char Kanekrapara, JL No-56, PO- Majherchar	Pawan Kumar Mulchandari	Licence No- 45240 Validity- 19/11/13- 18/11/14	
Murshidabad	Berhampore	Bikram Das Plot No- 294, JL- 17, Mouza +Vill- Budharpara, PO- Goaljan	Bikram Das	Licence No- 60460 Validity- 18/06/16- 17/06/17	
24 Parganas (S)	Kulpi	M/S Malati Fire Works Vill+ PO- Monaharpur	Chittaranjan Halder	Licence No- 14360 Validity- 20/08/15- 19/08/16	
24 Parganas (S)	Maheshtala	M/S Bijoli Stores Vill- Jaganathpur, PO- Ashuti	M/S Bijoli Stores	Licence No- 43615 Validity- 28/03/14- 27/03/15	

**N.B. -**

1. Baby Fire Works , Vill- Balarampur , PO- Maheshtala, Budge Budge ,  
24 Parganas(S).
2. M.T. Industries , Vill- Nungi Daulatpur, Putkhali , PS- Maheshtala, 24 Parganas(S).
3. Sukla Fire Works , Vill- Nungi Daulatpur, Putkhali , PS- Maheshtala, 24 Parganas(S).
4. Kalpana Fire Works, Vill- Nungi Daulatpur, Putkhali , PS- Maheshtala,  
24 Parganas(S).
5. Satyanarayan Fire Works , Vill- Haral , PO- Champahati , Baruipur , 24 Parganas(S).

They have storage & selling licence only but not manufacturing licence.

Collector of Fire Licences  
Department of Fire & Emergency Services  
Govt. of West Bengal



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W.B.F.I-14018/14 alt-12-02-14  
ORIGINAL

West Bengal Form No. 393Z (28) No. P/26/12  
Licence under the West Bengal Fire Services Act, 1950



No. 45200 of 20 13/14  
Licence is hereby granted to M/S Pawan Fire Works

under the West Bengal Fire Services Act, 1950  
to use the building or place being No. (a) 56 P.D. Manj Mandir P.S. Baghera P.O. Kadia.  
as a warehouse for storing or pressing or keeping (b)  
1) MUMMUKH Powder → 25 (Twenty five) kg  
2) Benium Nitrate → 45 (Forty five) kg  
to use the building or place being No. (a) 32/Thirtieth/14  
4) Fire-shed Cans → 15 (Fifteen) kg  
as a workshop.

subject to the conditions noted on the back and such other conditions as may be prescribed.

It is hereby acknowledged that a sum of rupees 2645/-

fee due by the said M/S Pawan Fire Works, Kadia, being the licence  
for the period from 19/11/13 to 18/11/14 in respect  
of the aforesaid licence has been received @ Rs. 2645/- per annum.

Pawan Kumar Mulchandani

Name of owner

M/S Pawan Fire Works Industry  
Name of Occupier

Collector of Fire Licenses  
Special Officer in Charge  
Local Government  
Govt. of West Bengal  
Writers Building  
Kolkata

The 9th day of January 20 14

(a) Here insert the location.  
(b) Here insert the name of the articles.



19/07/18

DUPLICATE

West Bengal Form No. 393Z (28)  
Licence under the West Bengal Fire Services Act, 1950

No. 50460 of 20 18-17

Licence is hereby granted to Bikram Das

Under the West Bengal Fire Services Act, 1950, - Sl. No. - 294.01 - 17,  
to use the building or place being No. (a) Newra + VII - 19, Udharpur Para,  
as a warehouse for storing or pressing or keeping (b) Gunpowder, D.D. -

Murshidabad.  
Fire works materials (sparklers, search  
to use the building or place being No. (a) 13, Ground Chakrati,  
Arar) - 50 (Fifty) Kg.

as a workshop,  
subject to the conditions noted on the back and such other conditions as may  
be prescribed.

It is hereby acknowledged that a sum of rupees .....  
being the licence fee due  
by the said Bikram Das for the period  
from 18-06-2018 to 18-06-2019 in respect  
of the aforesaid licence has been received @ Rs. 972/- per annum.

Name of Owner

Name of Occupier

Collector  
Fire Licence  
13D, Mirza Ghalib Street  
Kolkata-700 016

The 19 day of July 20 18

(a) Here insert the location.  
(b) Here insert the name of the articles.



14380  
1.12.15  
DUPLICATE

West Bengal Form No. 3932 (28)

Licence under the West Bengal Fire Services Act, 1950

No. 14380 of 20/15/16

Licence is hereby granted to

M/s. Malati Fire Works

under the West Bengal Fire Services Act, 1950,—

to use the building or place being No. (a) 24, H. B. Road, Malati Fire Works, ...

as a warehouse for storing or pressing or keeping (b) ...

to use the building or place being No. (a) ...

as a workshop, (b) ...

subject to the conditions noted on the back and such other conditions as may

be prescribed.

It is hereby acknowledged that a sum of rupees 1030/-

being the licence fee due

by the said M/s. Malati Fire Works

for the period

from 20.08.2015 to 19.08.2016

in respect of the aforesaid licence has been received @ Rs. 1030/- per annum.

M/s. Malati Fire Works

Name of Owner

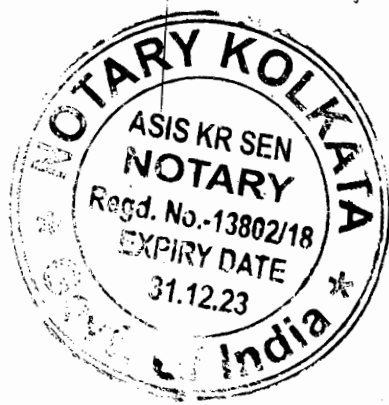
M/s. Malati Fire Works

Name of Occupier

[Signature]  
Special Officer & Dy. Secy.  
Local Govt. & Urban Development Deptt.  
Govt. of West Bengal

The 16th day of Sept 20 15

(a) Here insert the location.  
(b) Here insert the name of the articles.



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WBFC - 2315 D-245/14

ORIGINAL

West Bengal Form No. 393Z (28)

Licence under the West Bengal Fire Service Act, 1950

No. 43615 of 2014



Licence is hereby granted to

M/s Bijoli Stores

under the West Bengal Fire Services Act, 1950,—

to use the building or place being No. (a) Vill. - Jaganathpur, P.S. - Bishnupur, Dist. - Murshidabad

as a warehouse for storing or pressing or keeping (b) (1) Magnesium Sulfate (Fen) 2 kg (2) Strontium Nitrate = 10 kg (3) Lead Chloride = 15 kg (4) Barium = 10 kg (5) Potassium

to use the building or place being No. (a) Nitrate = 20 kg (2) Barium Nitrate = 20 kg (3) Aluminium Powder = 10 kg

as a workshop,

subject to the conditions noted on the back and such other conditions as may be prescribed.

It is hereby acknowledged that a sum of rupees 842/-

being the licence fee due

by the said M/s Bijoli Stores

for the period from 28-03-2014 to 27-03-2015 in respect of the aforesaid licence has been received @ Rs. 842/- per-annum.

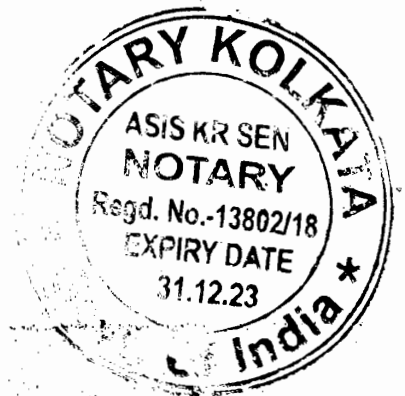
M/s Bijoli Stores  
Name of Owner

Name of Occupier

Special Officer & Dy. Secy.  
Local Govt. & Urban Development Deptt.  
Govt. of West Bengal

The 02nd day of May 2014

(a) Here insert the location.  
(b) Here insert the name of the articles.



O R D E R

WHEREAS, Government was considering the inadequacy in the process of synchronization of endorsement of license issued under section 12 of West Bengal Fire Services Act, 1950 in a premises used for storing or processing of hazardous substances specifically fire cracker manufacturing units for some time.

AND WHEREAS, Hon'ble National Green Tribunal in O.A. 101/2015/EZ on 02/05/2016 observed that "It is expected that the licensing authority would endorse a copy of each of such licenses granted by them to the police authorities to enable them to monitor the licenses."

NOW THEREFORE, henceforth the Collector of North Bengal and Collector of South Bengal is hereby directed to endorse each license issued or renewed, from time to time, to the fire cracker manufacturing units within the limits of North Bengal and South Bengal, respectively, to the Superintendent of Police of respective district(s) for proper and effective monitoring of illegal fire cracker manufacturing units in the State.

Sd/-


Principal Secretary  
Department of Fire & Emergency Services  
Government of West Bengal

No. 1508/1(9)/FES/O/3S-41/2015(P-I)

Date : 09/08/2016

Copy forwarded for information and necessary action to the :-

1. Director General, Fire & Emergency Services, 13D, Mirza Ghalib Street, Kolkata - 700016;
2. Director General & Inspector General of Police, West Bengal Police Directorate, Bhabani Bhavan, Alipore, Kolkata - 27.
3. Collector, Fire License, South Bengal, 13D, Mirza Ghalib Street, Kolkata - 700016;
4. Collector, Fire License, North Bengal;
5. District Magistrate & Collector... *All Districts.. (by FAX);*
6. Director, West Bengal Fire & Emergency Services;
7. Deputy Director, North Bengal, Fire & Emergency Service;
8. Sr. Personal Secretary, to the Principle Secretary of the Fire & Emergency Service Department;
9. Guard File.

  
Special Secretary  
Fire & Emergency Services  
Government of West Bengal



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BEFORE THE NATIONAL GREEN TRIBUNAL,  
EASTERN ZONE BENCH, KOLKATA

IN THE MATTER OF: -

O.A. 101 OF 2015/EZ

AND

In the Matter of:

Sri Biswajit Mukherjee

..... PETITIONER

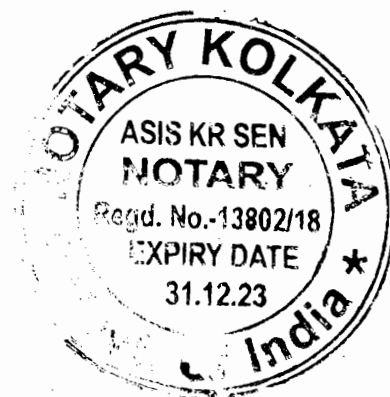
-VERSUS-

Union of India and Others.

.....RESPONDENTS

SUPPLEMENTARY AFFIDAVIT  
AFFIRMED BY THE DEPUTY  
SECRETARY, DEPARTMENT OF FIRE  
AND EMERGENCY, GOVERNMENT OF  
WEST BENGAL

BIKASH KAR GUPTA  
Advocate  
Bar Association, Room No.  
High Court at Calcutta



Annexure 'A-13' 151

BEFORE THE NATIONAL GREEN TRIBUNAL  
EASTERN ZONE BENCH, KOLKATA

ORIGINAL APPLICATION NO. 101/2015/EZ

BETWEEN

SHRI BISWAJIT MUKHERJEE

..... APPLICANT

VERSUS :

UNION OF INDIA & OTHERS

..... RESPONDENT(S)

AFFIDAVIT ON BEHALF OF THE RESPONDENT NO. 3,  
THE WEST BENGAL POLLUTION CONTROL BOARD.

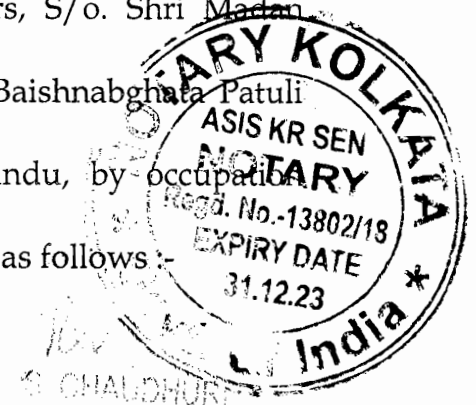
Most Respectfully Sheweth

I, Amar Nath Goswami aged about 50 years, S/o. Shri Madan

Mohan Goswami residing at L-111/2, G-13, Baishnabghata Patuli

Township, Kolkata 700 094 by religion Hindu, by occupation

service do hereby solemnly declare and affirm as follows :-



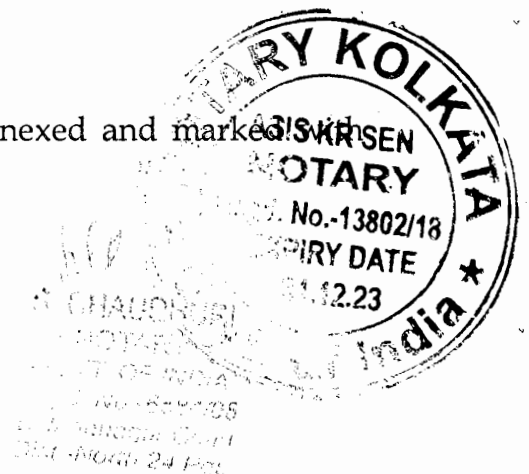
S. CHAUDHURI  
NOTARY  
UNION OF INDIA  
KOLKATA

11 AUG 2016

=2=

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1. That, I am the Sr. Law Officer of the West Bengal Pollution Control Board (hereinafter will be referred to as the State Board) and as such I am fully acquainted with the facts and circumstances of the case and I am competent and duly authorized by the Respondent No. 3 to file the affidavit on behalf of the Respondent No. 3.
2. That, this affidavit is being affirmed pursuant to the solemn order passed by the Hon'ble Tribunal dated 28<sup>th</sup> July,2016.
3. That, in pursuance to the order dated 2<sup>nd</sup> May,2016 of the Hon'ble National Green Tribunal, Eastern Zone Bench, the State Board filed an affidavit sworn on 28-06-2016, annexing copy of the order directing 13 fire cracker units not to operate their plants.
4. That, in pursuance of the order dated 28<sup>th</sup> July,2016 of the Hon'ble Tribunal, the State Board has issued a letter to the concerned police stations to enforce the abovementioned direction of the State Board and send compliance report.  
Copy of the letter of the State Board is annexed and marked with letter 'R'.



13 AUG 2016

- 5. That, the State Board is expecting to receive the reply of compliance shortly.
  
- 6. 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.

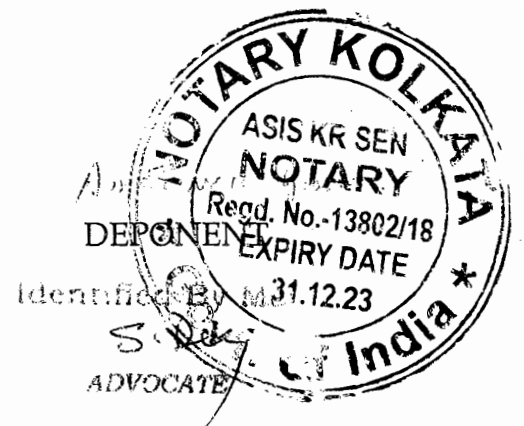


BEFORE THE NOTARY PUBLIC  
 AT BIDHANAGAR  
 DIST.-NORTH 24 PARGANAS

**VERIFICATION**

Verified at Kolkata by the deponent above named on this the .....day of August, 2016 and say that the contents of this affidavit made in paragraph nos. 1 is true to my knowledge and those made in paragraphs nos. 2 to 5 are true to my information derived from records and rest are my respectful submission before this Hon'ble Tribunal.

S. CHAUDHURI  
 DEPENDENT  
 1384/08  
 Court  
 Pgs.



19 AUG 2016



154  
West Bengal Pollution Control Board  
(Department of Environment, Government of West Bengal)  
Paribesh Bhawan, Bldg. 10A, Block LA  
Sector III, Salt Lake, Kolkata 700 098  
Tel: 2335-9088, 2335-7428/8211/6731/0261/8861  
Fax: (0091) (033) 2335-2813

Memo no. - 294/WPB/O&E/2016 Date : /08/2016

To

1. The Officer in-Charge, P.S.-Raidighi, 24pgs(S)
2. The Officer in-Charge, P.S.-Budge Budge, 24pgs(S)
3. The Officer in-Charge, P.S.-Baruipur, 24pgs(S)
4. The Officer in-Charge, P.S.-Kalyani, Nadia
5. The Officer in-Charge, P.S.-Moyna, Purba Medinipur

Subject: Compliance report on implementation of closure order issued against illegal fireworks manufacturing industry within your jurisdiction.

Ref: : Closure order issued by this office vide Memo no: 538-294/WPB/O&E/2016 dated 23/06/2016

Sir,

With reference to the above, this is to inform you that for effective enforcement of closure order issued against thirteen illegal fireworks manufacturing units by the West Bengal Pollution Control Board vide Memo no: 538-294/WPB/O&E/2016 dated 23/06/2016, Hon'ble National Green Tribunal, Eastern Zone Bench has directed the Pollution Control Board to take up the matter with concerned police stations for the purpose and the Director General of police to issue instruction in that behalf for compliance vide its order dated 28/07/2016 in connection with O.A. No. 101/2015/EZ.

In view of the above, you are requested to send the compliance report of implementation of above referred closure order issued against the illegal fire cracker manufacturing units located within your jurisdiction. Copy of the closure order of the Board is enclosed in this regard.

Yours faithfully,

Sd/-  
Chief Engineer(O&ECell)

Encl. As stated

Memo no. 598(04) - 294/WPB/O&E/2016

Date : 18 /08/2016

Copy forwarded to:

1. The D.G. & I.G. of Police, west Bengal
2. P.A. to the Chairman, WBPCB
3. P.A. to the Member Secretary, WBPCB
4. The Sr. Law Officer, WBPCB

Chief Engineer(O&ECell)



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West Bengal Pollution Control Board  
(Department of Environment, Government of West Bengal)  
Paribesh Bhawan, Bldg. 10A, Block LA  
Sector III, Salt Lake, Kolkata 700 098  
Tel: 2335-6730, 2335-9088/7428/8211/6731/0261/8861  
Fax: 2335-2813

Memo no : -294/WPB/O&E/2016

Date /06/2016

**ORDER**

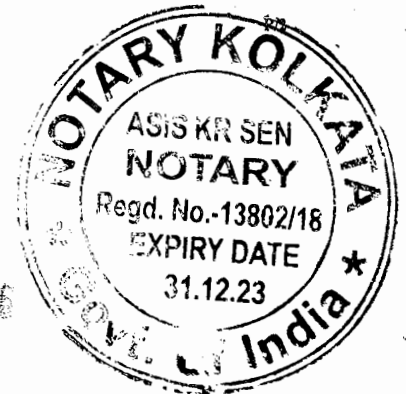
WHEREAS, the West Bengal Pollution Control Board (hereinafter referred to as the Board) is responsible for executing different environmental laws for prevention and control of pollution within the territorial jurisdiction of West Bengal.

AND WHEREAS, the Hon'ble National Green Tribunal, Eastern Zone Bench, Kolkata has directed the State Board to file action taken reports on the steps taken against the illegally run fire cracker manufacturing units vide order dated 02/05/2016 in connection with O.A.no. 101/2015/EZ.

AND WHEREAS, the following thirteen(13) fire cracker manufacturing units are running without obtaining consent to operate from the Board:

1. The Pitambar Fire Works Factory, Vill.-Khanpara, P.O.-Khari, P.S.-Raidighi, 24 Pgs(S), Pin-743349.
2. Asha Fire Works, Vill. Nandarampur, P.O. Maheshtala, P.S. Budge Budge, Pin. 700141
3. B.K. Industries, Vill. Nandarampur, P.O. Maheshtala, P.S. Budge Budge, Pin. 700141
4. Basanti Fire Works, Vill.-Khari Majherpara, P.O.-Koutala, P.S.-Raidighi, 24 pgs(S)
5. Masima Fire Works, Vill. Balarampur, P.O. Maheshtala, P.S. Budge Budge, Pin. 700141
6. Sadhu Fire Works, Vill. Nandarampur, P.O. Maheshtala, P.S. Budge Budge, Pin. 700141
7. Rahul Fire Works (Prop. Ganesh Mondal), Vill. Balarampur, P.O. Maheshtala, P.S. Budge Budge, Pin 700141
8. Pratima Industries, Plot No. 111 & 158, Kh. No. 07 & 187, Mouja - Haral & Solgohalia, P.O. - Champahati, P.S. Barauiipur, Dist. 24 PGS (S), Pin. 743330
9. Banbibi Ma Industries, Vill. Haral & Solgohalia, P.O. Champahati, P.S. Barauiipur, Dist. 24 PGS (S), Pin. 743330
10. Tarama Fireworks, Vill Haral, P.O. Champahit, P.S. Barauiipur, J.L. No. 26, Plot No. 265, 270, 272, 276, 1566, Dist. 24 PGS (S)
11. Krishna Factory, Vill. Char, Kanchrapara, P.O. Majherchar, P.S. Kalyani, Nadia
12. Pawan Fire Works Industry, Vill. Char, Kanchrapara, P.O. Majherchar, P.S. Kalyani, Nadia, Pin. 741235
13. Paria Fire Works, Prop.-Manas Paria, Vill.-Arangkiyarona, P.O.-Goramohal, P.S.-Moyna, Dist.-Purba Medinipur, Pin-721642

NOW THEREFORE, considering the violation of section 25&26 of the Water (Prevention and Control of Pollution) Act, 1974 and section 21 of the Air (Prevention and Control of Pollution) Act, 1981 and in compliance with the order of the Hon'ble National Green Tribunal, Eastern Zone Bench, Kolkata, aforementioned thirteen (13) fire cracker manufacturing units are hereby directed not to operate the plant without obtaining valid Consent to Operate from the Board.



19 AUG 2016

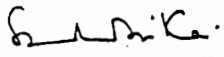
156

-2-

This direction is issued in exercise of the powers conferred under the provision of Section 33A of Water (Prevention & Control of Pollution) Act, 1974 and Section 31A of Air (Prevention & Control of Pollution) Act, 1981 and in compliance with the order of Hon'ble National Green Tribunal.

This direction has the approval of the Competent Authority.

By Order,

  
Chief Engineer, O&E Cell  
West Bengal Pollution Control Board

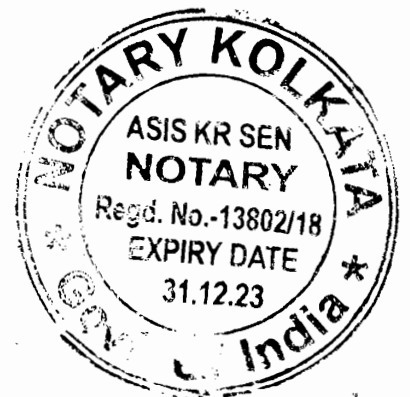
Memo no : 538(1-28)-294/WPB/O&E/2016

Date 23 /06/2016

Copy to :

1. The Pitambar Fire Works Factory, Vill.-Khanpara, P.O.-Khari, P.S.-Raidighi, 24 Pgs(S), Pin-743349.
2. Asha Fire Works, Vill. Nandarampur, P.O. Maheshtala, P.S. Budge Budge, Pin. 700141
3. B.K. Industries, Vill. Nandarampur, P.O. Maheshtala, P.S. Budge Budge, Pin. 700141
4. Basanti Fire Works, Vill.-Khari Majherpara, P.O.-Koutala, P.S.-Raidighi, 24 pgs(S)
5. Masima Fire Works, Vill. Balarampur, P.O. Maheshtala, P.S. Budge Budge, Pin. 700141
6. Sadhu Fire Works, Vill. Nandarampur, P.O. Maheshtala, P.S. Budge Budge, Pin. 700141
7. Rahul Fire Works (Prop. Ganesh Mondal), Vill. Balarampur, P.O. Maheshtala, P.S. Budge Budge, Pin 700141
8. Pratima Industries, Plot No. 111 & 158, Kh. No. 07 & 187, Mouja - Haral & Solgohalia, P.O. - Champahati, P.S. Baraipur, Dist. 24 PGS (S), Pin. 743330
9. Banbibi Ma Industries, Vill. Haral & Solgohalia, P.O. Champahati, P.S. Baraipur, Dist. 24 PGS (S), Pin. 743330
10. Tarama Fireworks, Vill Haral, P.O. Champahit, P.S. Baraipur, J.L. No. 26, Plot No. 265, 270, 272, 276, 1566, Dist. 24 PGS (S)
11. Krishna Factory, Vill. Char, Kanchrapara, P.O. Majherchar, P.S. Kalyani, Nadia, Pin. 741235
12. Pawan Fire Works Industry, Vill. Char, Kanchrapara, P.O. Majherchar, P.S. Kalyani, Nadia, Pin. 741235
13. Paria Fire Works, Prop.-Manas Paria, Vill.-Arangkiyarona, P.O.-Goramohal, P.S.-Moyna, Dist.-Purba Medinipur, Pin-721642
14. The D.G. & I.G. of Police, West Bengal
15. P.A. to the Chairman, WBPCB
16. P.A. to the Member Secretary, WBPCB
17. The Senior Environmental Engineer, Kankinara Circle Office, WBPCB
18. The Senior Environmental Engineer, Camac St. Circle Office, WBPCB
19. The Senior Law officer, WBPCB
20. The Environmental Engineer, Haldia/Howrah/Alipore/Barrackpore R.O.

  
Chief Engineer, O & E Cell  
West Bengal Pollution Control Board



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BEFORE THE NATIONAL GREEN TRIBUNAL  
EASTERN ZONE BENCH, KOLKATA

ORIGINAL APPLICATION NO. 101/2015/EZ

BETWEEN

SHRI BISWAJIT MUKHERJEE

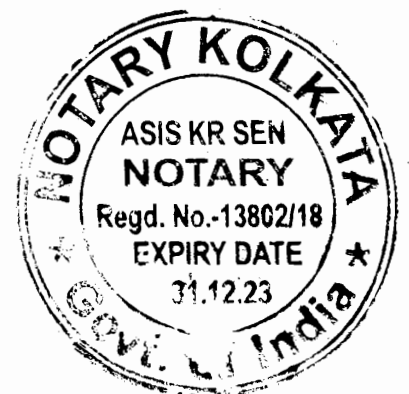
..... APPLICANT

VERSUS :

UNION OF INDIA & OTHERS

..... RESPONDENT(S)

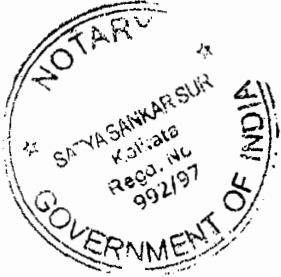
AFFIDAVIT ON BEHALF OF THE RESPONDENT NO. 3,  
THE WEST BENGAL POLLUTION CONTROL BOARD.



21 Anneure 'A-14'  
SL NO. 158

Biswajit Mukherjee  
Filed by  
(A)

BEFORE THE NATIONAL GREEN TRIBUNAL,  
(EASTERN ZONE BENCH, KOLKATA)



ORIGINAL APPLICATION NO. 101/2015/EZ

IN THE MATTER OF:

BISWAJIT MUKHERJEE. ....Applicant.

Versus

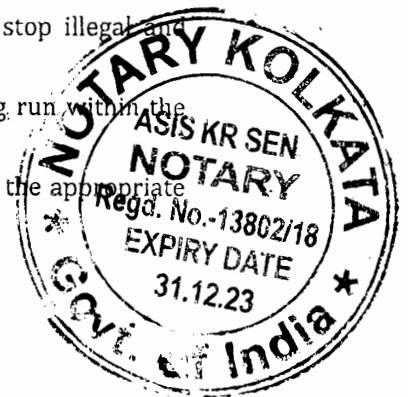
UNION OF INDIA & ORS .....Respondents.

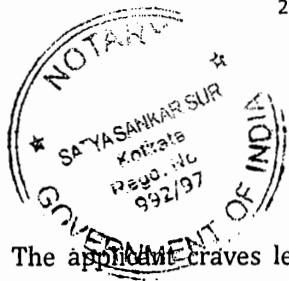
**AFFIDAVIT FILED ON BEHALF OF THE APPLICANT.**

I, Biswajit Mukherjee, son of Late Ajit Kumar Mukherjee, aged about 63 years, by occupation retired, by faith Hindu, residing at Burra Bazar, Chandannagore, District Hooghly - 712136, do hereby solemnly affirm and state as follows:

1. That I the applicant in the instant matter pending before this Hon'ble Tribunal. I am well conversant with the facts and circumstances of the instant case. I am competent to affirm this affidavit.
2. That I have filed an original application under Section 18(1) read with Section 14 of the National Green Tribunal Act, 2010, thereby praying for a direction upon the respondent authorities to forthwith take step to stop illegal and unauthorized fireworks manufacturing units which are being run within the State of West Bengal without obtaining proper licences from the appropriate

22 SEP 2016





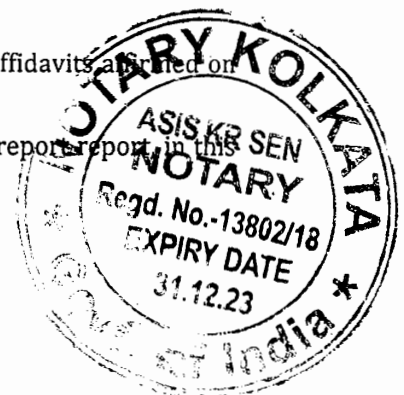
159

*As per Nit Mukherjee*  
Filed by  
*(Signature)*

authorities. The applicant craves leave to refer a copy of the said original application at the time of hearing, if necessary.

3. That by an order dated 16.10.2015 this Hon'ble Tribunal was inter alia pleased to admit the original application for hearing. The State of West Bengal represented by the Chief Secretary, State Pollution Control Board, represented by Member Secretary, the D.G. & I.G. of Police and the Commissioner of Police, Kolkata, the Principal Secretary, Department of Fire and Emergency Services and the Principal Secretary, Department of Environment, Government of West Bengal were directed to submit their respective status reports and opposition of the said original application, if any, by four weeks. The concerned respective respondents, who are legally responsible under the law to check the illegal crackers manufacturing units and to take all steps and measures to close down such illegally operating units and to file action taken report to be filed on the next date of hearing.
4. That thereafter time to time several orders were passed by this Hon'ble Tribunal and the concerned respondents have filed affidavits and/or status/action taken report in this matter. The applicant craves leave to refer the solemn orders passed by this Hon'ble Tribunal and affidavits and/or status/action taken report in this matter at the time of hearing, if necessary.

22 SEP 2016





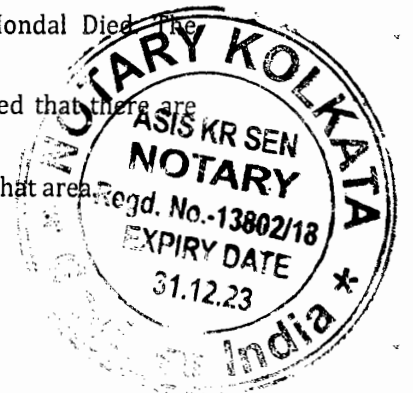
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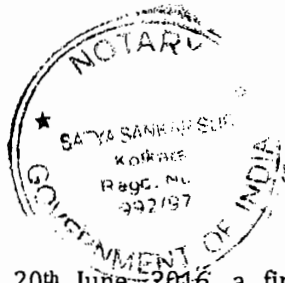
160

Filed by *Priyanka Mukherjee*  
*[Signature]*  
4/10/2016

5. That inspite of the fact that this Hon'ble Tribunal time and again directed all the competent authorities to stop the functioning of all the illegal Fire Crackers Manufacturing Units, by its solemn orders dated 16.10.2015, 30.11.2015, 05.01.2016, 03.02.2016, 07.03.2016, 02.05.2016, 04.07.2016, 28.07.2016 and lastly on 22.08.2016, but it is unfortunate that till date illegal Fire Crackers Manufacturing Units are running in this state.
6. That on 7<sup>th</sup> May, 2015, a blast took place and a huge fire broke out on an illegal Fire Crackers Manufacturing Units at Pingla, District Paschim Midnapore and twelve(12) people died. Four (4) people were injured. Unfortunately, amongst the dead and the injured, majority were minor, aged between 8 to 14, who were working in the said illegal Fire Crackers Manufacturing Unit.
7. That recently on 2<sup>nd</sup> March, 2016 due to a blast in an illegal Fire Crackers Manufacturing Units at Chindipota, Budge Budge, North 24 Parganas, two people died and two people were seriously hurt.
8. That on 19<sup>th</sup> May, 2016, a fire broke out on an illegal Fire Crackers Manufacturing Units at Raja Para, Uttar Hazipur, Diamond Harbour, Ward No.15, District South 24 Parganas and one Avinandan Mondal Died. The Deputy Chairman of Diamond Harbour Municipality admitted that there are various illegal Fire Crackers Manufacturing Units situated in that area.

22 SEP 2016



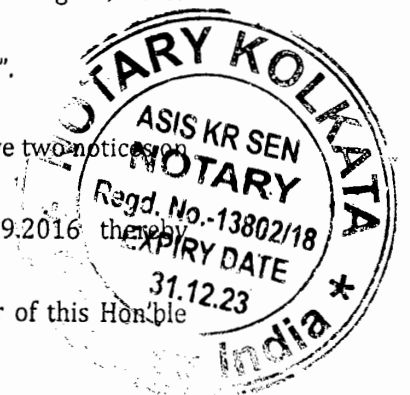


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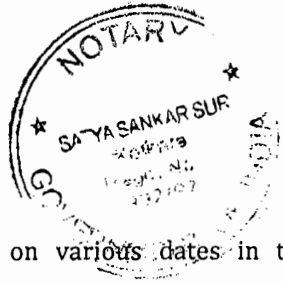
161

Bijoyjit Haldar

9. That on 20<sup>th</sup> June, 2016, a fire broke out on an illegal Fire Crackers Manufacturing Units at Debagram, Naihati, District Uttar Dinajpur and seven people were injured.
10. That on 28<sup>th</sup> August, 2016, a senior citizen of our City, namely Smt. Purnima Maitra, died of heart attack when some locals were bursting fire crackers in front of her residence at Bijoygarh, Jadavpur, Kolkata.
11. That on 8<sup>th</sup> September, 2016, a fire broke out on an illegal Fire Crackers Manufacturing Units at the residence of one Sri Gopal Das at Kamardiha Village, Within Egra Police Station, District Purba Medinipur and three people were injured, amongst whom two were minor.
12. That on 15<sup>th</sup> September, 2016, a blast took place and a huge fire broke out on an illegal Fire Crackers Manufacturing Units at Khalore, Bagnan, District Howrah and one Smt. Latika Jana died. His son was injured. Unfortunately, in the said illegal Fire Crackers Manufacturing Unit, another blast took place in the year 2015 and a person died.
13. That applicant are annexing various news paper reports in this regard, which are annexed hereto and collectively marked with the Letter "A".
14. That the above incidents have compelled the applicant to serve two notices on all the concerned respondents on 05.09.2016 and 12.09.2016 thereby requesting them to strictly comply and to execute the order of this Hon'ble



22 SEP 2016

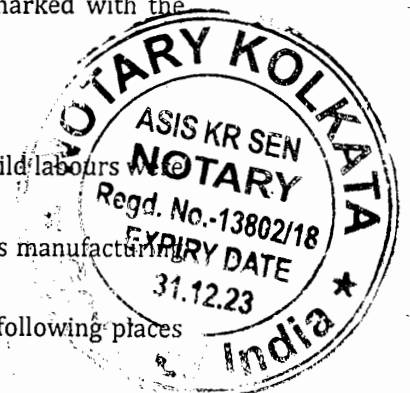


*Binoyjit Hukhroje*

Tribunal on various dates in this matter as it appears that they have completely failed to implement the orders of this Hon'ble Tribunal passed in this regard. Copies of the letters dated 05.09.2016 and 12.09.2016 are annexed hereto and collectively marked with the Letter "B".

15. The applicant further submits that violations of the order of this Hon'ble Tribunal passed time to time has been duly reported in different newspapers, such as "Ananda Bazar Patrika", "The Telegraph", "Times of India", "Hindusthan Times", "Bartaman", "Eisamoy" etc. In all such articles published in the aforesaid newspapers it has been mentioned that due to negligence on the part of the competent authorities of the Government of West Bengal the unlicensed fireworks manufacturing units are operating merely in the State without following any norms whatsoever. In the said newspaper articles it has been also mentioned that those fire crackers manufacturing units are operating in violation of all judicial orders passed from time to time by different judicial forums including the Hon'ble Supreme Court of India. Copies of newspaper articles are annexed hereto and collectively marked with the Letter "C".

16. That since 2009 to 2015 at least 41 persons including some child labours died due to the accidents occurred in the unlicensed fireworks manufacturing units as reported in the different newspaper. These are the following places



22 SEP 2016



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(163)

where such accidents were occurred in the unlicensed fireworks manufacturing units:

- (a) June, 2009 in Kalna casualties - 8;
  - (b) September, 2010 in Dhanekhali casualties - 6;
  - (c) October, 2011 in Kolaghat casualties - 3;
  - (d) September 2013 in Kalna casualties - 2;
  - (e) September 2013 in Panskura casualties - 3;
  - (f) October 2013 in Begampur casualties - 4;
  - (g) September 2014 in Moyna casualties - 3;
  - (h) May 2015 in Pingla casualties - 12;
17. That the statements made in paragraph 1 to 16 are true to my knowledge.

Biswajit Mukherjee

Deponent

Prepared in my Office  
and identified by me.

*Sumanta Prasad*

Advocate

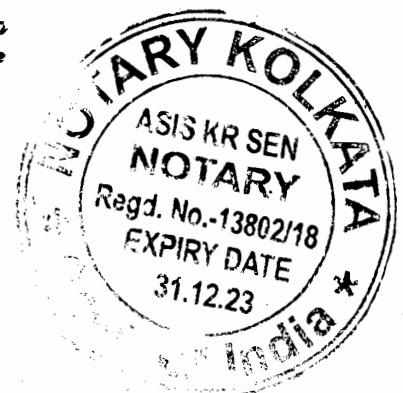
Solemnly affirmed and declared  
before me on identification of Advocate

*Sumanta Prasad*



SATYA SANKAR SUR  
NOTARY, KOLKATA  
Govt. of India, Regd. N<sup>o</sup> 992, 97  
1B/12, Purba Barisha using Estate  
Kolkata 700 167

22 SEP 2016



Annexure 'A-15'

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~~200~~

BEFORE THE NATIONAL GREEN TRIBUNAL  
EASTERN ZONE BENCH, KOLKATA.

ORIGINAL APPLICATION NO. BEFORE THE NATIONAL GREEN TRIBUNAL  
EASTERN ZONE BENCH, KOLKATA.

ORIGINAL APPLICATION NO. 101 OF 2015/EZ



IN THE MATTER OF  
SHRI BISWAJIT MUKHERJEE

.....APPLICANT

-VS-

UNION OF INDIA & OTHERS

.....RESPONDENT

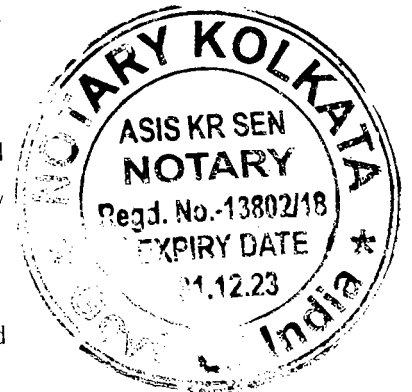
AFFIDAVIT ON BEHALF OF THE RESPONDENT NO. 7 THE DIRECTOR  
GENERAL & INSPECTOR GENERAL OF POLICE, WEST BENGAL

I. Shri Utpal Bhattacharya, son of Shri Jagneswar Bhattacharya, aged about 54 years, by faith Hindu, by occupation service, working for gain at west Bengal Police Directorate, Law Cell, Bhabani Bhawan, Alipore, Kolkata-27 do hereby solemnly affirm and say as follows :-

1. I am the Inspector of Police (Unarmed Branch), West Bengal Police, presently posted as Inspector of Police, Law Cell, West Bengal Police Directorate, and have been duly authorised by the Respondent No. 7 to affirm this affidavit on his behalf.

2. That I have made myself acquainted with the facts and circumstances of this case and extent of the solemn order dated 28.07.2016 in connection with the Original Application.

3. I submit that pursuant to the said solemn order in connection with the said matter this instant affidavit is being sworn in with regard to the action taken in compliance with the solemn order.



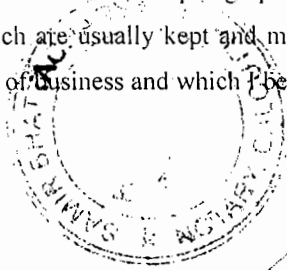
22 SEP 2016

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4. As per the said solemn order, intimation sent to all Superintendents of Police of districts and all Commissioners of Police Commissionerate under West Bengal Police to direct Officers- in - charge /Inspectors- in - charge in their respective jurisdiction to undertake verification of existing units to ascertain whether those are operating within the limit permissible under the Rules and send a comprehensive report to that effect vide this office Org. No. 108/ Law Cell// Adm/C -128 /09 dated 26.08.2016. (Copy enclosed marked as Annexure - 'A')

5. On going through the reports received from Districts and Police Commissionerates under West Bengal Police, I submit that there is no unit illegally operating/manufacturing firecrackers beyond or in excess of the limit permissible under the Rules.

The statements made in paragraph 1 to 5 are based on information derived from the records which are usually kept and maintained by the answering respondents in the ordinary course of business and which I believe to be true.



*Utpal Bhattacharya*

Deponent

(UTPAL BHATTACHARYA)

INSPECTOR OF POLICE

Inspector of Police (Law Cell)  
West Bengal Police Directorate  
Bhabani Bhaban, Alipore, Kolkata

Prepared in my office

Advocate

*Samir Bhattacharya*  
Notary, Govt. of India  
Regd. No. 940/97  
City Civil Court, Calcutta

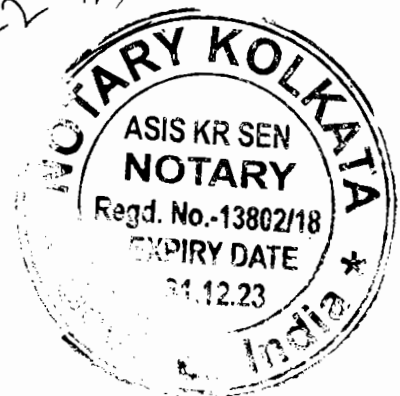
Solemnly Affirmed and  
Declared before me U/S 139  
CPC / U / S 297 (C) CRPC

Notary



22 SEP 2016

*22.9.16*



TM/E-mail

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To : 1) All SPs of districts // All CPs under West Bengal Police (.)

From : Police West Bengal (.)

Org No. 108 - Law Cell  
Adm/C - 128/09

Date: 26.08.2016 (.)

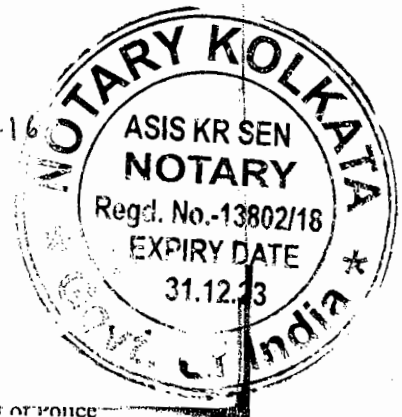
Ref.: Order dated 28.07.2016 of National Green Tribunal, Eastern Zone Bench, Kolkata, in c/w O.A. No. 101/2015/EZ in the matter of Biswajit Mukherjee-VS-Union of India & Others (.)

Hon'ble Tribunal by its order dated 28.07.2016 has been pleased to observe :- Quote (.)  
"From the affidavit filed on behalf of the Respondent No. 1, the Joint Controller of Explosive, we find that only three units using more than 15 kgs have been granted licence in the State of West Bengal. The possibility of the other units illegally manufacturing fire crackers in excess of 15 kgs can not be ruled out. This would require proper monitoring and verification by the State agencies.

As an immediate step, the Respondents No. 6 (CP, Kolkata Police Commissionerate) and 7 (DG & IGP, WB) shall direct inspection of the existing units in the State to verify as to whether they are operating within the limit permissible under the Rules..." (.) Unquote (.)

In view of the above directions, please inform O/Cs // I/Cs of PSs in your respective jurisdiction to under take verification of existing units to ascertain whether these are operating within the limits permissible under the Rules and send a comprehensive report to reach this office preferably on or before 7/9/16 repeat 7/9/16 for filing affidavit before the Ld. Tribunal on time in compliance of the order (.) Please take this as important & urgent (.) (.)

A Joint 26.8.16  
for DG & IGP, WB.



Sub-Inspector of Police

Annexure 'A-16'

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BEFORE THE NATIONAL GREEN TRIBUNAL  
EASTERN ZONE BENCH, KOLKATA

ORIGINAL APPLICATION NO. 101 OF 2015/ EZ



IN THE MATTER OF

SHRI BISWAJIT MUKHERJEE

.....APPLICANT

-VS-

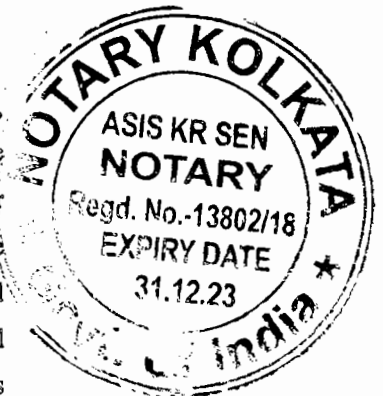
UNION OF INDIA & OTHERS

.....RESPONDENT

**AFFIDAVIT ON BEHALF OF THE RESPONDENT NO. 7 THE DIRECTOR  
GENERAL & INSPECTOR GENERAL OF POLICE, WEST BENGAL**

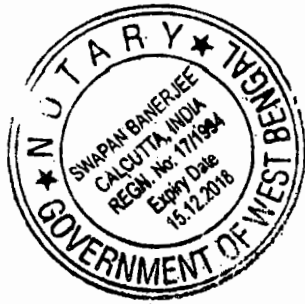
I, Shri Utpal Bhattacharya, son of Shri Jagneswar Bhattacharya, aged about 52 years, by faith -Hindu, by occupation service, working for gain at West Bengal Police Directorate, Law Cell, Bhabani Bhavan, Alipore, Kolkata-27 do hereby solemnly affirm and say as follows :-

1. I am the Inspector of Police (Unarmed Branch), West Bengal Police, presently posted as Inspector of Police, Law Cell, West Bengal Police Directorate, and have been duly authorized by the Respondent no.7 to affirm this affidavit on his behalf and I have made myself acquainted with the facts and circumstances of this case.
2. As per the solemn order of the Hon'ble National Green Tribunal, Eastern Zone, Bench, Kolkata, dated 23<sup>rd</sup> September 2016 communication made with the Superintendents of Police, Paschim Medinipore, South 24-Parganas, Uttar Dinajpur, North 24-Parganas, Purba Medinipore, Howrah (Rural) vide this office Org No. 129/Law Cell dated 25.10.2016 with a request to furnish detail incorporating case reference, injury/ damage caused, actual status of the criminal cases registered in respect of the incidents as stated by the petitioner in his affidavit dated 22.9.2016 submitted before the Hon'ble Tribunal.



04 NOV 2016

Contd.....2



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*2016*

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3. On the basis of said communication the Superintendents of Police of concerned district caused enquiry through respective Police Stations over the said incidents and sent report accordingly.

The details of cases lodged with up-to-date development are annexed herewith in separate sheet for kind perusal of the Hon'ble Tribunal.

*Utpal Bhattacharya*

Deponent

(UTPAL BHATTACHARYA)

INSPECTOR OF POLICE

Prepared in my office

Advocate

~~solemnly affirmed and declared~~  
before me on identification

*Swapan Banerjee*

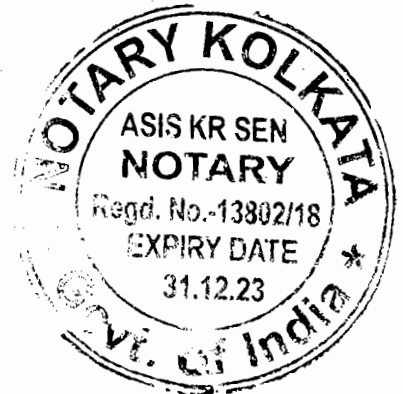
SWAPAN BANERJEE

Notary, Calcutta, India

Govt. of W.B. Regn. No : 17/1994

D-18/1, Karunamoyee Housing  
Estate, Calcutta 700 091

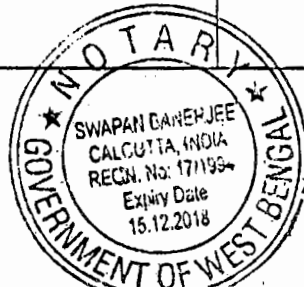
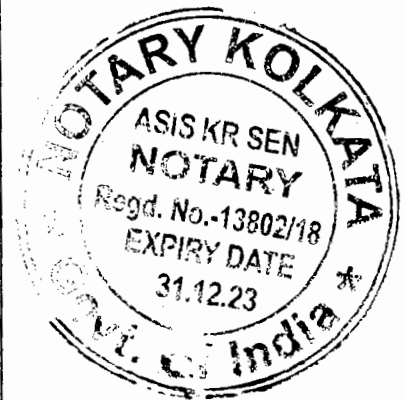
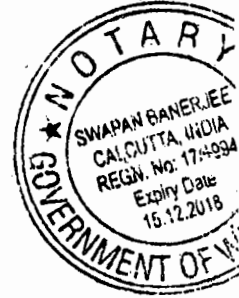
04 NOV 2016



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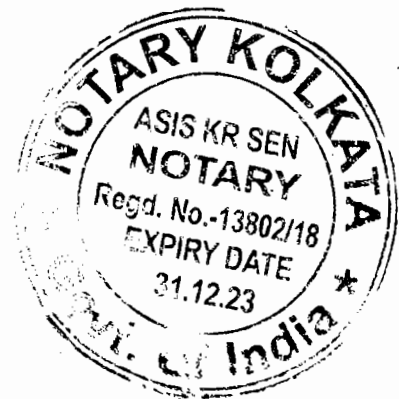
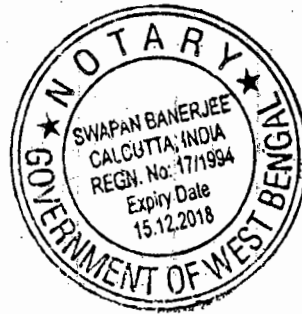
SL. No.	Date & Place of the incident as per affidavit filed by the petitioner	Case Reference	Action taken including present status of the case	Remarks
1)	7 <sup>th</sup> may 2015 at Pingla, PaschimMedinipore	Pingla P.S. Case No. 72/2015 dtd. 7.5.2015 u/s 285/286/326/304/34 IPC. 4/5 of the Explosive substance Act and 9 (b) I.D. Act	Explosion occured in house of one Ranjan Maity of Pingla of Paschim Midnapur. CID, WB took up investigation .	Charge sheet submitted in this case against Ranjan Maity and two others . Trial proceeds
2)	2 <sup>nd</sup> . March 2016 at Chindipota, Budge Budge, South 24 Pgs.	Budge Budge P.S Case No.88/16 dtd 1.3.2016 u/s 286/338/304A IPC read with 11J W.B.F.S Act	Three person including FIR named accused died in this incident while engaged in preparing fire crackers unauthorisedly in a temporary hutment in village Chindipota, Bolorampore, P.S. - Budge Budge. Forensic experts examined the place of occurrence.	Case is under investigation
3)	19th May 2016 at Rajapara, Uttar Hazipur Dimond Harbour Ward no-15, South 24 Pgs.	Dimond Harbour P.S. Case No. 287 dtd.18.5.2016 u/s 286/304 and 4/5 E.S Act.	One Bablu Mondal S/O . Sudarshan Mondal of Uttar Hazipur was making fire cracker illegally at his house for domestic use during Kali Puja when the incident took place. The son of Bablu Mondal was injured and subsequently expired. During investigation, said Bablu Mondal was arrested.	The case ended in Charge Sheet and subjudice.
4)	20th June 2016 at Debakgram Naihati, Dist- Uttar Dinajpore	No Such incident has been reported in Uttar Dinajpur Dist.on 20.6.2016. as reported by S.P Uttar Dinajpur		



2006

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5)	8 th September 2016 at Kamardiha Village, PS- Egra, Purba Midnapore.	Egra P.S Case No. 381/16 dtd. 7.9.2016 u/s 285/286 IPC & 9 (b) I.E. Act Add Section 304 IPC.	Police recorded the case suo-moto while had been at village - Kamardiha on receipt of information of fire broke out in house of one Gopal Das. It revealed that fire crackers are being manufactured in a hutment adjacent to the house of Gopal Das when fire broke out and as a result, 3 persons including Gopal Das sustained burn injuries who later on succumbed during treatment.	Case is under investigation
6)	15 th September 2016 at Khalore, Bagnan, Dist-Howrah (Rural)	Bagnan P.S Case No.319/16 dtd. 14.9.2016 u/s 326 IPC & 3/5 E.S. Act.	On 14/09/2016, explosion occurred in the house of one Dhiraj Jana of Khalore, P.S. - Bagnan, Howrah (Rural), where fire crackers and materials were stored by said Dhiraj Jana who absconded after the occurrence. His wife received severe burn injuries and later on expired during treatment. Assistance from CFSL authority has been obtained during investigation.	The unit is nonfunctional at present.



Annexure 'A-17' ~~20~~

171

BEFORE THE NATIONAL GREEN TRIBUNAL  
EASTERN ZONE BENCH, KOLKATA



ORIGINAL APPLICATION NO. 101/2015/EZ

BETWEEN

SHRI BISWAJIT MUKHERJEE

..... APPLICANT

VERSUS :

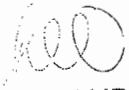
UNION OF INDIA & OTHERS

..... RESPONDENT(S)

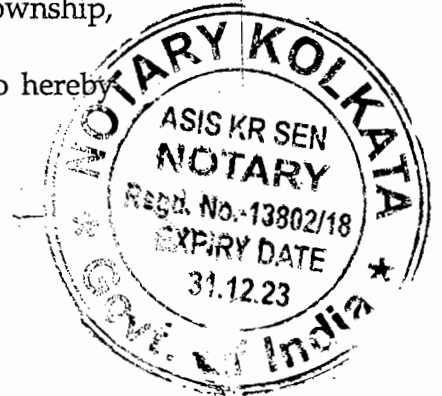
AFFIDAVIT ON BEHALF OF THE RESPONDENT NO. 3,  
THE WEST BENGAL POLLUTION CONTROL BOARD.

Most Respectfully Sheweth

I, Amar Nath Goswami aged about 50 years, S/o. Shri Madan Mohan Goswami residing at L-111/2, G-13, Baishnabghata Patuli Township, Kolkata 700 094 by religion Hindu, by occupation service do hereby solemnly declare and affirm as follows :-

  
S. CHAUDHURI  
\* NOTARY \*  
GOVT. OF INDIA  
Regn. No. -6584/08  
North 24 Parganas Court

DEC 2016



=2=

*[Handwritten signature]*



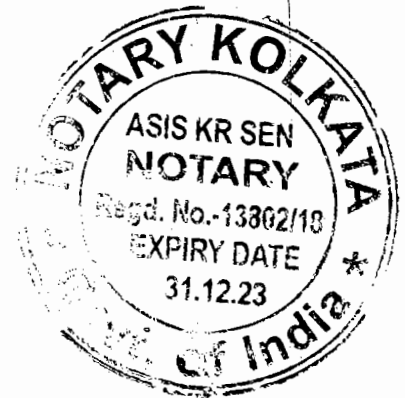
172

1. That, I am the Sr. Law Officer of the West Bengal Pollution Control Board (hereinafter will be referred to as the State Board) and as such I am fully acquainted with the facts and circumstances of the case and I am competent and duly authorized by the Respondent No. 3 to file the affidavit on behalf of the Respondent No. 3.
2. That, this supplementary affidavit is being affirmed in pursuance to the solemn order passed by the Hon'ble Tribunal dated 28<sup>th</sup> July, 2016.
3. That, in pursuance to the order dated 2<sup>nd</sup> May, 2016 of the Hon'ble National Green Tribunal, Eastern Zone Bench, the State Board is conducting inspection in respect of different fireworks units and will take action against the non-complying units.
4. That the State Board has received the compliance report of the Superintendent of Police, 24 Parganas South in reply to State Board's direction dated 27-10-2016.

Copy of the compliance report is annexed herewith and marked with letter 'R'.

*[Handwritten signature]*

S. CHAUDHURI  
\* NOTARY \*  
GOVT. OF INDIA  
Regn. No.-6584/08  
Bishanagar Court  
Dist.-North 24 Pgs



08 DEC 2016




5. That, earlier by an affidavit sworn on 28-06-2016 the State Board filed before the Hon'ble Tribunal the list of the industries who were directed by the State Board not to operate, their plants without obtaining valid 'Consent to Operate' from the Board.

Subsequently, out of the said industries the following industries approached before the State Board.

- a) M/s Pitambar Fire Works Factory, Vill. Khanpara, P.O. Khari, P.S. Raidighi, Dist. 24 Pgs(S), Pin. 743349, (S.L. No. 1) of the Board's Order dated 23-06-2016 came up for renewal of 'Consent to Operate'
- b) M/s Basanti Fire Works, Vill. Khari Majherpara, P.O. Koutala, P.S. Raidighi, Dist. 24 Pgs(S), Pin. 743349, (S.L. NO. 4) which were previously granted 'Consent to Establish' of the State Board vide order dated 18-02-2014, now applied for 'Consent to Operate' along with all annexures.

Both the applications are pending before the State Board for disposal.

6. 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  
Suburban Court  
Kolkata-24 Pgs



10 8 DEC 2016

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*20*



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**VERIFICATION**

Verified at Kolkata by the deponent above named on this the .....day of December, 2016 and say that the contents of this affidavit made in paragraph nos. 1 is true to my knowledge and those made in paragraphs nos. 2 to 5 are true to my information derived from records and rest are my respectful submission before this Hon'ble Tribunal.

*Amar Nar Goswami*

DEPONENT

Identified By Me

*S. Day*  
ADVOCATE

*S. Chaudhuri*

S. CHAUDHURI  
\* NOTARY \*  
GOVT. OF INDIA  
Regd. No.-6564/08  
Bidhanagar Court  
Dist. North 24 Pgs



08 DEC 2016

Office of the  
Superintendent of Police  
South 24- Parganas

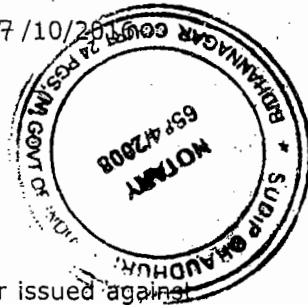
Diary No. 9418 Date 2/11/16  
Operation and Execution Cell  
West Bengal Pollution Control Board  
Kolkata-700 098

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Memo No 4465 /RO (HC)

Dated 27/10/2016

To  
The Chief Engineer (O & E Cell)  
West Bengal Pollution control board  
(Department of Environment , Government of West Bengal)  
Paribesh Bhaban , Bldg, 10A, Block LA  
Sector iii, Salt Lake, Kolkata 700098.



Sub:-Compliance report after implementation of closer order issued against illegal fireworks manufacturing industries within following Police Stations jurisdiction of South 24-Parganas District.

Ref: Memo No 4290 (3) -ADM/C//ADM/C-204/2016 dated 23.09.16 of D.G & I.G.P, West bengal  
In connection with  
Memo No 598(01)-294/WPB/O&E/2016 dated 18.08.16 of Chief Engineer (O&E Cell) West Bengal Pollution Control Board With endorsement no LE-12089/DG/2016 dated 29.08.16 of D.G & IGP, WB.

In response to the memo cited above this is to inform that to comply with the order dated 02/05/16 passed by the Hon'ble National Green Tribunal, Eastern Zone Bench, Calcutta in O/A No 101/2015 EZ, Biswasjit Mukherjee-Versus- Union of India & Ors regarding illegally run of fire crackers manufacturing units without obtaining valid consent to operate certificate from West Bengal Pollution Control Board. I have directed to enquire in to the matter and submit report.

The police station level report appears that following ten (10) fire crackers manufacturing units are situated within the jurisdiction of Baruipur, Budge Budge and Raidighi Police Station.

Baruipur Police Station:-

- 1) Protima Industries is running with consent to operate certificate valid 08/08/16 to 31/03/21.
- 2) Banabibi Ma Industries applied and deposited necessary money for obtaining consent to operate certificate on 27/06/14, but said unit did not get the consent to operate certificate. Notice was issued to proprietor Arjun Mondal for collecting certificate from the Office of W.B.P.C.B.

CE (O & E)  
02/11/16

SEE (O & E)  
CPI division  
2/11/16

not forward



08 DEC 2016

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3) Tara Ma fireworks changed its name as New Tara Ma fireworks after the death of the owner. New Tara Ma fireworks have also valid to consent to operate certificate from 08/08/16 to 30/09/21.

Budge Budge Police Station :-

- 4) Asha fireworks Factory
- 5) B.K Industries
- 6) Masima fireworks
- 7) Saduh fireworks
- 8) Rahul fireworks

are running their manufacturing units without consent to operate (N.O.C) from W.B.P.C.B. Their consent to operate from Pollution Control Board has already been exhausted. All units are cautioned through notice to collect consent to operate certificate immediately from W.B.P.C.B.

Raidighi Police Station :-

- 9) Pitambar fireworks factory
- 10) Basanti fireworks factory

are also failed to produce valid documents of West Bengal Pollution Control Board regarding operating of fireworks manufacturing units. Notice was served with adirection not ot operate their fireworks manufacturing units without obtaining valid to operate certificate from W.B.P.C.B. at present both units are not operating.

Copies of notice, consent ot operate certificate and their commitment letter are enclosed herewith for information and perusal.

*[Signature]*  
 Superintendent of Police  
 South 24-Parganas

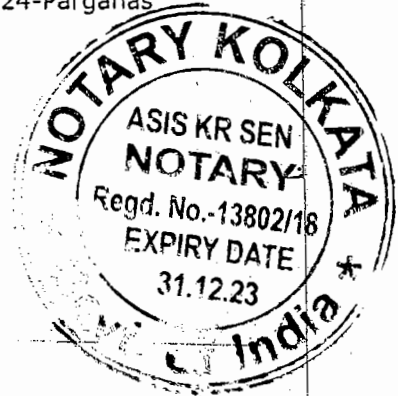
Memo No

/RO (HC)

Dated /10/2016

Copy forwarded to Director General & Inspector General of Police, West Bengal for information with reference to his good office memo no 4290(3) Adm/C//Adm/C-204/16 dated 23/09/2016.

Superintendent of Police  
South 24-Parganas



08 DEC 2016

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BEFORE THE NATIONAL GREEN TRIBUNAL  
EASTERN ZONE BENCH, KOLKATA

ORIGINAL APPLICATION NO. 101/2015/EZ

BETWEEN

SHRI BISWAJIT MUKHERJEE

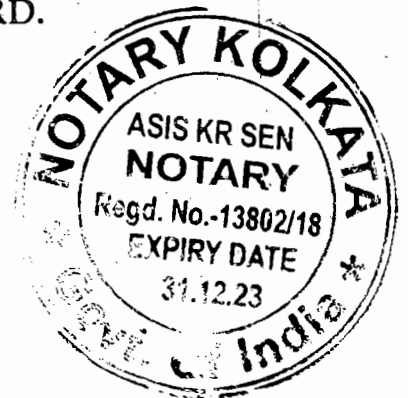
..... APPLICANT

VERSUS :

UNION OF INDIA & OTHERS

..... RESPONDENT(S)

AFFIDAVIT ON BEHALF OF THE RESPONDENT NO. 3,  
THE WEST BENGAL POLLUTION CONTROL BOARD.



Annexure 'A-18'

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BEFORE THE HON'BLE NATIONAL GREEN TRIBUNAL  
EASTERN ZONE BENCH, KOLKATA  
ORIGINAL APPLICATION NO.101 OF 2015/EZ

IN THE MATTER OF :

SHRI BIWAJIT MUKHERJEE

..... Applicant



Versus

UNION OF INDIA & OTHERS.

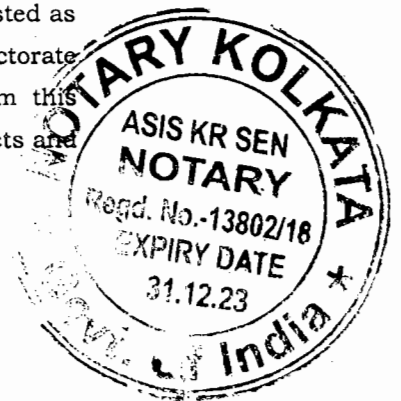
..... Respondents

AFFIDAVIT ON BEHALF OF THE RESPONDENT NO.7 THE  
DIRECTOR GENERAL & INSPECTOR GENERAL OF POLICE, WEST  
BENGAL.

I, Anujit Biswas son of L.t. K.P. Biswas , aged about 52, by faith Hindu,  
by occupation service, working for gain at West Bengal Police, Directorate, Law  
Cell, Bhabani Bhavan, Alipore, Kolkata -27, do hereby solemnly affirm and say  
as follows :-

1. I am the Deputy Superintendent of Police, West Bengal, presently posted as  
Deputy Superintendent of Police, Law Cell, West Bengal Police Directorate  
and have been duly authorized by the Respondent No. 7 to affirm this  
affidavit on his behalf and I have made myself acquainted with the facts and  
circumstances of this case.

18 7 JAN 2017



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:2:

2. As the solemn order of the Hon'ble National Green Tribunal, Eastern Bench, Kolkata dated 7<sup>th</sup> November 2016 meeting regarding framing of detailed Policy Guidelines as the grant of licence firecrackers establishment of Fire Cracker manufacturing units in the state was held on 5<sup>th</sup> December, 2016 at the Chamber of Additional Chief Secretary, Home Department, Government of West Bengal.

The minutes of the said meeting is annexed herewith for kind perusal of the Honble Tribunal.



Anujit Biswas  
Respondent

( ANUJIT BISWAS )

Prepared in my office

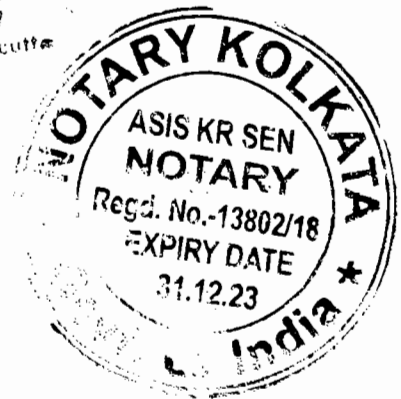
Advocate

Solemnly Affirmed and  
Declared before me this 17<sup>th</sup>  
Dec 2017 (C) CRPC

Notary

17-1-17

Samir Ghoshal  
Notary, Govt. of India  
Regd. No. 13802/18  
City Civil Court, Calcutta



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PROCEEDINGS OF THE MEETING REGARDING FRAMING OF DETAILED POLICY GUIDELINES ON THE GRANT OF LICENCE FOR ESTABLISHMENT OF FIRE CRACKER MANUFACTURING UNITS IN THE STATE IN VIEW OF THE ORDER DATED 07/11/2016 PASSED IN O.A. NO. 101/2015/EZ BY THE HON'BLE NATIONAL GREEN TRIBUNAL.

Date of Meeting : 5<sup>th</sup> December, 2016

Venue : Chamber of Additional Chief Secretary, Home Department, GoWB

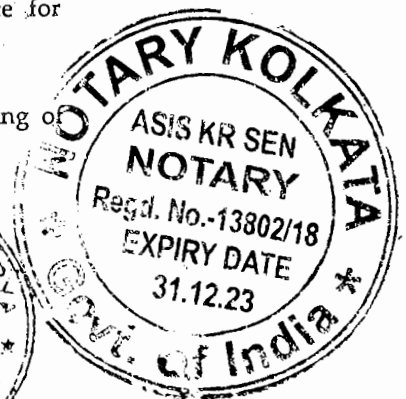
Members present

- 1) Shri Malay Kumar De, IAS, Additional Chief Secretary, Home Department
- 2) Shri Arnab Roy, IAS, Principal Secretary, Department of Fire & Emergency Services
- 3) Dr. Kalyan Rudra, Chairman, Pollution Control Board
- 4) Shri Anuj Sharma, IPS, ADG (Law & Order), West Bengal
- 5) Shri H. K. Kushmakar, IPS, Additional Commissioner of Police, Kolkata Police
- 6) Shri Bholanath Das, IAS, Commissioner, Department of Fire & Emergency Services
- 7) Shri A.K. Meena, Controller of Explosive, Government of India
- 8) Shri Nitin Shivaji Shete, Deputy Controller of Explosive, Government of India
- 9) Shri Ashesh Biswas, DCP, Reserve Force, Kolkata Police
- 10) Shri Tarun Sinha, Acting Director (Operation), WBF&ES
- 11) Shri Shyamal Adhikari, Chief Engineer, West Bengal Pollution Control Board

Additional Chief Secretary, Home Department chaired the meeting and welcomed the participants.

Representatives of each of the various departments/offices present explained their role during granting of licences or clearances for establishment of fire cracker manufacturing units. After discussion, it was found that the existing procedure followed by various offices is as per the extant Act and Rules. However there is requirement for exchange of information and better co-ordination among the offices. After deliberation the following were decided:

1. District Magistrates are granting licences for storage and dealing with explosives up to 15 Kgs. It was decided that wherever District Magistrate issues any such license they will mark a copy to the following:
  - i) Superintendent of Police of the respective District
  - ii) Divisional Fire Officer
  - iii) Collector, Fire Licence
  - iv) Member-Secretary, Pollution Control Board
  - v) Chief Controller of Explosive, Eastern Region, Kolkata
2. District Magistrates will also display the information of grant of Licence for establishment of fire cracker manufacturing units in their website.
3. Whenever Collector of Fire Licence issues licence for storage and processing of hazardous substance he will similarly mark copies to:



2/7

- i) Director General of Police
- ii) Respective Commissioner of Police/Superintendent of Police
- iii) Respective District Magistrate
- iv) Member-Secretary, Pollution Control Board
- v) Chief Controller of Explosive, Eastern Region, Kolkata

4. Collector, Fire Licence will also arrange for display of the information of grant of Licence for establishment of fire cracker manufacturing units in their website.

5. Whenever Pollution Control Board issues 'Consent to Establish' and 'Consent to Operate' to any fire cracker manufacturing units in the State they will mark copies to:

- i) Director General of Police
- ii) Director General, West Bengal Fire & Emergency Services
- iii) Respective District Magistrate
- iv) Respective Commissioner of Police/Superintendent of Police
- v) Chief Controller of Explosive, Eastern Region, Kolkata

The information will also be displayed on their website.

6. The responsibility for maintaining vigilance and taking steps against illegal fire manufacturing units lie with the police authorities. Police authorities will verify that the requisite licences have been granted from information given to them as well as from the websites of the relevant departments and they will take action against units operating without licences. If required, the Police authorities will seek the assistance of relevant experts.

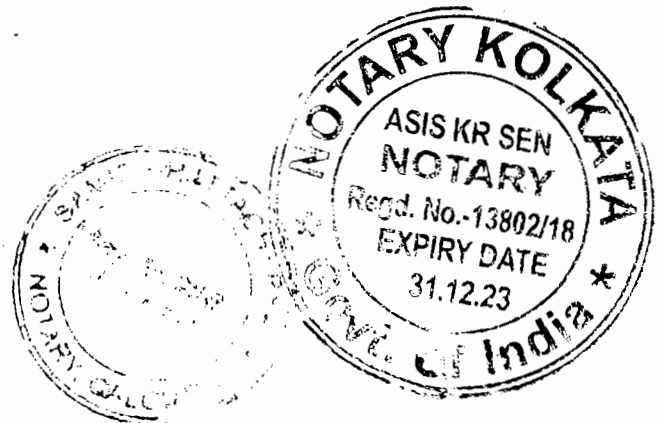
Additional Chief Secretary, Home Department asked all concerned to remain vigilant in the matter so that illegal units do not operate in the State.

The meeting ended with thanks to and from the Chair.

Sd/-

Malay Kumar De

Additional Chief Secretary, Home Department



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No. 2286/FES/O/3S-41/2015 (Pt.-II)

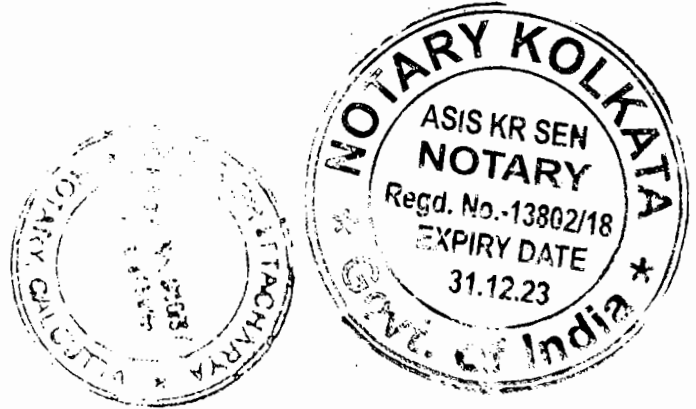
Dated December 8, 2016

Copy forwarded for information and necessary action to:-

- 1) Sr. P.S. to Additional Chief Secretary, Home Department, Nabanna, Howrah-711102
- 2) Sr. P.A. to Principal Secretary, Department of Fire & Emergency Services
- 3) Chairman, West Bengal Pollution Control Board, Paribesh Bhavan, 10-A, Block-LA, Sector-III, Bidhannagar, Kolkata - 700 106.
- 4) ADG (Law & Order), West Bengal, Nabanna, Howrah - 711 102
- 5) Addl. Commissioner of Police, Kolkata Police, 18, Lalbazar Street, Kolkata - 700 001
- 6) Commissioner, Department of Fire & Emergency Services
- 7) Controller of Explosive, Govt. of India, 8, Esplanade East, Kolkata - 700 069
- 8) Dy. Controller of Explosive, Govt. of India, 8, Esplanade East, Kolkata - 700 069
- 9) DCP, Reserve Force, Kolkata Police, 18, Lalbazar Street, Kolkata - 700 001
- 10) Acting Director (Operation), WBF&ES, 13-D, Mirza Ghalib Street, Kolkata - 700 016
- 11) Chief Engineer, West Bengal Pollution Control Board, Paribesh Bhavan, 10-A, Block-LA, Sector-III, Bidhannagar, Kolkata - 700 106.

Deputy Secretary to the Govt. of West Bengal,  
Department of Fire & Emergency Services

c/c.



Annexure 'A-19'

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BEFORE THE NATIONAL GREEN TRIBUNAL,  
EASTERN ZONE BENCH, KOLKATA



ORIGINAL APPLICATION NO. 101 OF 2015/EZ

IN THE MATTER OF :-

Shri Biswajit Mukherjee

..... Applicant

Versus

Union of India & Others

..... Respondents

BEFORE THE NOTARY PUBLIC

S.L.NO. 91 of 2017

Supplementary Affidavit on behalf of the Respondent No. 5

I, Sri Ashutosh Biswas, S/O Late Bhabesh Chandra Biswas, aged about 58 years, by faith - Hindu, by occupation - Service, presently working for gain as Deputy Secretary in the Department of Fire & Emergency Services, Government of West Bengal, having its office at Bikash Bhawan, South Block, Salt Lake City, Kolkata - 700091, do hereby solemnly affirm and declare as follows: -

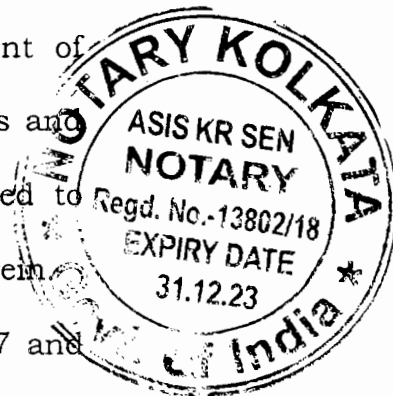
1. That I am working for gain as Deputy Secretary in the Department of Fire & Emergency Services, Government of West Bengal and as I am well acquainted with the facts and circumstances of the case, I have been duly authorised to affirm this affidavit on behalf of the Respondent No. 5 herein

2. That I have gone through the orders dated 18/01/2017 and 21/02/2017 passed by Hon'ble National Green Tribunal,

28 MAR 2017



B. N. SAHA  
NOTARY  
Bikash Bhawan  
North Block, Cr. Floor  
Salt Lake City, Kolkata  
West Bengal



B. N. SAHA  
NOTARY  
Bikash Bhawan  
North Block, Cr. Floor  
Salt Lake City, Kolkata  
West Bengal

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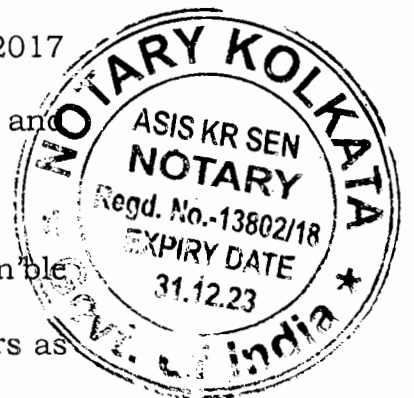
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Eastern Zone Bench in the above referred matter and has understood the contents and purports thereof.

3. That a meeting was held on 05/12/2016 amongst 11 authorities headed by the Additional Chief Secretary, Home & Hill Affairs Department, Govt. of West Bengal in pursuance to the direction of Hon'ble Tribunal on 07/11/2016 and all the concerns raised by Hon'ble Tribunal was considered and discussed. Therefore, it was felt expedient to frame a policy guidelines to grant the licenses for setting up fire cracker manufacturing units so that the illegal fire cracker manufacturing units can be dispelled and as such a Notification, vide No. 317-I.S.S. dated 03/03/2017, framing above stated policy guidelines, was issued by the Additional Chief Secretary to the Govt. of West Bengal and circulated to all concerned. The said notification was also published in The Kolkata Gazette on 03/03/2017.

The photocopy of the Notification vide No. 317-I.S.S. dated 03/03/2017 issued by Home & Hill Affairs Department and original copy of the Kolkata Gazette dated 03/03/2017 containing the said notification are annexed hereto and marked as Annexure R1 Collectively.



In the above premises, it is humbly prayed that this Hon'ble Tribunal may graciously be pleased to pass such order or orders as deemed fit and proper.

*Ashutosh Biswas*

Deponent  
ASHUTOSH BISWAS, WBSS  
Deputy Secretary  
Fire & Emergency Services  
Govt. of West Bengal

B. N. SARKAR  
JUDGE  
WEST BENGAL  
HIGH COURT

28 MAR 2017



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GOVERNMENT OF WEST BENGAL  
HOME & HILL AFFAIRS DEPARTMENT  
INTERNAL SECURITY BRANCH  
SECRET SECTION  
NABANNA, SHIBPUR, HOWRAH-711 102.



**NOTIFICATION**

No.317-I.S.S.

Dated, Howrah, the 03<sup>rd</sup> March, 2017.

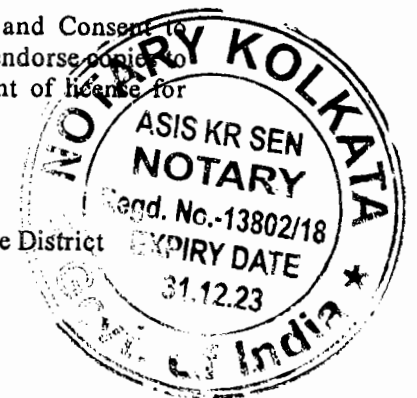
**WHEREAS** in O.A.101/2015/EZ Hon'ble National Green Tribunal directed the State to frame policy guidelines pertaining to grant of licenses for setting up fire cracker units so that the illegal fire cracker manufacturing units can be dispelled.

**WHEREAS** in the threadbare discussion held on 05.02.2017, it is found that the fire cracker manufacturing units are required to take different licenses from different authorities and these licensing authorities issue licenses according to extant rule and Act.

**WHEREAS** it is found expedient to frame policy guidelines for exchange of information and better co-ordination among the licensing authorities.

**THEREFORE**, the Governor is hereby pleased to lay the following guidelines:-

1. District Magistrates, while issuing licenses for storage and dealing with explosives up to 15 Kgs shall endorse copies to the under-mentioned and shall also display information of grant of license for establishment of fire cracker manufacturing units in their website.
  - a. Superintendent of Police of the respective District,
  - b. Divisional Fire Officer
  - c. Collector, Fire License
  - d. Member-Secretary, Pollution Control Board
  - e. Chief Controller of Explosives, Eastern Region, Kolkata.
2. The Collector, Fire License, while issuing licenses for storing and processing of hazardous substances relating to fire cracker manufacturing shall endorse copies to the under mentioned and shall also display information of grant of license for establishment of fire cracker manufacturing units in their website.
  - a. The Director General & Inspector General of Police, West Bengal
  - b. Commissioner of Police/Superintendent of Police of the respective District
  - c. Respective District Magistrate
  - d. Member-Secretary, Pollution-Control Board
  - e. Chief Controller of Explosives, Eastern Region, Kolkata
3. The Pollution Control Board, while issuing Consent to Establish and Consent to Operate to any fire cracker manufacturing units in the state, shall endorse copies to the under mentioned and shall also display information of grant of license for establishment of fire cracker manufacturing units in their website.
  - a. Director General & Inspector General of Police, West Bengal
  - b. Director General, West Bengal Fire & Emergency Services
  - c. Commissioner of Police/Superintendent of Police of the respective District
  - d. Respective District Magistrate
  - e. Chief Controller of Explosives, Eastern Region, Kolkata



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4. The responsibility for maintaining vigilance and taking steps against illegal fire cracker manufacturing units lie with the police authorities. Police authorities will verify that the requisite licenses have been granted from information given to them as well as from the websites of the relevant departments and they will take action against units operating without licenses. If required, the Police authorities will seek assistance of relevant experts.

Further this policy shall be implemented by the concerned licensing authorities and police authorities immediately and shall be published widely.

By order of the Governor,

Sd/=

Addl. Chief Secy. to the Govt. of West Bengal

No. 317/1(12)-I.S.S.

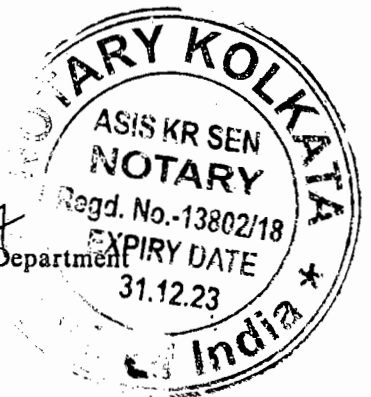
Dated, Howrah, the, 03<sup>rd</sup> March, 2017.

Copy forwarded for information and necessary action to the:

1. Sr. P.S. to Additional Chief Secy. Home & Hill Affairs Department, Nabanna, Howrah- 711102;
2. Pr. Secy. Department of Fire & Emergency Services, West Bengal, Bikash Bhawan, Salt Lake, Kolkata-700 091.
3. The Chairman, Pollution Control Board, Paribesh Bhawan, 10A, Block-LA, Sector-III, Bidhannagar, Kolkata- 700 106;
4. The DG & I G P, W.B., Nabanna, Shibpur, Howrah-711102;
5. The Commissioner of Police, Kolkata , 18-Lalbazar Street, Kol-700 001;
6. The Collector, Fire License, 13D- Mirza Ghalib Street, Kolkata-700 016;
7. The Chief Controller of Explosives, Govt. of India, A-Block, 5<sup>th</sup> Floor, C.G.O Complex, Seminary Hills, Nagpur (Maharashtra )- 440006
8. The Joint Chief Controller of Explosives, Kolkata, 8, Esplanade East, 1<sup>st</sup> Floor, Kolkata 700069.
9. The D.G., W.B. Fire & Emergency Services, 13D- Mirza Ghalib St., Kol-16;
10. The Chief Engineer, W.B. Pollution Control Board, Paribesh Bhawan, 10A, Block- LA, Sector-III, Bidhannagar, Kolkata- 700 106.
11. All DMs
12. All SPs

Commissioner in the Home & Hill Affairs Department  
Govt. of West Bengal

*[Handwritten Signature]*



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Registered No. WB/SC-247

Annexure - R/I

No. WB(Part-I)/2017/SAR-99

Kolkata



Extraordinary  
Published by Authority

PHALGUNA 12]

FRIDAY, MARCH 3, 2017

[SAKA 1938

PART I—Orders and Notifications by the Governor of West Bengal, the High Court, Government Treasury, etc.

**GOVERNMENT OF WEST BENGAL  
HOME & HILL AFFAIRS DEPARTMENT  
INTERNAL SECURITY BRANCH  
SECRET SECTION  
NABANNA, SHIBPUR, HOWRAH-711 102**

**NOTIFICATION**

No. 317-I.S.S.

Dated, Howrah, the 03rd March, 2017.

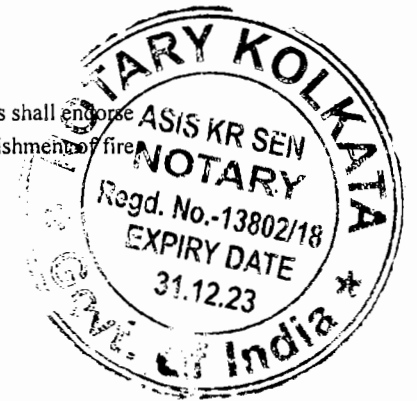
**WHEREAS** in O.A. 101/2015/EZ Hon'ble National Green Tribunal directed the State to frame policy guidelines pertaining to grant of licenses for setting up fire cracker units so that the illegal fire cracker manufacturing units can be dispelled.

**WHEREAS** in the threadbare discussion held on 05.02.2017, it is found that the fire cracker manufacturing units are required to take different licenses from different authorities and these licensing authorities issue licenses according to extant rule and Act.

**WHEREAS** it is found expedient to frame policy guidelines for exchange of information and better co-ordination among the licensing authorities.

**THEREFORE**, the Governor is hereby pleased to lay the following guidelines:—

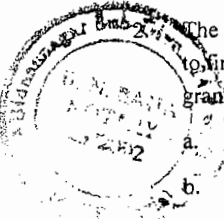
1. District Magistrates, while issuing licenses for storage and dealing with explosives up to 15 Kgs shall endorse copies to the under-mentioned and shall also display information of grant of license for establishment of fire cracker manufacturing units in their website.
  - a. Superintendent of Police of the respective District,
  - b. Divisional Fire Officer
  - c. Collector, Fire License
  - d. Member-Secretary, Pollution Control Board
  - e. Chief Controller of Explosives, Eastern Region, Kolkata.



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~~224A~~

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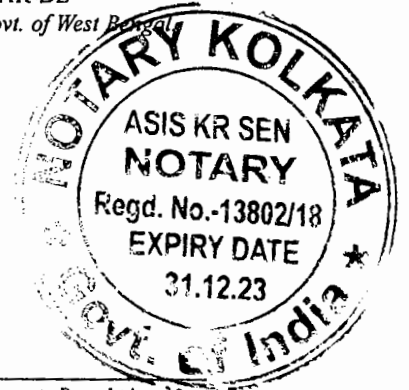


- The Collector, Fire License, while issuing licenses for storing and processing of hazardous substances relating to fire cracker manufacturing shall endorse copies to the under mentioned and shall also display information of grant of license for establishment of fire cracker manufacturing units in their website.
- a. The Director General & Inspector General of Police, West Bengal
  - b. Commissioner of Police/Superintendent of Police of the respective District
  - c. Respective District Magistrate
  - d. Member-Secretary, Pollution-Control Board
  - e. Chief Controller of Explosives, Eastern Region, Kolkata
3. The Pollution Control Board, while issuing Consent to Establish and Consent to Operate to any fire cracker manufacturing units in the state, shall endorse copies to the under mentioned and shall also display information of grant of license for establishment of fire cracker manufacturing units in their website.
- a. Director General & Inspector General of Police, West Bengal
  - b. Director General, West Bengal Fire & Emergency Services
  - c. Commissioner of Police/Superintendent of Police of the respective District
  - d. Respective District Magistrate
  - e. Chief Controller of Explosives, Eastern Region, Kolkata
4. The responsibility for maintaining vigilance and taking steps against illegal fire cracker manufacturing units lie with the police authorities. Police authorities will verify that the requisite licenses have been granted from information given to them as well as from the websites of the relevant departments and they will take action against units operating without licenses. If required, the Police authorities will seek assistance of relevant experts.

Further this policy shall be implemented by the concerned licensing authorities and police authorities immediately and shall be published widely.

By order of the Governor,

MALAY KUMAR DE  
Addl. Chief Secy. to the Govt. of West Bengal



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BEFORE THE NATIONAL GREEN TRIBUNAL,  
EASTERN ZONE BENCH, KOLKATA

IN THE MATTER OF: -

O.A. 101 OF 2015/EZ

AND

In the Matter of:

Sri Biswajit Mukherjee

..... PETITIONER

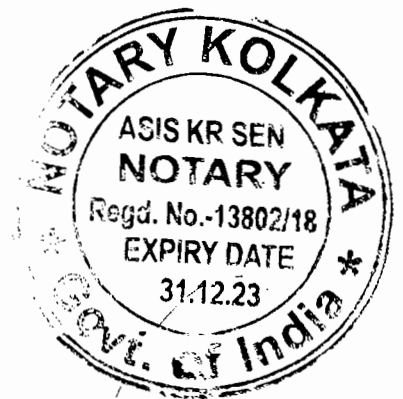
-VERSUS-

Union of India and Others.

.....RESPONDENTS

SUPPLEMENTARY AFFIDAVIT  
AFFIRMED BY THE DEPUTY  
SECRETARY, DEPARTMENT OF FIRE  
AND EMERGENCY, GOVERNMENT OF  
WEST BENGAL

BIKASH KAR GUPTA  
Advocate  
Bar Association, Room No.  
High Court at Calcutta



5/5

Annexure 'A-20'

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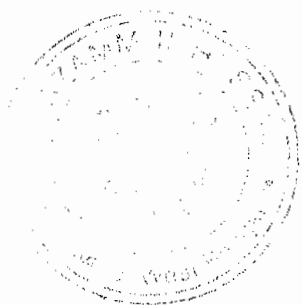
BEFORE THE NATIONAL GREEN TRIBUNAL,

226

(EASTERN ZONE BENCH, KOLKATA)

ORIGINAL APPLICATION NO. 101/2015/EZ

IN THE MATTER OF:



BISWAJIT MUKHERJEE. ....Applicant.

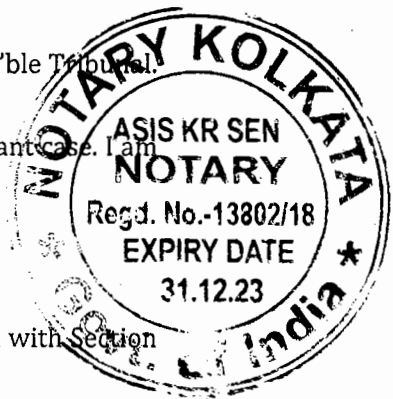
Versus

UNION OF INDIA & ORS .....Respondents.

AFFIDAVIT FILED ON BEHALF OF THE APPLICANT.

I, Biswajit Mukherjee, son of Late Ajit Kumar Mukherjee, aged about 63 years, by occupation retired, by faith Hindu, residing at Burra Bazar, Chandannagore, District Hooghly - 712136, do hereby solemnly affirm and state as follows:

1. That I the applicant in the instant matter pending before this Hon'ble Tribunal. I am well conversant with the facts and circumstances of the instant case. I am competent to affirm this affidavit.



2. That I have filed an original application under Section 18(1) read with Section 14 of the National Green Tribunal Act, 2010, thereby praying for a direction upon the respondent authorities to forthwith take step to stop illegal and

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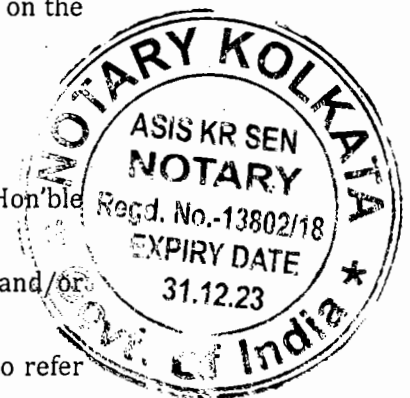


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unauthorized fireworks manufacturing units which are being run within the State of West Bengal without obtaining proper licences from the appropriate authorities. The applicant craves leave to refer a copy of the said original application at the time of hearing, if necessary.

3. That by an order dated 16.10.2015 this Hon'ble Tribunal was inter alia pleased to admit the original application for hearing. The State of West Bengal represented by the Chief Secretary, State Pollution Control Board, represented by Member Secretary, the D.G. & I.G. of Police and the Commissioner of Police, Kolkata, the Principal Secretary, Department of Fire and Emergency Services and the Principal Secretary, Department of Environment, Government of West Bengal were directed to submit their respective status reports and opposition of the said original application, if any, by four weeks. The concerned respective respondents, who are legally responsible under the law to check the illegal crackers manufacturing units and to take all steps and measures to close down such illegally operating units and to file action taken report to be filed on the next date of hearing.

4. That thereafter time to time several orders were passed by this Hon'ble Tribunal and the concerned respondents have filed affidavits and/or status/action taken report in this matter. The applicant craves leave to refer the solemn orders passed by this Hon'ble Tribunal and affidavits affirmed on



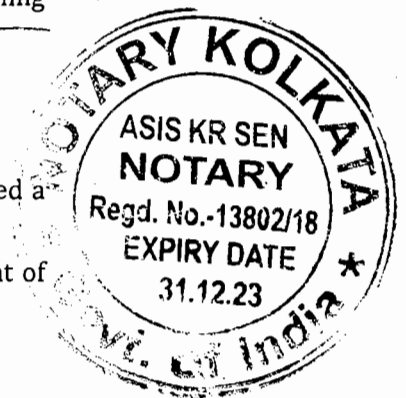
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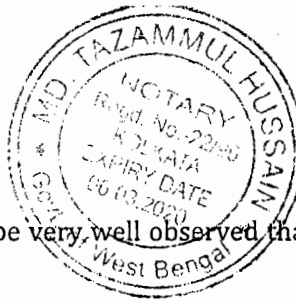
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behalf of the respondents as well as status/action taken report report, in this matter at the time of hearing, if necessary.

5. That inspite of the fact that this Hon'ble Tribunal time and again directed all the competent authorities to stop the functioning of all the illegal Fire Crackers Manufacturing Units, by its solemn orders dated 16.10.2015, 30.11.2015, 05.01.2016, 03.02.2016, 07.03.2016, 02.05.2016, 04.07.2016, 28.07.2016 and lastly on 22.08.2016, but it is unfortunate that till date illegal Fire Crackers Manufacturing Units are running in this state.
6. That in view of the above fact, the Hon'ble National Green Tribunal, Eastern Zone Bench, Kolkata, was, inter alia, pleased to pass an order on 28<sup>th</sup> July, 2016, thereby directing the Government of West Bengal, to frame a detailed policy guideline for grant of license for establishing a Fire Crackers Manufacturing Unit in the State of West Bengal. It was also suggested that guideline should provide an opportunity for online monitoring of the Fire Crackers Units, in coordination with all other concerned authorities enabling them to interact through a common server.
7. That after lapse of a considerable time, the Govt. of West Bengal has issued a notification being no. 317-ISS Dated, 3<sup>RD</sup> March, 2017 with regard to grant of license to the Fire Crackers Manufacturing Units.

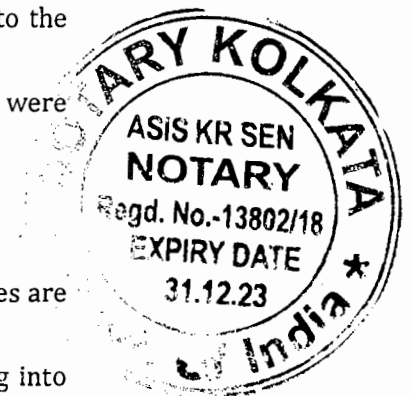


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8. However, on perusal of the said notification, it can be very well observed that the same is not at all a complete guideline with regard to grant of license to the Fire Crackers Manufacturing Units, because, only some departments have been earmarked for transferring and/or inter-changing information about the applications for grant of license made by the units engaged in manufacturing of the Fire Works or the units storing and/or dealing with the explosives upto 15 kgs. In fact, the guideline framed by the State of West Bengal appears to be nothing but an attempt to dilute the spirit of the order of this Hon'ble Tribunal.
9. Further, in this notification, the siting criteria or siting policy for establishment of a Fire Cracker Manufacturing Unit or a unit dealing the explosives has been ignored totally. If any one considers it's vulnerable effects on society and upon lives of human beings and/or upon any living creatures, he will appreciate that siting policy of the Fire Crackers Manufacturing Units or places for sale and storage of the fire crackers, are the most important issues. The petitioner has already mentioned in a prior affidavit that there are lots of previous instances in the State of West Bengal where a number of people have died due to the explosion in the fire crackers manufacturing units and child labourers were the worst sufferers in such catastrophes.
10. The petitioner further submits that as far as the environmental guidelines are concerned, although there is a policy to categorize the industries taking into account of their pollution hazards and their vulnerable effect on the society,



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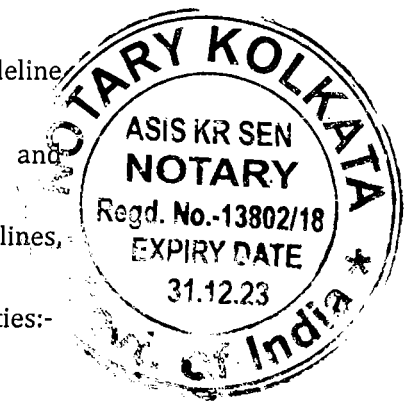
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but unfortunately, such policy regarding categorization of the industries engaged in manufacturing fireworks and dealing with explosives have not been mentioned in the notification indicating policy guideline on such issues. In this notification, it has also not been mentioned that, if someone desires to use explosives above 15 kg which authority will be responsible and empowered to extend such permission. Further, there is no mention about any sorts of ceiling in the said notification, with regard to either quantum or of licenses that may be issued to per family in a single year.

11. Further although involvement of the Labour Department is very important in this matter as there is a trend to engage child labourers in the Fire Works Manufacturing process and there are many instances, where some child labourers died due to the accident occurred in the un-licensed Fire Works Manufacturing Units.
12. That further it can be mentioned that at the time of preparation of the guidelines, following Acts were needed to be considered by the competent authorities, but it appears none has been considered that the guideline prepared by the State Government is totally unfruitful, purposeless and without application of mind. At the time of preparation of the guidelines, following Acts and Rules need to be considered by the competent authorities:-

(a) Water (Prevention and Control of Pollution) Act, 1974;



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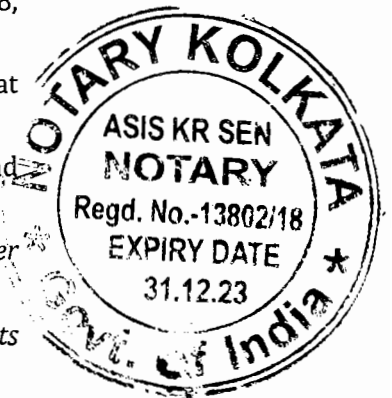
(b) Air (Prevention and Control of Pollution) Act, 1981

(c) Environment (Protection) Act, 1986 read with Noise Pollution (Regulation and Control) Rules, 2000;

(d) Explosive Act, 1984 as amended time to time.

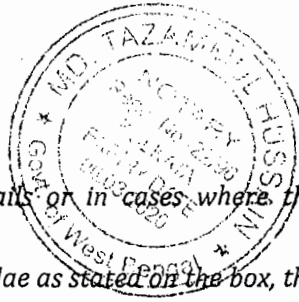
13. In fact during the time of framing the guidelines of the Fire Works Manufacturing, selling and storing, the transportation of fire works issue has not been considered and it is also surprising to observe that only the police authorities have been made responsible for monitoring the Fire Crackers Manufacturing Units, but as per the provisions of the aforementioned Acts, the State Pollution Control Board, the Explosive Department, Fire Brigade Authorities, Local Authorities and District Administrations are also responsible to implement the aforementioned Acts and such Departments obviously have important roles to play on their parts to prevent the illegal manufacturing, storing, transporting and selling of illegal fire works.

14. Further I submit that the direction of the Hon'ble Supreme Court dated July 18, 2005 in connection with W.P.(C) No. 72 of 1998 need to be complied with at the time of framing guideline for manufacturing, storing, transporting and selling of fireworks. Relevant portions read as follows: "*Every manufacturer shall on the box of each fire cracker shall mention details of its chemical contents and that it satisfied the requirement as laid down by DOE. In case of a failure on*



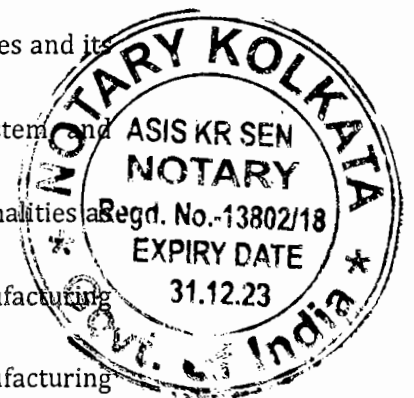
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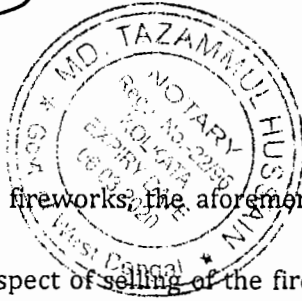
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*the part of the manufacturer to mention the details or in cases where the contents of the box do not match the chemical formulae as stated on the box, the manufacturer may be held liable. Firecrackers for the purpose of export may be manufactured bearing higher noise levels subject to the following conditions. In the manufacturer should be permitted to do so only when he has an export order with him and not otherwise (ii) The noise levels for these firecrackers should conform to the noise standards prescribed in the country to which they are intended to be exported as per the export order, (iii) These firecrackers should have a different colour packing, from those intended to be sold in India; (iv) They must carry a declaration printed thereon something like 'not for sale in India' or 'only for export to country AB' and so on."*

15. It is also very relevant to mention here that any fireworks manufacturing unit should not be allowed to establish in any Municipal area and such manufacturing units should be allowed to establish only outside the Municipal areas and each of the manufacturing units should maintain at least a 20 meter free flow area all around the manufacturing premises and its surroundings, there should be a proper water reservation system and adequate place of sand storage, also with other fire prevention formalities as fixed up by the Fire Brigade Department. The premises of the manufacturing unit need to be properly guarded by brick wall and proper manufacturing places need to be properly planned to prevent the disaster.





- 16. In respect of the go-down or storage of the fireworks, the aforementioned formalities is need to be applicable and in respect of selling of the fireworks may be allowed in urban and rural areas only in designated places as fixed up by the competent authorities i.e. District Authorities in consultation with the local authority.
- 17. That a proper guideline for manufacturing, storing, transporting and selling of fireworks, some guidelines need to be framed as directed by the Hon'ble National Green Tribunal, Eastern Zone, Kolkata Bench and to this effect, I submit that the respondents have miserably failed.
- 18. That the statements made in paragraph 1 to 16 are true to my knowledge.

*Binwajit Mukherjee*  
Deponent

Prepared in my Office

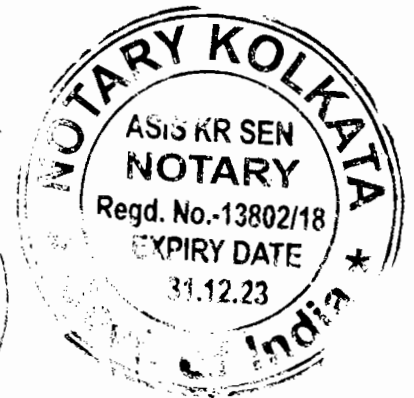
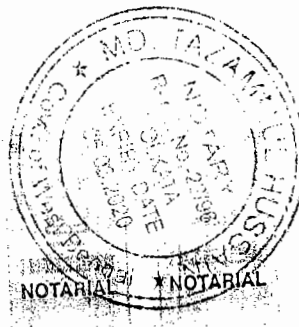
~~Identified by me~~  
*Sumanta Bismil*  
Advocate

Advocate

Solemnly affirmed and declared before me on identification

MD. T. HUSSAIN Notary  
City Civil Court  
Kolkata  
Regd. No. 13802/18

12 JUL 2017



Annexure 'A-21' 234

BEFORE THE NATIONAL GREEN TRIBUNAL,  
EASTERN ZONE BENCH, KOLKATA



ORIGINAL APPLICATION NO. 101 OF 2015/EZ

IN THE MATTER OF :-

Shri Biswajit Mukherjee

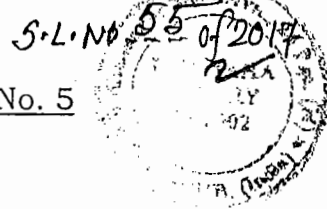
..... Applicant

Versus

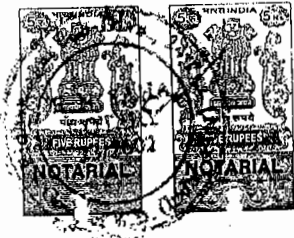
Union of India & Others

..... Respondents

Report on behalf of the Respondent No. 5

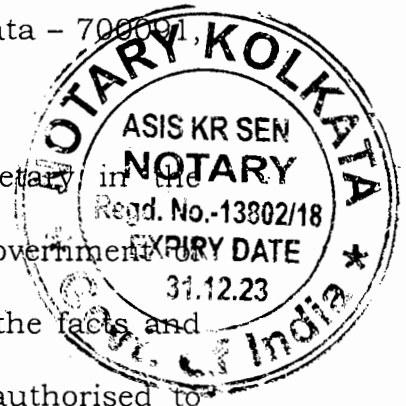


**BEFORE THE NOTARY PUBLIC**



I, Sri Jayanta Choudhury, S/O Late P.K. Choudhury, aged about 56 years, by faith - Hindu, by occupation - Service, presently working for gain as Deputy Secretary in the Department of Fire & Emergency Services, Government of West Bengal, having its office at Bikash Bhawan, South Block, Salt Lake City, Kolkata - 700091, do hereby solemnly affirm and declare as follows: -

1. That I am working for gain as Deputy Secretary in the Department of Fire & Emergency Services, Government of West Bengal and as I am well acquainted with the facts and circumstances of the case, I have been duly authorised to affirm this affidavit on behalf of the Respondent No. 5 herein.



That I have gone through the orders dated 22/08/2016, 08/01/2017 and the recent order dated 13/07/2017 passed

**B. N. SAHA**  
**NOTARY**  
Bikash Bhawan  
North Block, Gr. Floor  
Salt Lake City, Kolkata  
West Bengal

10 AUG 2017

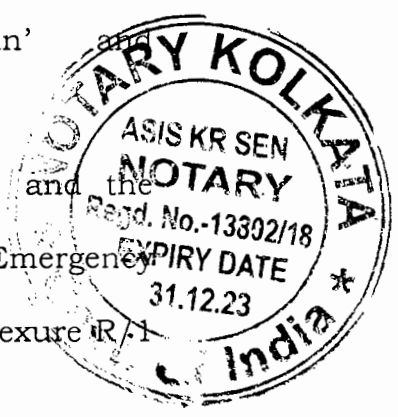
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by Hon'ble National Green Tribunal, Eastern Zone Bench in the above referred matter and has understood the contents and purports thereof.

3. That on the basis of the directions of Hon'ble Tribunal, it is felt expedient to frame a policy guidelines to grant the licenses for setting up fire cracker manufacturing units so that the illegal fire cracker manufacturing units can be dispelled and the said guidelines has been published in Kolkata Gazette on 03/03/2017. Regarding process of implementation of the said guidelines letters has been sent to all the authorities concerned on 28/07/2017 but no response has yet been received except Director General West Bengal Fire & Emergency Services. It may be stated that the services related to the grant of fire crackers selling licenses have been made online with effect from 19/07/2017 with the necessary provision for the applicant to apply for the same online using the web based portal 'www.wbfes.gov.in' and 'www.eservices.wb.gov.in'.

The photocopies of the letter dated 28/07/2017 and the response of Director General, West Bengal Fire & Emergency Services are annexed herewith and marked as "Annexure R/1 Collectively".



4. That on 22/08/2016, 18/01/2017 and 13/07/2017, Hon'ble Tribunal expressed their concern regarding indiscriminate and uncontrolled establishment of fire cracker manufacturing

**B. N. SAHA**  
**NOTARY**  
Bikash Bhawan  
North Block, Gr. Floor  
Bidhannagar, Kolkata  
West Bengal

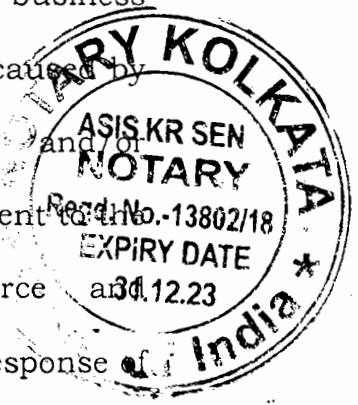
10 AUG 2017

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units in the state and that un-even distribution of fire cracker manufacturing units. It can be noticed from the previous reports filed by this Respondent that the manufacturing units existed in a cluster of area, perhaps it happened depending on their business prospects. A policy decision incorporating even distribution of such business in the State would eventually have the effect of restraining the entrepreneurs from establishing their business in prospective clusters. Instead, from the fire safety point of view, it may be stated that it would be safest if fire cracker manufacturing units be established in a distant location equipped with adequate fire prevention and safety measure, it would eventually prevent the occasion of fire. Further if a dedicated industrial area, adequately equipped with proper fire prevention and safety measures can be thought of for the purpose of business of storing and manufacturing of fire crackers so that the State could encourage the future entrepreneurs to establish their business in that dedicated area and thereby reduce the risk caused by the fire accidents from fire cracker storing and/or manufacturing units. Accordingly a letter has been sent to the

Additional Chief Secretary, Industry, Commerce and



Enterprise Department to explore the possibilities, response

**B. N. SAHA**  
**NOTARY**  
 Bikash Bhawan  
 North Block, Ct. 7/10a  
 Bidhannagar, Kolkata  
 West Bengal

which has not yet been received by this Respondent.

The photocopy of the said letter is annexed hereto and marked

as Annexure R/2.

10 AUG 2018

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In the above premises, it is humbly prayed that the Hon'ble Tribunal may graciously be pleased to pass such order or orders as deemed fit and proper.

*Jayanta Chaudhuri*  
Deponent  
**JAYANTA CHAUDHURI, WBSS**  
DEPUTY SECRETARY to the  
Government of West Bengal,  
Department of Fire & Emergency Services

VERIFICATION

Verified at Kolkata on this the 10<sup>th</sup> day of <sup>August</sup> ~~March~~, 2017 that the contents of the affidavit stated in paragraphs 1 to 4 above are true and correct to the best of my knowledge and information derived from records maintained in the office and rest are my humble submission and prayer before Hon'ble Tribunal

*Jayanta Chaudhuri*  
**JAYANTA CHAUDHURI, WBSS**  
DEPUTY SECRETARY to the  
Government of West Bengal,  
Department of Fire & Emergency Services

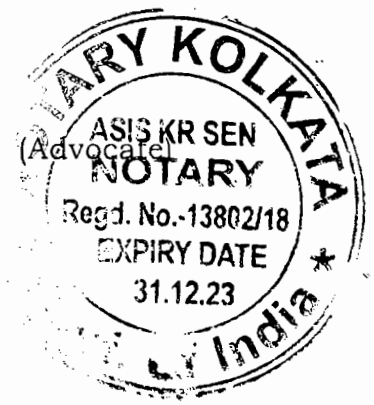
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**B. N. SAHA**  
**NOTARY**  
Bikash Bhawan  
North Block, Gr. Floor  
Bidhanagar, Kolkata  
West Bengal

Solemnly Affirmed  
&  
Declared Before me  
in Identification of Advocate

**B. N. SAHA**  
**NOTARY**

10 AUG 2017



[Annexure R/1/olly]

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Government of West Bengal  
Department of Fire & Emergency Services  
Bikash Bhawan, Salt Lake, Kolkata - 700091



No.1521/FES/O/3S-41/2015 (P-I)

Date: 28/07/2017

From : The Special Secretary to the Govt. of West Bengal.

- To :
- 1) The Chairman, West Bengal Pollution Control Board, having its office at Paribesh Bhawan, 10-A, Block - LA, Section - III, Bidhannagar, Kolkata - 700106
  - 2) The Director General & Inspector General of Police, West Bengal Police, having its office at "Nabanna", 11<sup>th</sup> Floor, 325, Sarat Chandra Chatterjee Road, P.O. - Shibpur, Howrah - 711102.
  - 3) The Director General, West Bengal Fire & Emergency Services, 13D, Mirza Ghalib Street, Kolkata-700016.
  - 4) Joint Chief Controller of Explosive, East Circle, having its office at 8, Esplanade East, 1<sup>st</sup> Floor, Kolkata - 711102.
  - 5) The Commissioner of Police, Kolkata, having its office at Police Head Quarters, 18, Lal Bajar Street, Kolkata - 700001.

Sub: Compliance of the order/direction dated 13/07/2017 and 18/01/2017 passed by Hon'ble National Green Tribunal, Eastern Zone Bench in O.A. 101/2015/EZ regarding implementation of policy guidelines framed vide G.O. No. 317-I.S.S. Dated 03/03/2017.

The undersigned is directed to invite their attention to the above referred matter and say that for compliance of the above referred directions of Hon'ble National Green Tribunal a report needs to be filed before the Hon'ble Tribunal within 11/08/2017 stating therein the status of implementation of above referred G.O. by different authorities and also the deficiencies in the said G.O. as indicated in the order dated 18/01/2017 passed by Hon'ble Tribunal.

Therefore the undersigned is directed to request you to send a detail report within 7 (seven) days on the issues raised by Hon'ble Tribunal in the above referred orders. The photocopies of the order dated 13/07/2017 and 18/01/2017 are enclosed herewith for ready reference.

Enclosed: As stated.

Special Secretary to Govt. of West Bengal

No.1521/(1)/FES/O/3S-41/2015 (P-I)

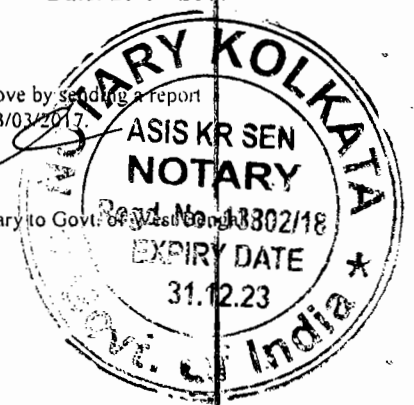
Date: 28/07/2017

Copy forwarded for information and necessary action to: -

1. District Magistrates, All Districts - He is requested to take necessary action on the above by sending a report regarding actions taken by him in compliance of the said G.O. No. 317-I.S.S. Dated 03/03/2017.

o/c

Special Secretary to Govt. of West Bengal



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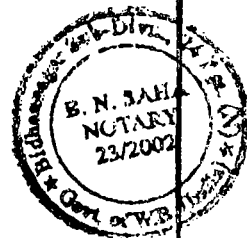
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BEFORE THE NATIONAL GREEN TRIBUNAL  
EASTERN ZONE BENCH, KOLKATA

O.A. No. 101/2015/EZ

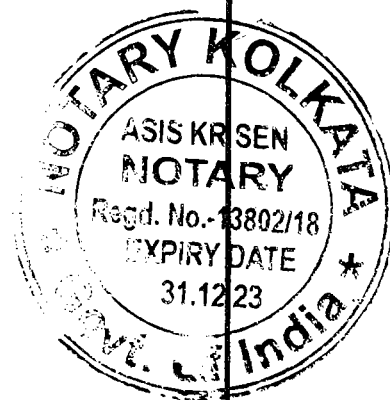
BISWAJIT MUKHERJEE  
VS  
UNION OF INDIA & ORS



CORAM: Hon'ble Mr. Justice S.P.Wangdi, Judicial Member  
Hon'ble Prof.(Dr.) P.C. Mishra, Expert Member

PRESENT: Applicant : Mrs. Rekha Ghosh, Advocate  
Respondent No. 1 : None.  
Respondent No. 3 : Mr. Dipanjan Ghosh, Advocate  
Respondent Nos.2, 4 to 7 : Mr. Bikas Kargupta, Advocate

Date & Remarks	Orders of the Tribunal
Item No. 09 13 <sup>th</sup> July, 2017.	<p>Ms. Rekha Ghosh, Id. counsel appearing on behalf of Mr. Sumanta Biswas, Id. counsel for the applicant, and Mr. Dipanjan Ghosh, Id. counsel for the State PCB pray for leave to file affidavits-in-opposition in pursuance of our order dated 05.05.2017, which is granted and are ordered to be taken on record.</p> <p>Since copies have been exchanged among the parties, they are at liberty to file responses on the next date.</p> <p>During the course of proceedings today when we pointed out to Mr. Bikas Kargupta, Id. Govt. Counsel that the deficiency in the policy guidelines as observed in our order dated 18.01.2017 had not taken care of, he submits that he shall take appropriate steps in the matter and file a report on the next date and accordingly prays for time.</p>



Prayer is allowed. Let it be done on the next date with the observation that in the absence of the aspects pointed in our observations contained in order dated 18.01.2017, the policy guidelines would, in our view, be incomplete.

**List on 11.08.2017 for further consideration of affidavits and hearing.**

.....  
Justice S.P.Wangdi, JM

13-7-2017

.....  
Prof.(Dr.) P.C. Mishra, EM

13.07.2017

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BEFORE THE NATIONAL GREEN TRIBUNAL  
EASTERN ZONE BENCH, KOLKATA

O.A. No. 101/2015/EZ

BISWAJIT MUKHERJEE

VS

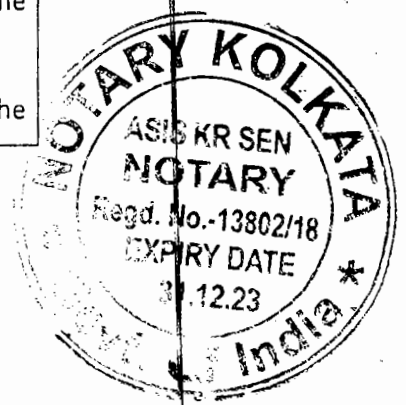
UNION OF INDIA & ORS



CORAM: Hon'ble Mr. Justice S.P.Wangdi, Judicial Member  
Hon'ble Prof. (Dr.) P. C. Mishra, Expert Member

PRESENT: Applicant : Mrs. Rekha Ghosh Advocate  
Respondents 1 : Mr. Subhankar Chatterjee Advocate  
Respondent 3 : Mr. Dipanjan Ghosh, Advocate  
Respondent Nos. 4 to 7 : Mr. Bikas Kargupta, Advocate

Date & Remarks	Orders of the Tribunal
Item No. 7 18 <sup>th</sup> January, 2017.	<p>Affidavit on behalf of the respondent No. 5, Principal Secretary, Deptt. of Fire and Emergency Services filed by Mr. Bikas Kargupta, Ld. Govt. counsel is ordered to be taken on record.</p> <p>It is submitted that the affidavit is in compliance to our directions issued earlier regarding framing of policy guidelines in respect of grant of licence for setting up Fire Cracker manufacturing units.</p> <p>We have perused the decisions taken in the meeting held on 5.12.2016 amongst 11 authorities headed by the Addl. Chief Secretary, Home Department, Govt. of West Bengal.</p> <p>Although guidelines had been adopted by the</p>



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decision no action appears to have been taken to publish the same in the official gazette for general information.

The other aspect which we notice is that our concern with regard to concentration of grant of licence for fire cracker manufacturing units in certain areas has not been addressed although it was one of the matters mentioned in the notice calling for the meeting.

In view of the above, we direct the State respondents, particularly, the Home Secretary, Govt. of West Bengal and the Principal Secretary, Department of Fire and Emergency services on whose behalf the affidavit has been affirmed and filed today, to ensure that the inadequacies indicated above are taken care of.

Let action taken report be filed on or before the next date.

Liston 21.2.2017.

Justice S.P.Wangdi, JM

18-1-2017

Prof. (Dr.) P. C. Mishra, J

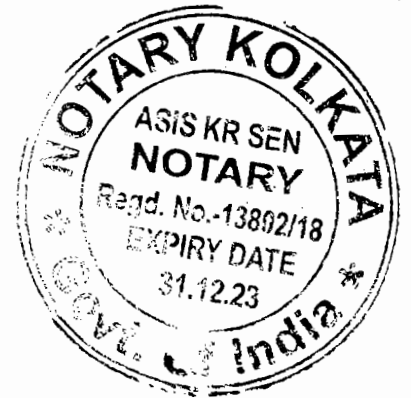
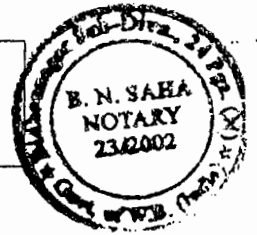


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GOVERNMENT OF WEST BENGAL  
OFFICE OF THE DIRECTOR GENERAL  
WEST BENGAL FIRE & EMERGENCY SERVICES  
13-D, MIRZA GHABLIB STREET, KOLKATA-700016



Memo No:- WBFES/ 58 89 / 17

Date: 07-08-17

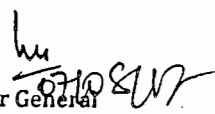
To  
The Special Secretary,  
Govt. of West Bengal  
Department of Fire & Emergency Services.  
Bikash Bhaban, Salt Lake,  
Kolkata-700091.

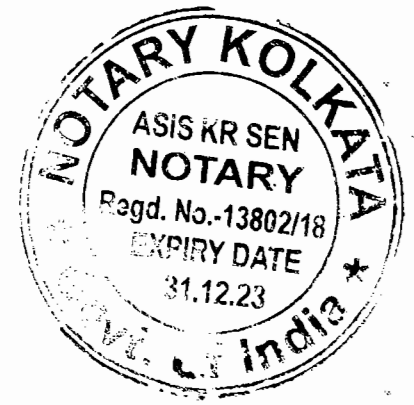
Sub: Compliance of memo No. 1521/FES/O/35-41/2015(P-1) dated:28/07/2017 regarding  
Implementation of policy guidance framed vide G.O No- 317-I.S.S. dated 03/03/2017.

With reference to Memo No. stated above this is to inform you that , in compliance with G.O  
No.1376/FES/O/2E-/5S/2016 dated: 06/07/2017 the following services related with grant of fire  
Crackers selling licence have been made online w.e.f. 19/07/2017 with the necessary provision for  
the applicant to apply for the same on line using web based portal 'www.wbfes.gov.in' &  
'www.eservices.wb.gov.in'.

- (1) Application for grant of Fire Crackers selling licence.
- (2) Application for renewal of grant of Fire Crackers selling licence.

This is for your kind information and further necessary action please.

  
Director General  
West Bengal Fire & Emergency Services.



*[Handwritten signature]*

Government of West Bengal  
Department of Fire and Emergency Services  
Bikash Bhawan, Saltlake, Kolkata - 700091



No.1376/FES/G/2E-155/2016

Date 06.07.2017

ORDER

WHEREAS the matter of implementation of the process of providing various e-services for issuance and renewal of various licenses and / or NOCs under West Bengal Fire Services Act, 1950 and rules made there under, was under active consideration of the Government in recent past.

AND WHEREAS for ease of doing business the existing system of issuance and renewal of various licenses and / or NOCs under West Bengal Fire Services Act, 1950 and rules made there under and to make it more accountable, transparent and user-friendly it has been decided that henceforth such procedure of issuance and renewal of various licenses and / or NOCs will be carried out using a web-based portal [www.whfes.gov.in](http://www.whfes.gov.in).

It is hereby pleased to introduce the use of the said web-based portal for online submission of application for issuance and renewal of various licenses and / or NOCs under West Bengal Fire Services Act, 1950 and rules made there under, throughout the State and from 17<sup>th</sup> July, 2017.

The applicants have to make application online through the said web-based portal namely [www.whfes.gov.in](http://www.whfes.gov.in) for issuance and renewal of various licenses and / or NOC under West Bengal Fire Services Act, 1950 and rules made there under.

Unless mentioned otherwise, the existing paper based application, in offline mode, will not be entertained by the authorities or officials or stake holders, under West Bengal Fire & Emergency Services Act, 1950, from 17<sup>th</sup> July, 2017.

Sd/-

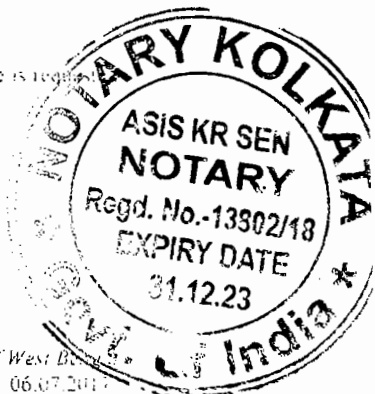
Principal Secy to the Govt. of West Bengal

Date 06.07.2017

No.1376/FES/G/2E-155/2016

Copy forwarded for information and necessary action to the:-

1. Principal Secy, West Bengal, Treasury Buildings, Kolkata - 1
2. Additional Chief Secretary, ICH Dept.
3. Principal Secretary, Finance Department, Govt. of West Bengal, Nabanna.
4. Principal Secretary, JFE department.
5. Principal Secretary, P&AR and E-governance Department, Govt. of West Bengal, Nabanna.
6. In-charge, Fire & Emergency Services, 13D, Mirza Ghalib Street, Kolkata - 700016. He is requested to issue necessary direction.
7. In-charge, Lic. & Insp., 13D, Mirza Ghalib Street, Kolkata - 700016.
8. In-charge, Fire Zone, Station Feeder Road, P.O. & P.S. - Siliguri, Dist. Darjeeling.
9. In-charge, West Bengal Fire & Emergency Service;
10. District Fire Officers, .....
11. Managing Director, WBFES
12. Private Secretary to the Hon'ble Minister in charge;
13. Sr. Personal Secretary, to the Principal Secretary of the Fire & Emergency Service Department;
14. Generally.



Sd/-

Special Secretary to the Govt. of West Bengal

Date 06.07.2017

No.1376/FES/G/2E-155/2016

Copy forwarded for information and necessary action to the:-

- 1. A.A. In-charge, Various Districts, .....

Special Secretary to the Govt. of West Bengal

[Annexure

R/2]

24/8



Fire & Emergency Services Department  
Government of West Bengal  
Bikash Bhavan, South Block, 2nd Floor  
Salt Lake, Kolkata 700 091  
Phone : 2358 1130, Fax : 2321 1454  
e-mail : psecy.fire.wb@gmail.com

Arnab Roy, IAS  
Principal Secretary

No. 44/PSFES/2017

Dated: August 9, 2017



*Respected Sirs,*

This is to inform you that Hon'ble National Green Tribunal in O.A. 101/2015/EZ (Biswajit Mukherjee - Versus - State of West Bengal & Others) while dealing with the issue of restraining establishment of illegal fire cracker manufacturing units in the State and its uneven distribution, has observed on 22/08/2016 that "While granting the time sought for, we would direct the State respondents to consider framing detailed policy guidelines on the grant of license for establishment of fire cracker manufacturing units in the state.... Considering the sensitive region in which the State of West Bengal is located, such guidelines would also enable the State in monitoring the manufacture of fire crackers for which explosive substances are used. The guidelines would further ensure that there is no indiscriminate and uncontrolled establishment of fire cracker manufacturing units and that licenses are granted evenly in the State."

In view of the above direction and observation, State has already formulated a system of monitoring illegal fire cracker manufacturing units in the form of exchange of information and better co-ordination among the licensing authorities and issued a Govt. order in this regard.

But on 18/01/2017 Hon'ble Tribunal, while considering the aspect of the policy guidelines already framed by the State, observed that "our concern with regard to concentration of grant of license for fire cracker manufacturing units in certain areas has not been addressed ....."

While considering this aspect, it is proposed that if a dedicated industrial area, adequately equipped with proper fire prevention and safety measures can be thought of for the purpose of business of storing and manufacturing of fire crackers so that the State could encourage the entrepreneurs to establish their business in that dedicated area and thereby reduce the risks caused by the fire accidents from fire cracker storing and/or manufacturing units.

The feedback received from your end will be placed in the next hearing of the Hon'ble Tribunal which is scheduled on 11/08/2017.

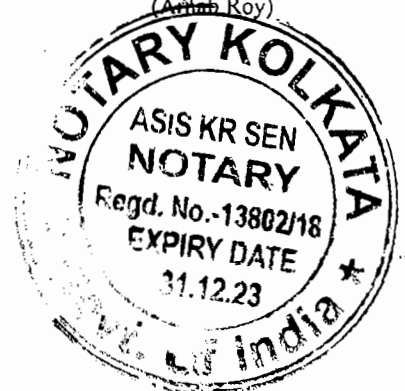
*With best regards,*

Yours sincerely,

*Arnab Roy*  
(Arnab Roy)

Shri Rajiva Sinha, IAS,  
Additional Chief Secretary,  
Industry, Commerce & Enterprises Department,  
"Silpa Sadan",  
4, Camac Street, Kolkata - 700016

*o/c*



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BEFORE THE NATIONAL GREEN TRIBUNAL,  
EASTERN ZONE BENCH, KOLKATA

IN THE MATTER OF: -

O.A. 101 OF 2015/EZ

AND

In the Matter of:

Sri Biswajit Mukherjee

..... PETITIONER

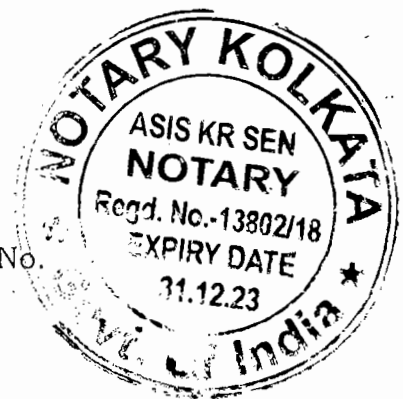
-VERSUS-

Union of India and Others.

.....RESPONDENTS

SUPPLEMENTARY AFFIDAVIT  
AFFIRMED BY THE DEPUTY  
SECRETARY, DEPARTMENT OF FIRE  
AND EMERGENCY, GOVERNMENT OF  
WEST BENGAL

BIKASH KAR GUPTA  
Advocate  
Bar Association, Room No.  
High Court at Calcutta



Annexure 'A' - 22

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BEFORE THE HON'BLE NATIONAL GREEN TRIBUNAL

EASTERN ZONE BENCH, KOLKATA

ORIGINAL APPLICATION NO. 101/2015/EZ

In the Matter of:

Biswajit Mukherjee

..... Applicant

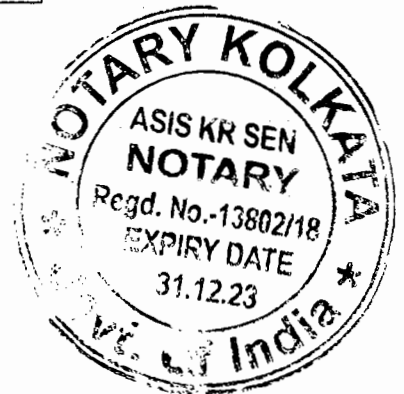
-Versus-

Union of India and Others

..... Respondents

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BEFORE THE HON'BLE NATIONAL GREEN TRIBUNAL  
 EASTERN ZONE BENCH, KOLKATA  
 ORIGINAL APPLICATION NO. 101/2015/EZ

In the Matter of  
 Biswajit Mukherjee  
 ..... Applicant

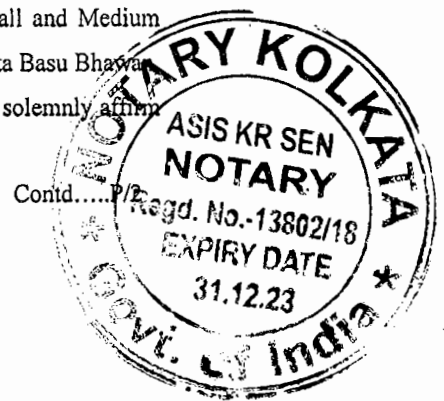
-Versus-

Union of India and Others  
 ..... Respondents

AFFIDAVIT ON BEHALF OF THE ADDITIONAL CHIEF SECRETARY,  
 MICRO, SMALL AND MEDIUM ENTERPRISES AND TEXTILES  
 DEPARTMENT, GOVERNMENT OF WEST BENGAL.

I, Madhupati Das S/O Late Atulkrishna Das aged about 57 Years working  
 for gain as Deputy Secretary of the Department of Micro, Small and Medium  
 Enterprises and Textiles, Government of West Bengal, at Hemanta Basu Bhawan  
 4<sup>th</sup> Floor, 12, B. B. D. Bag (East), Kolkata – 700001, do hereby solemnly affirm  
 and say as follows :-

27 FEB 2018



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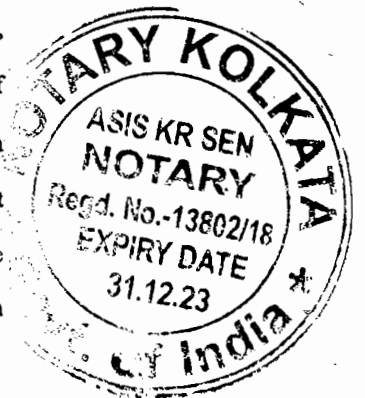
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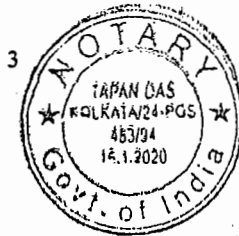


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1. That I am well acquainted with the facts and circumstances of the case and as such authorized to submit this report on behalf of the Additional Chief secretary of the Micro, Small and Medium Enterprises and Textiles Department, Government of West Bengal and also to affirm the document on his behalf in this matter.
2. That the Hon'ble N. G. T. vide its Order dated 21.9.2017 was pleased to direct the Additional Chief Secretary, Department of Industries, Commerce and Enterprises, Government of West Bengal, to take a decision in consultation with other concerned Departments. Thereafter, an affidavit was submitted before the Hon'ble NGT, on behalf of the Principal Secretary, department of Industries, Commerce and Enterprises on 6.11.2017 stating that by an Notification dated 24.8.2017, the two Departments were bifurcated into separate Departments and the Micro, Small and Medium Enterprises and Textiles Department regulates the matter of Small/Medium Industries like Fire Crackers.
3. That as per directions given by the Hon'ble N. G. T. the matter was taken up with consulting other Departments like Fire and Emergency Services, Environment Department, Pollution Control Board etc. A meeting was held at New Secretariat Building on 06-02-2018 headed by the Director, MSME in presence of officials of the Department of Fire and Emergency Services, Govt. of W.B., WBPCB, MS & ME & T Dept., D.M. offices of South 24 Parganas, North 24 Parganas, Howrah, Hooghly, Murshidabad etc.
4. That it may be pertinent to note that the Fire and Emergency Services Department, Govt. of West Bengal proposed for a dedicated industrial area, for the purpose of business of storing and manufacturing of Fire crackers, which have been mentioned in affidavit submitted by them before the Hon'ble N.G.T. as respondent in the instant case. In presence of the officials of District Offices and also the Departments, Government of West Bengal, the relevant issues in connection with

27 FEB 2018



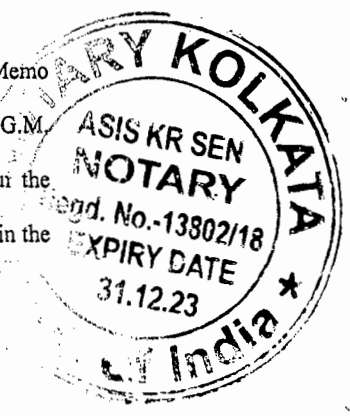


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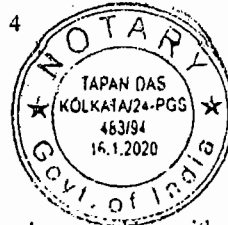
the case were vividly discussed, such as, role of different departments and WBPCB and procedures adopted in storage and carriage of fire crackers, and enforcement activities alongwith precautionary measures involved in the matter and procedure of inspection before issuance of all sorts of licenses. It came over through discussion in meeting that sometimes the licenses issued to different units by the D.M. offices and/or Department of Fire & Emergency Services remain unknown to WBPCB, who issues two certificates, one is consent to establish (COE) and other is coment to operate (COO) to the Red category Units of the State. It is revealed that no single window system or gateway is there for issuing licenses to the units. It also appears that regarding enforcement procedure, apart from Police, no other department is having infrastructure for the same.

- 5. That in regard to establishment of estates, few dimensions were discussed such as :
  - a) Potential hazards;
  - b) Consent issues from different concerned departments and offices;
  - c) If different kinds of materials is stored in one place then it may lead to dire consequences for which necessary preventive measures also have to be taken;
  - d) WBPCB clearance
  - e) Testing, packaging, branding are the three important stages which need to be focused;
  - f) whether bulk storage can be in the same place or not;
  - g) How much the system of establishing parks is feasible for manufacturing and storing are important points to be checked for;
- 6. That during the said meeting, G.M., DIC South 24 Parganas pointed out a Memo No. 1178/Fireworks/DIC- South 24 Parganas dated 02-02-2018 issued by G.M. DIC, South 24 Parganas to the District Magistrate, South 24 Parganas in the matter of land for construction of Hub for Fire Cracker manufacturing units in the District of South 24 Parganas.

27 FEB 2018



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A copy of the aforesaid Memo is annexed herewith and marked as "Annexure - R 1".

7. That the Joint Secretary, Department of MS&ME & T sent a Memo. No. 501 dated 20-02-2018 to the Director, MSME requesting him to take steps for identifying lands in others districts also, namely, Hooghly, Howrah, Murshidabad and Bardhaman.

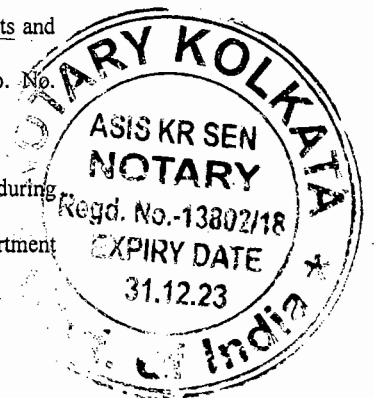
A copy of the said memo dated 20-02-2018 is annexed herewith and marked as "Annexure - R2".

In reply, the Director MSME, West Bengal mentioned that " Proper and mandatory field inspection is necessary from the District Level Offices as well as from the Government Departments, which may put as deterrence to the firecracker manufacturing units to flourish.

Furthermore, it is pertinent to mention here that, keeping in view the spirit of the orders passed by Hon'ble NGT (EZ) wherein, Hon'ble Tribunal has directed for framing detailed policy guidelines on the grant of issuance of license for establishment of Firecrackers manufacturing units in the State restricting the illegal and uncontrolled establishment of Fire Cracker manufacturing units unevenly and to ensure that the licenses are granted evenly in the state by the concerned authorities. And, further regarding the issue of identifying lands in the districts of Hooghly, Howrah, Murshidabad and Bardhaman the zone of high concentration of fire manufacturing units and relocating them in dedicated industrial zone taking into account all safety and security aspects and better centralized supervision emulating the sivakasi (TN) Model" vide Memo. No. 75/53/Misc/LS/2015-16 dated 23.2.2018.

It is submitted that the issues regarding establishment of estates came up during discussion which is mentioned in paragraph 5 above, is to be sort out and the department is vigorously following up with the matter.

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In the above premises, it is humbly prayed that this Hon'ble Tribunal may graciously be pleased to pass such order or orders as deem fit and proper.

*Mashupati Das*

Deponent

VERIFICATION

Verified at Kolkata on this 27<sup>th</sup> day of February, 2018 that the contents of the affidavit stated in paragraphs 1 to 7 above are true and correct to the best of my knowledge and information derived from records maintained in the office and rest are my humble submission and prayer before the Hon'ble Tribunal.

*Mashupati Das*

Signature of the Deponent

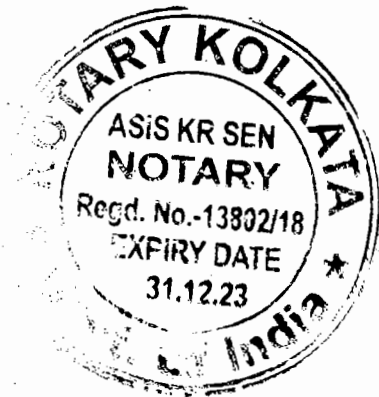
Identified by



~~Subscribed~~ Affirmed and  
Declared before me by  
Verification of Ld. Advocate

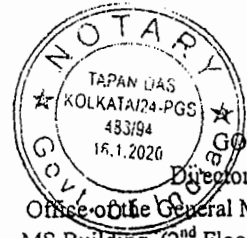
*JAPAN DAS*  
Notary Govt. of India  
16.1.2020

27 FEB 2018



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Annexure R-1



GOVERNMENT OF WEST BENGAL  
 Directorate of Micro & Small Scale Enterprises,  
 Office of the General Manager, District Industries Centre, South 24-Parganas,  
 MS Building, (2<sup>nd</sup> Floor), Kasba Industrial Estate, Phase-III, Kolkata -700107.  
 Phone. -033 24430188, Email-s24pgsdc@gmail.com

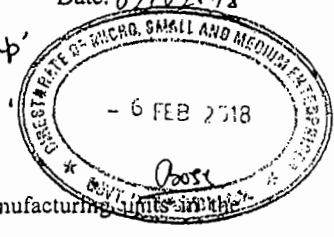
Dto. of MEME, GOVT  
 Government of West Bengal  
 Directorate of Micro & Small Scale Enterprises  
 Docket No. / 2018  
 Dt. / 2018  
 Receiving Office

Memo No. 1178 /Fireworks/DIC-S 24 Pgs.

Date: 02.02.18

To  
 The District Magistrate,  
 S-24 Parganas.

JD(BM)  
 D. Saha  
 AD(NCRS)  
 R Um 62  
 6/2/18



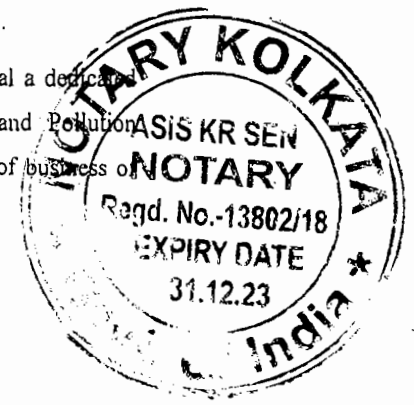
Sub:- Land for construction of hub for Fire Cracker manufacturing units in the district South 24 Parganas.

Sir,

In reference to the above this is for your kind information that two cluster of Fireworks Manufacturing units at South 24 Pragans have been intervened under Cluster Development Programme. The cluster comprises of Champahati, Haral, Chinagram, Naridana etc under Barupur Development Block and Mahestala , Budge Budge of South 24 Paraganas District, West Bengal . Nearly six thousand units are engaged in production of 1) Light Based products, like- Ground Chakkars, Flower Pots, Spearklers Search light etc. (70 percent of the total turnover of the cluster) 2) Sound Based products like- Rockets, Shell, Crackers etc.(30 percent of the total turnover of the cluster ).Total direct and indirect employment of this two cluster is nearly 50000.

It may be mentioned here that most of the units of this cluster does not have necessary explosive license. Presently some units have license issued by District Magistrate, S-24 Parganas.. In this context it may be mentioned that the license is issued under Explosive Rules, 1983 under Class 7, Division 2, Subdivision -1&II . The Explosives Rules,1983 were framed to regulate the manufacture, possession, sale, use, transportation, importation etc. of condensed explosives.

In consequence of Order passed by Hon'ble National Green Tribunal a dedicated industrial area equipped with proper fire prevention, safety measues and Pollution measueres with a common facility center may be thought for the purpose of business of storing and manufacturing of fire crackers of this area.



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In this connection it may be mentioned that we have received a communication from Block Development Officer, Baruipur where it has been informed that SPV of Champahati Fireworks Cluster has identified a land 150 bigha under R.R. Department at Begampur Mouza, Khatian No.8557 Plot No.10480, 10589, 10582, 10597, 10462, 1 0609, 10426, 10610,10482,10628.(Copy of the letter enclosed)

Necessary measures for transfer of this land may be taken if it be feasible and suitable in respect of other related rules and regulation.

The matter is placed before you for your kind perusal.

Enclo: As stated above.

Yours faithfully,

*[Signature]*  
General Manager  
District Industries Centre  
South 24 Parganas.

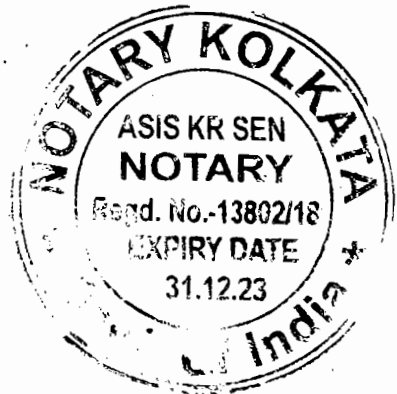
Memo No. 1178/01 Fireworks/DIC-S 24 Pgs.

Date: 02.02.10

Copy forwarded for kind information and necessary action to-

1. The Director ,Directorate of MSME, WB,N. S. Building (9<sup>th</sup> floor),1, K. S. Roy Road,Kolkata -700 001.
2. The District Land and Land Reforms Officer, South 24-Parganas, New Treasury Building, 8th Floor, Alipore, Kolkata – 700 027
3. The BL&LRO, Baruipur, Beharapara, Baruipur, West Bengal 700144

*[Signature]*  
General Manager  
District Industries Centre: 2/2/10  
South 24 Parganas.

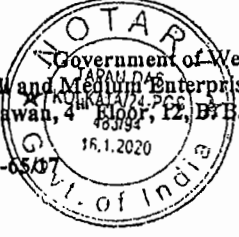


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Annexure R-2

Government of West Bengal  
Micro, Small and Medium Enterprises and Textiles Department  
Hemanta Basu Bhawan, 4<sup>th</sup> Floor, PZ, B.B. D. Bag (East), Kolkata - 700001



No. 501-MSMET(V)/4M-6507 Dated Kolkata, the 20<sup>th</sup> February, 2018.

The Director of MSME  
Government of West Bengal  
N. S. Buildings, 9<sup>th</sup> Floor,  
1, K. S. Roy Road, Kolkata - 700001.  
Fax No. -2248-9496

**Sub :** Land for construction of Hub for Fire Cracker manufacturing Units.  
**Ref :** Memo. No. 71/53/Misc/LC/2015-16 dated 12.2.2018.  
**Re :** O. A. No. 101/2015/EZ of Hon'ble NGT.

Sir,

With reference to your above mentioned Memo, this is to inform that an affidavit is to be submitted in O. A. No. 101/2015/EZ as per directions of the Hon'ble NGT. In the affidavit it is to be assured that a dedicated Industrial area will be used for the purpose of storing and manufacturing of Fire Crackers in those districts where primarily such Units are concentrated.

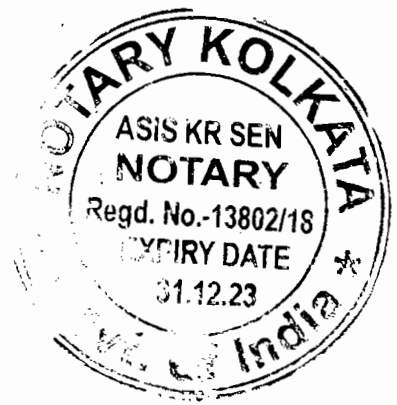
A detail discussion has been made with Ld. State Advocate for preparation of affidavit on the basis of Report sent by Joint Director of MSME (HQ) as enclosure of Memo. No. 71 dated 12.2.2018. It appears from the report that land is available in the district of South 24-Parganas only which is not at all sufficient for submission before the Hon'ble NGT.

Hence, for the purpose of concentrating such Fire Cracker Units in defined Hubs with proper safety measures, I am directed to request you take up urgent steps for identifying lands in other districts also, namely, Hooghly, Howrah, Murshidabad and Bardhaman.

Yours faithfully,

Joint Secretary to the  
Government of West Bengal

DKD/MS&MET/CII - V/2018/LN



Annexure 'A-23'

221

Item No. 03

257

**BEFORE THE NATIONAL GREEN TRIBUNAL  
PRINCIPAL BENCH, NEW DELHI  
(Through Video Conferencing)**

Original Application No. 101/2015 (EZ)

Biswajit Mukherjee

Applicant(s)

Versus

Union of India & Ors.

Respondent(s)

Date of hearing: 20.03.2020

**CORAM: HON'BLE MR. JUSTICE S. P. WANGDI, JUDICIAL MEMBER  
HON'BLE MR. SIDHANTA DAS, EXPERT MEMBER**

For Applicant(s): None

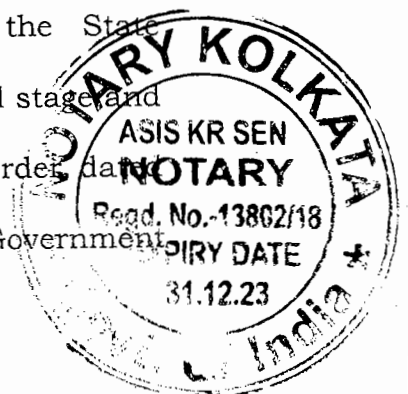
For Respondent(s): None

**ORDER**

1. None present.

2. This case has been listed today after it was heard on 16.04.2018. The only question that was required in this case to be taken by the Government of West Bengal was to publish a policy guidelines on the manner in which the licences could be issued for setting up a fire cracker units.

3. In this regard, it had been informed by the State Government that the matter had reached its final stage and the Notification was likely to be issued. By order dated 16.04.2018, it had been noted that the State Government



258

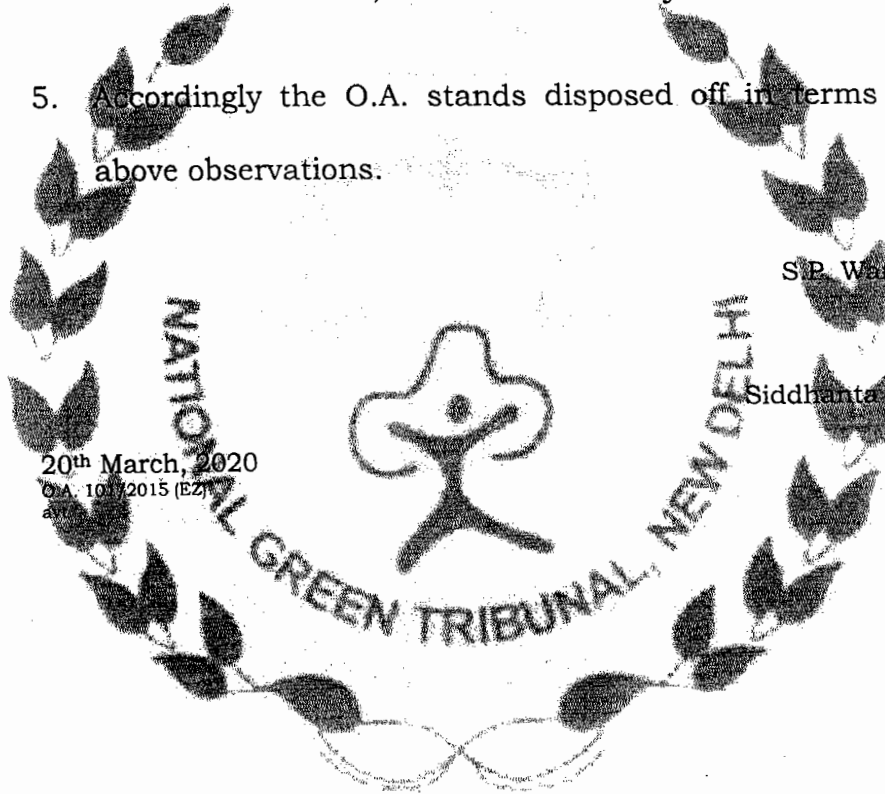
222

was taking steps to establish clusters for setting up fire cracker units in different districts.

4. In view of the above, we are of the considered opinion that this case need not be kept pending further and can be disposed off with the direction upon the State Government to ensure that appropriate guidelines are framed as stated before the Tribunal, if not taken already.
5. Accordingly the O.A. stands disposed off in terms of the above observations.

S.P. Wangdi, JM

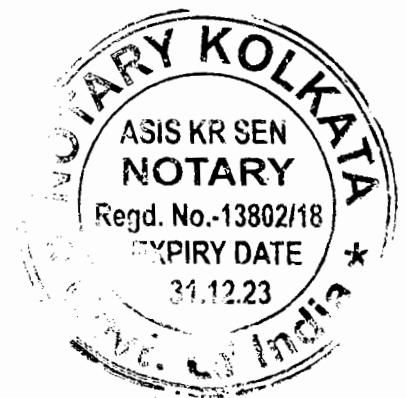
Siddhanta Das, EM



20<sup>th</sup> March, 2020

O.A. 10/2015 (EZ)

av



Annexure 'A-24' 223  
**SUMANTA BISWAS**

Advocate  
High Court, Calcutta

10, OLD POST OFFICE STREET,  
ROOM NO. 107/4, 4<sup>TH</sup> FLOOR,  
KOLKATA - 700 001  
PHONE - 9831110175

259

Dated: 01.09.2021

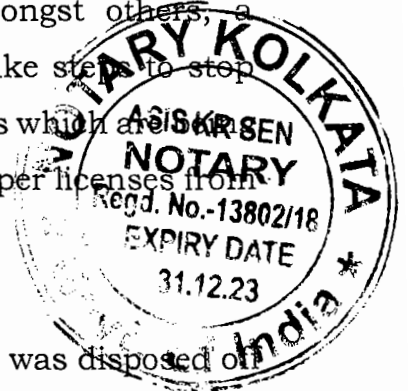
To,  
Shri H. K. Dwivedi, IAS  
The Chief Secretary,  
Government of West Bengal  
Nabanna (13th Floor) 325, Sarat Chatterjee Road,  
Shibpur, Howrah-711102

Sub: Implementation of the Judgment of the Hon'ble National Green Tribunal, Kolkata Bench dated 20.03.2020 in connection of Original Application No. 101/2015 (EZ) (Biswajit Mukherjee - Vs - Union of India & Ors.)

My Client: "Ain Sahayata Kendra", through the Secretary Sri Biswajit Mukherjee,, having his office at Sabujer Abhijan Burrabazar, Chandannagar, District Hooghly, Pin Code - 712136

Dear Sir,

This is in reference to above. That my client filed aforementioned Original Application No. 101/2015 (EZ) the Hon'ble National Green Tribunal, Kolkata Bench and thereby praying for, amongst others, a direction upon the respondent authorities to forthwith take steps to stop the illegal and unauthorized fireworks manufacturing units which are run within the State of West Bengal without obtaining proper licenses from appropriate authorities.



That the said Original Application No. 101/2015 (EZ) was disposed of by Hon'ble National Green Tribunal, Kolkata Bench on 20.03.2020, thereby directing your goodself, i.e. the respondent no. 4 in the application, to frame

SUMANTA BISWAS

Advocate  
High Court, Calcutta

260

224  
10, OLD POST OFFICE STREET,  
ROOM NO. 107/4, 4<sup>TH</sup> FLOOR,  
KOLKATA - 700 001  
PHONE - 9831110175

an appropriate guideline for setting up fire cracker units in the State of West Bengal. A copy of the said order dated 20.03.2020 is annexed herewith for your kind perusal.

With reference to the above, I am Inviting to your kind attention that the order of the Hon'ble National Green Tribunal, Eastern Zone Bench, Kolkata has not yet been implemented by the competent authorities in the State of West Bengal, because a large number of unauthorized fireworks manufacturing units are still operating in the State of West Bengal.

In view of the above, you're requested to immediately take all possible steps for framing appropriate guidelines for setting up and running fire cracker units in the State of West Bengal, as early as possible, in compliance with the solemn order of the Learned Tribunal.

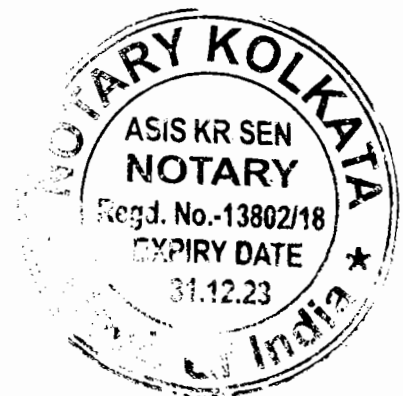
An early action will be highly solicited

Yours faithfully,



Advocate

0121 18002664848 <India Post>  
शुभचिन्ता  
EW133692284IN INR-6987133692284  
SP KOLKATA GPO <700001>  
Counter No:13, 01/09/2021, 14:54  
To: H K DUTTA, CS, MR. NARAYANA  
PIN: 711102, Sibpur SO  
From: SUMANTA BISWAS, 10, OLD ST  
Wt: 22gms  
Amt: 41.30 (Cash) Tax: 6.30  
<Track on www.indianpost.gov.in>  
<Dial 18002664848> <Wear Masks, Stay Safe>



~~225~~

Item No. 03

**BEFORE THE NATIONAL GREEN TRIBUNAL  
PRINCIPAL BENCH, NEW DELHI  
(Through Video Conferencing)**

Original Application No. 101/2015 (EZ)

Biswajit Mukherjee

Applicant(s)

Versus

Union of India &amp; Ors.

Respondent(s)

Date of hearing: 20.03.2020

**CORAM: HON'BLE MR. JUSTICE S. P. WANGDI, JUDICIAL MEMBER  
HON'BLE MR. SIDDHANTA DAS, EXPERT MEMBER**

For Applicant(s): None

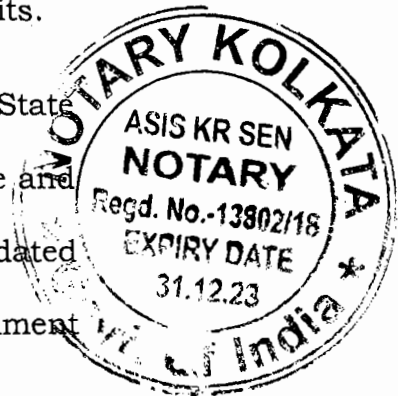
For Respondent(s): None

**ORDER**

1. None present.

2. This case has been listed today after it was heard on 16.04.2018. The only question that was required in this case to be taken by the Government of West Bengal was to publish a policy guidelines on the manner in which the licences could be issued for setting up a fire cracker units.

3. In this regard, it had been informed by the State Government that the matter had reached its final stage and the Notification was likely to be issued. By order dated 16.04.2018, it had been noted that the State Government



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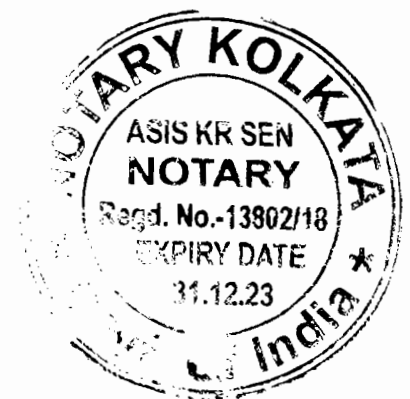
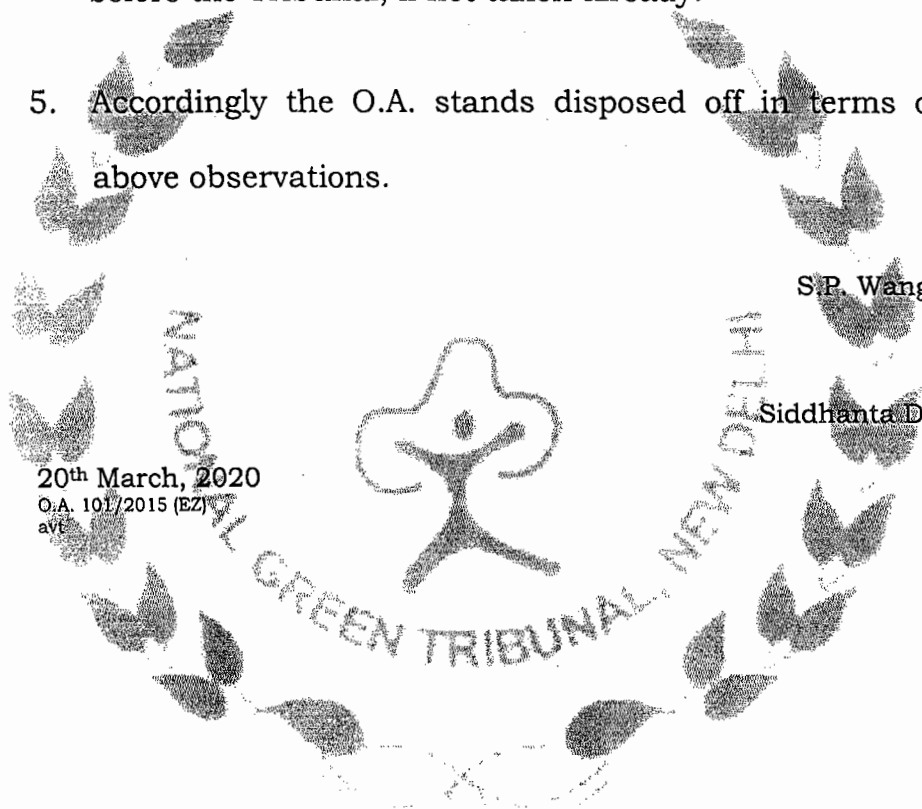
was taking steps to establish clusters for setting up fire cracker units in different districts.

4. In view of the above, we are of the considered opinion that this case need not be kept pending further and can be disposed off with the direction upon the State Government to ensure that appropriate guidelines are framed as stated before the Tribunal, if not taken already.
5. Accordingly the O.A. stands disposed off in terms of the above observations.

S.P. Wangdi, JM

Siddhanta Das, EM

20<sup>th</sup> March, 2020  
O.A. 101/2015 (EZ)  
avt



Legal Aid Centre • Environment, Public Health, Human Rights & Labour Matters  
Address : Sabujer Avijan, Barabazar, Chandannagar, Pin-712136 ■ Ph. : 8420529966

263 227

The Additional Chief Secretary,  
Department of Environment, Govt. of West Bengal  
Poura Bhavan, FD-415, Sector-III, Bidhannagar,  
Kolkata – 700106

Dated: 04.03.2019

Sub: Compensation of the Victims who died in the explosion  
of the Fireworks Manufacturing Unit

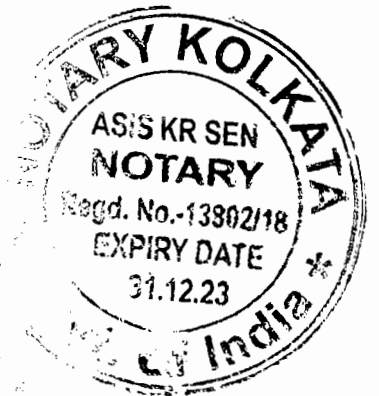
Re: Original Application No. 101 of 2015 / EZ (Biswajit Mukherjee ...  
applicant – Vs – Union of India & Ors)

Sir,

With reference to the above, I am inviting to your kind attention that Government of West Bengal was pleased to extend financial help to the victims who died in Uttarpradesh in explosion of the Fireworks Manufacturing Unit. All such victims are citizens of Malda District. Such gesture of Government of West Bengal is much appreciated taking into the consideration of the financial condition of the workers.

In this connection, it is worthwhile to mention here that a large number of workers were also expired in the explosion of the fireworks manufacturing unit in West Bengal and since 2009 some incidents are mentioned below, wherein number of people were died due to the explosion of the fire works manufacturing unit:-

- (a) June, 2009 in Kalna, District – Burdwan - casualties – 8,
- (b) September, 2010 in Dhanekhali , District – Hooghly – casualties – 6;
- (c) October, 2011 in Kolaghat, Midnapore West, casualties – 3;
- (d) September, 2013 in Kalna, District – Burdwan, casualties – 2;
- (e) September, 2013 in Paskura, District - Midnapore West, -casualties – 3;
- (f) October, 2013 in Begampur, District Hooghly, casualties - 4;
- (g) September, 2014 in Moyna, District – Burdwan, casualties – 3;
- (h) May, 2015 in Pingla, District – Midnapore West, casualties – 12;
- (i) 2016 in Topsia, Kolkata – injured – 6;
- (j) 2016 in Budge Budge – Casualties – 2;
- (k) 2016 in Nilgunge – Causality – 1;
- (l) 2017 in Telinipara – Injured – 2;
- (m) 2017, Champahati – Causality-1, Injured – 3;



EW265548131IN IUP:26967267548131  
SP CHANDANNAGAR SO KOLKATA  
Counter No:1.06/03/2019,1071  
To:ADDL C SECRETARY,KOLKATA  
PIN:700106, Bidhan Nagar, Kolkata  
From: BISHWAJIT, Chandannagar

Legal Aid Centre • Environment, Public Health, Human Rights & Labour Matters

Address : Sabujer Avijan, Barabazar, Chandannagar, Pin-712136 ■ Ph. : 8420529966

[ 2 ]

- (n) 2017 in Amdanga, North 24-Parganas – Causality-5, injured – 15;
- (o) 2018 in Halisahar, North 24-Parganas – Casualty-3, injured – 3;
- (p) 2018- in Mograhat, Hooghly – Causality- 3, injured – 3;
- (q) 2019 - in Contai, Midnapore East – Casualty-2, injured-4;

That, Government of West Bengal has never extended any financial help to the aforementioned injured persons who died in the explosion or face serious injury due to the explosion of the fireworks manufacturing units in West Bengal. Paper cutting published in "Ai-Samay", Kolkata dated 2<sup>nd</sup> March, 2019 is enclosed herewith, wherein recent incident of death from explosion of firecrackers manufacturing units has been focused.

In this connection, it is worthwhile to mention here that on earlier occasion the Hon'ble Calcutta High Court and West Bengal Pollution Control Board had extended at least some financial help to the citizens who died or injured by the miscreants during their protest against the noise making firecrackers, but since 2013, the Department of Environment and West Bengal Pollution Control Board has not taken any initiative to extend any financial help to the persons who died or injured due to the protest against the use of noise making fire crackers in the State of West Bengal and very recently one Haradhan Mal of Murshidabad District was murdered on 12.02.2019 by some miscreants as said Haradhan Mal protest against the use of microphone. In the State of West Bengal at least 12 persons were brutally murdered by the miscreants as they moved against the use of noise making fire crackers or they raised their voice against the use of microphone and loud speakers.

Further, it can be mentioned that the National Green Tribunal, Eastern Zone and Hon'ble Supreme Court of India directed to stop the functioning of the unlicensed manufacturing units, but recent incident in Contai on 1<sup>st</sup> march, 2019 sharply indicates that unlicensed manufacturing units are functioning in West Bengal as per their sweet will.

In view of such, it is humble submission before the authority that –

- (a) Government of West Bengal, Department of Environment and West Bengal Pollution Control Board may identify the victims who died or injured in the fireworks manufacturing units with the help of the local administration and arrange for their compensation as per the guideline fixed up in case of Malda incident;



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Address : Sabujer Avijan, Barabazar, Chandannagar, Pin-712136 ■ Ph. : 8420529966

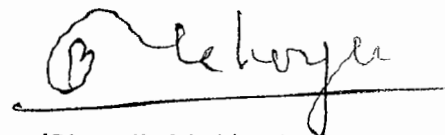
[ 3 ]

(b) Government of West Bengal, Department of Environment may direct the police authority to close down the unlicensed fireworks manufacturing units in the State of West Bengal as per the direction of the National Green Tribunal, Eastern Zone dated 16<sup>th</sup> October, 2015. Relevant portion of the order reads as follows:-

*"The State of West Bengal represented by the Chief Secretary, the State Pollution Control Board represented by the Member Secretary, the DG & IG of Police and the Commissioner of Police, Kolkata, the Principal Secretary, Deptt. Of Fire and Emergency Services and the Principal Secretary, Deptt. of Environment, Govt. of West Bengal are all directed to submit their respective status report and the opposition, if any, of this application by four weeks and copy be served upon the applicant. Rejoinder to the opposition be filed by the applicant within two weeks thereafter. In meantime the concerned respective respondents who are responsible under the law to check the illegal cracker manufacturing units will take all steps and measures to close down such illegal operating units and action taken report to be filed on the date fixed."*

Your urgent intervention in this matter would be highly appreciated.

Yours faithfully,

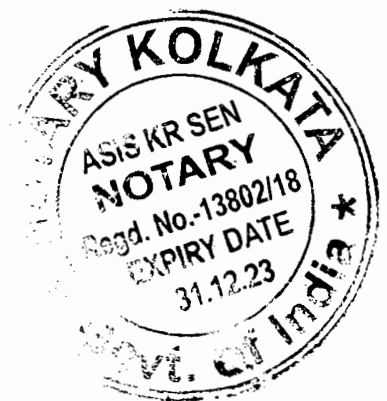


(Biswajit Mukherjee)

Secretary

Legal Aid Centre

Encl: As stated



Legal Aid Centre • Environment, Public Health, Human Rights & Labour Matters

Address : Sabujer Avijan, Barabazar, Chandannagar, Pin-712136 ☎ Ph. : (033) 26836533 Website : www.sabujeravija.com

- 1) The Principal Secretary, Department of Environment,  
Govt. of West Bengal, Pranisampad Bhawan, Block-LB, Sector-III,  
5<sup>th</sup> Floor, Bidhannagar, Kolkata – 700106
- 2) The Principal Secretary, Department of Fire & Emergency Services,  
Govt. of West Bengal, Bikash Bhaban, 2<sup>nd</sup> Floor, South Block,  
Sector-I, Salt Lake City, Kolkata – 700091
- 3) The Director General & Inspector General of Police,  
West Bengal Police, "Nabanna, 11<sup>th</sup> Floor,  
325, Sarat Chatterjee Road, P.O. Shibpur,  
Howrah – 711102
- 4) The Member Secretary,  
West Bengal Pollution Control Board,  
Paribesh Bhaban, 10 LA Block, Sector-III,  
Bidhan Nagar, Kolkata – 700106
- 5) The Commissioner of Police,  
Kolkata Police, Lal Bazar, Kolkata-700001

Dt. 28.10.2019

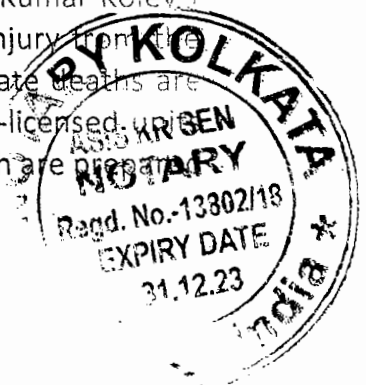
Sub: Appeal for judicial enquiry in respect of death of (1) Dipak Kumar Koley S/o of Lt. Gunjan Koley of 29, K. N. Sen Road, Kolkata – 700042 and (2) Adi Das, Son of Kajal Das of Barisha Shilpara Majhi Apartment

Sir(s),

With reference to the above, we are inviting to your kind attention that on 30.09.2019 our organization has submitted a petition to your good office for taking necessary action against the unauthorized Fire Works Manufacturing Units, but our organization has not yet received any reply or response from your end, though such petition has been filed in pursuance of the order of the Hon'ble National Green Bench Tribunal, Eastern Zone in connection of Matter No. 101/2015 (Biswajit Mukherjee – Vs – Union of India & Ors).

2. That, on earlier occasion our organization has also submitted a petition before the Government of West Bengal for giving proper compensation of the victims who died on explosion in the fire works, but Government of West Bengal did not pay any heed to our appeal.

3. That, very recently i.e. 27.10.2019 a person aged about 40 (Dipak Kumar Koley) and another child ( Adi Das) aged about 5 years has sustained serious injury from the ignition of the fire works and ultimately died in hospital. These unfortunate deaths are very vital in relation to the manufacturing of the fire works from the un-licensed units because most of the cases the accident occurred from the fire works which are manufactured in the un-licensed fireworks manufacturing units.



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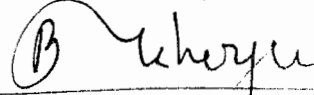
[ 2 ]

In view of such, our specific submissions are as follows:-

- a) A judicial enquiry may be initiated in respect of death of the aforementioned persons i.e. Dipak Kumar Koley S/o of Lt. Gunjan Koley of 29, K. N. Sen Road, Kolkata – 700042 and (2) Adi Das, Son of Kajal Das of Barisha Shilpara Majhi Apartment to ascertain the proper cause of death and also ascertain the manufacturing unit of the fireworks which are responsible for the death of the aforesaid person and a child;
- b) Proper compensation may be fixed up by the Government for the payment of the legal heir of the aforementioned persons;
- c) Seized fireworks need to be dumped in the hazardous waste management site as notified by the West Bengal Pollution Control Board.

We hope and trust you will consider the aforementioned proposal under intimation to our organization preferably within November, 2019.

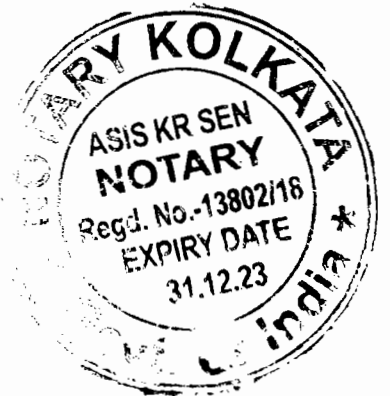
Yours faithfully,



(Biswajit Mukherjee)

Secretary

Legal Aid Centre



268

232

আইন সহায়তা কেন্দ্র • পরিবেশ, জনস্বাস্থ্য, মানবাধিকার ও শ্রমিকের অধিকার বিষয়ক

ঠিকানা : সবুজের অভয়ান, বড়বাজার, চন্দননগর, পিন-৭১২১৩৬ ■ দূরভাষ : (০৩৩) ২৬৮৩৬৫৩৩

Legal Aid Centre • Environment, Public Health, Human Rights & Labour Matters

Address : Sabujer Avijan, Barabazar, Chandannagar, Pin-712136 ■ Ph. : (033) 26836533 Website : www.sabujeravijan.org

- 1) The Additional Chief Secretary,  
Home Department, Nabanna,  
325, Sarat Chatterjee, Shibpore,  
Howrah - 711102
- 2) The Principal Secretary, Department of Environment,  
Govt. of West Bengal, Pranisampad Bhawan, Block-LB, Sector-III,  
5<sup>th</sup> Floor, Bidhannagar, Kolkata – 700106
- 3) The Principal Secretary, Department of Fire & Emergency Services,  
Govt. of West Bengal, Bikash Bhaban, 2<sup>nd</sup> Floor, South Block,  
Sector-I, Salt Lake City, Kolkata – 700091
- 4) The Director General & Inspector General of Police,  
West Bengal Police, "Nabanna, 11<sup>th</sup> Floor,  
325, Sarat Chatterjee Road, P.O. Shibpur,  
Howrah – 711102
- 5) The Member Secretary,  
West Bengal Pollution Control Board,  
Paribesh Bhaban, 10 LA Block, Sector-III,  
Bidhan Nagar, Kolkata – 700106

Dt. 05.01.2020

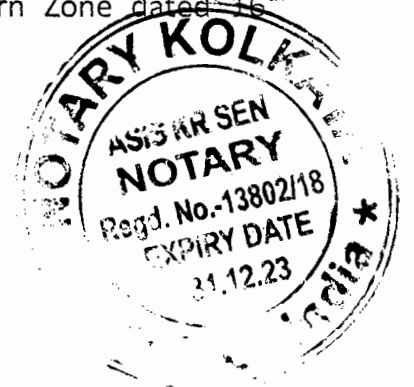
Sub: Appeal for compensation to the victims in respect of death from the accident occurred in Fire Work Manufacturing Units and to stop the unlicensed Fire Works Manufacturing Unit in the State of West Bengal.

Ref: Our letters dated 04.03.2019 & 28.10.2019

Re: Original Application No, 101 of 2015 / EZ (Biswajit Mukherjee Applicant – Vs – Union of India & Ors.)

Sir(s),

With reference to above, I am inviting to your kind attention in respect of the two issues i.e. appropriate compensation to the victims in respect of death or injury from the accident occurred in the Fire Works Manufacturing Units and another issue regarding closure of the unlicensed Fire Works Manufacturing Units in the State of West Bengal as per the order of the National Green Tribunal, Eastern Zone dated 16<sup>th</sup> October, 2015.



আইন সহায়তা কেন্দ্র • পরিবেশ, জনস্বাস্থ্য, মানবাধিকার ও শ্রমিকের অধিকার বিষয়ক

ঠিকানা : সবুজের অভিযান, বড়বাজার, চন্দননগর, পিন-৭১২১৩৬ ■ দূরভাষ : (০৩৩) ২৬৮৩৬৫৩৩

Legal Aid Centre • Environment, Public Health, Human Rights & Labour Matters

Address : Sabujer Avijan, Barabazar, Chandannagar, Pin-712136 ■ Ph. : (033) 26836533 Website : www.sabujeravijan.org

[ 2 ]

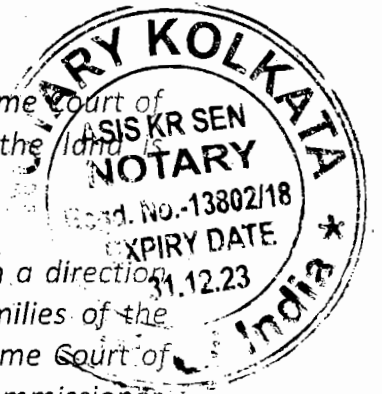
**Compensation issue:** That Hon'ble Calcutta High Court was pleased to fix up compensation in respect of compensation to the victims who died from the accident occurred in the Fire Works manufacturing Units in connection C.O. No. 18016 (W) of 1996 (Centre for Communication & Development – Vs – State of West Bengal & Ors.) and also fix up a guideline for prevention of such type of incident in the State of West Bengal. Relevant portion of the order dated 05.12.1996 passed by Hon'ble Justice S. B. Sinha in this matter, are as follows:-

*"The petitioner, who has taken up the cause of the families of several children who lost their lives by reason of a firework explosion at Nawab Fireworks Factory said to be belonging to M. N. Fireworks, at Haturia-1 Gram Panchayat, P.S. Bagnan, District – Howrah, on 11.09.95, has filed this writ application, inter alia, for a direction upon the respondents to take positive steps to compensate all those victim families who lost their children.*

*West Bengal Pollution Control Board, represented by Mr. Das has filed an affidavit in opposition. It appears that a similar matter came up for consideration before the Apex Court in the case of M.C. Mehta – v – Union of India & Ors. in Writ Petition (Civil) No. 3727 of 1985 and a Division Bench consisting of Kuldip Singh and K. T. Thomas, JJ, by an order dated 26.11.96 directed that the families of all such children be granted a sum of Rs. 1,00,000/- by way of compensation and further direct the Labour Commissioner, West Bengal, to determine the amount of compensation in proportion to the extent of damage and/or injury to the extent of damage and/or injury to the disabled persons.*

*In view of the fact that a law has been laid down by the Supreme Court of India, it is the duty of the State to see that the law of the land is implemented.*

*In that view of the matter, this application is disposed of with a direction upon the State to see that compensation be paid to the families of the victim in terms of the aforementioned directions of the Supreme Court of India. The concerned respondents, including the Labour Commissioner, West Bengal are hereby directed to initiate appropriate proceedings of*



Legal Aid Centre • Environment, Public Health, Human Rights & Labour Matters

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[ 3 ]

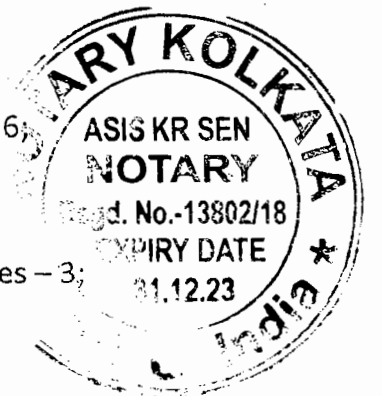
*realization of the amount of compensation to the families of the deceased children and/or for the payment of compensation payable to the injured persons, as early as possible and preferably within a period of 2 weeks from the date of communication of this order. It would be open to the concerned authorities to see that some interim amount be paid both to the families of the deceased children as also to the injured persons. It is also directed that State shall render all medical assistance to the injured persons.*

*Having regard to the magnitude of the occurrence and possibility of similar occurrence taking place in future, in my opinion, it would be desirable if the State Government directs formation of a Committee consisting of the District Magistrate, Chief Medical Officer as also an officer of the West Bengal Pollution Control Board concerned, for submission of a report to the concerned Ministry, whereupon necessary directions may be issued for prevention of such occurrence in future. The District Magistrate and the Controller, Explosives Department, Government of India should also see that no permission or licence to fireworks manufacturing industry be granted without permission of the West Bengal State Pollution Control Board.*

*While making payment of such compensation, the concerned authorities should ensure that the amount of compensation should reach the concerned families and requisite advice for investment of a substantial amount may be given to them so that they do not squander away the money nor can become victim of some other persons purporting to spouse their cause."*

Considering the philosophy and the guideline of the aforementioned order, our organization has submitted number of petitions before the competent authorities for giving compensation to the victims who expired since 2009 and onwards.

- (a) June, 2009 in Kalna, District – Burdwan - casualties – 8,
- (b) September, 2010 in Dhanekhali , District – Hooghly – casualties – 6;
- (c) October, 2011 in Kolaghat, Midnapore West, casualties – 3;
- (d) September, 2013 in Kalna, District – Burdwan, casualties – 2;
- (e) September, 2013 in Paskura, District - Midnapore West, -casualties – 3;



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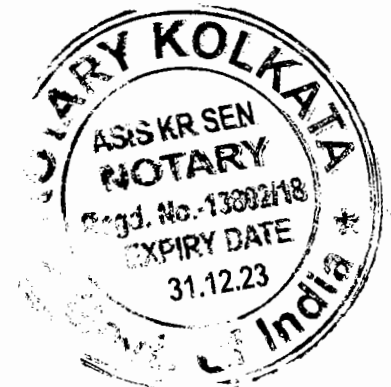
[ 4 ]

- (f) October, 2013 in Begampur, District Hooghly, casualties - 4;
- (g) September, 2014 in Moyna, District – Burdwan, casualties – 3;
- (h) May, 2015 in Pingla, District – Midnapore West, casualties – 12;
- (i) 2016 in Topsia, Kolkata – injured – 6;
- (j) 2016 in Budge Budge – Casualties – 2;
- (k) 2016 in Nilgunge – Causality – 1;
- (l) 2017 in Telinipara – injured – 2;
- (m) 2017, Champahati – Causality-1, injured – 3;
- (n) 2017 in Amdanga, North 24-Parganas – Causality-5, injured – 15;
- (o) 2018 in Halisahar, North 24-Parganas – Casualty-3, injured – 3;
- (p) 2018 in Mograhat, Hooghly – Causality- 3, injured – 3;
- (q) 2019 in Contai, Midnapore East- Causality-2, injured-4;
- (r) 2019 in Maheshtala, South 24-Parganas- Causality-2;
- (s) 2019 Chamahati, South 24-Parganas, injured – 3;
- (t) 2019 Keshpur, East Midnapore, injured – 2, Causality-1

In recent incident occurred in Naihati, North 24-Parganas, wherein five (5) workers were expired. Name of such persons are as follows:-

- (1) Kalpana Halder,
- (2) Binda Sabui,
- (3) Ram Besra,
- (4) Mansoor Piyada,
- (5) Abhay Mandi

In this connection, it is worthwhile to mention here that Govt. of West Bengal has extended financial help to the victims who died in Uttar Pradesh for explosion of the fire works manufacturing units and all such persons are citizens of Maldah District, but unfortunately the persons who died in West Bengal in similar accident, in such cases, compensation has not yet paid by the State Government or by any other statutory organization.



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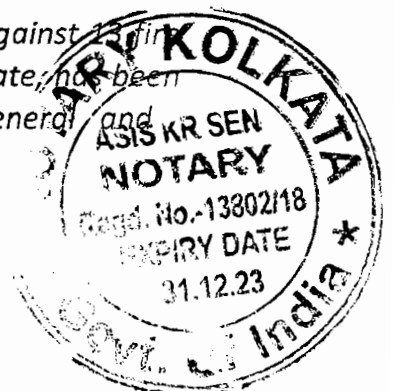
**Closure of illegal Fire Works Manufacturing Units-** Upon hearing the Hon'ble Calcutta High Court was pleased to direct on 05.12.1996 that no permission should be issued by the competent authorities without permission of the West Bengal Pollution Control Board (Re: C.O. No. 18016 (W) of 1996). Similarly National Green Tribunal, Eastern Zone (Re: Application No. 101 of 2015) was pleased to direct the competent authorities on 16<sup>th</sup> October, 2015 to take necessary action to check the functioning of the illegal cracker manufacturing units. Relevant portion of the order reads as follows:-

*"The State of West Bengal represented by the Chief Secretary, the State Pollution Control Board represented by the Member Secretary, the DG & IG of Police and the Commissioner of Police, Kolkata, the Principal Secretary, Deptt. Of Fire and Emergency Services and the Principal Secretary, Deptt. of Environment, Govt. of West Bengal are all directed to submit their respective status report and the opposition, if any, of this application by four weeks and copy be served upon the applicant. Rejoinder to the opposition be filed by the applicant within two weeks thereafter. In the meantime the concerned respective respondents who are legally responsible under the law to check the illegal cracker manufacturing units will take all steps and measures to close down such illegally operating units and action taken report to be filed on the date fixed."*

That the Hon'ble Green Tribunal further directed the State of West Bengal to formulate a policy for the purpose of functioning of fireworks manufacturing units in the State of West Bengal taking all precautionary measures and relevant portion of the order dated 28.07.2016 reads as follows:-

*"We are of the considered view that the State should frame a detailed policy guideline on the grant of license for establishing fire cracker manufacturing units in the State. We suggest that the guidelines should provide for on line monitoring of the fire cracker units in co-ordination with the other concerned authorities, who should also be inter-connection through a common server."*

The order of closure issued on 23.06.2016 by the State PCB against 12 fire cracker manufacturing units running without consent to operate, has been endorsed to several authorities including the Director General and





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[6]

*Inspector General of Police, West Bengal. This, in our view, is not sufficient for an effective enforcement of the order. We would direct the PCB to take up the matter with the concerned police stations also for the purpose and the Director General of Police to issue instructions in that behalf for compliance."*

In considering the aforementioned issues and in consideration of the judicial pronouncement, our specific submissions are as follows:-

- All illegal fireworks manufacturing units need to be closed urgently;
- A specific guideline need to be constituted for giving permission for manufacturing fireworks;
- Compensation need to be given to the victims who died or injured due to accident occurred in fireworks manufacturing units in the State of West Bengal;

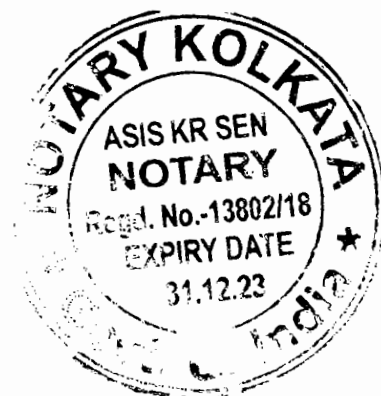
We hope and trust you will do the needful and your action taken report may kindly be communicated to our organization for end of justice and fair play.

Yours faithfully,

(Biswajit Mukherjee)

Secretary

Legal Aid Centre





পরিবেশ আকাদেমী • বড়বাজার, চন্দননগর - ৭১২১৩৬

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PARIBESH ACADEMY • BARABAZAR, CHANDANNAGAR, HOOGHLY, (W. B.)

23-8

1. The Director General & Inspector General of Police,  
Government of West Bengal,  
"Nabanna", 325 Sarat Chatterjee Road,  
Howrah- 711102
2. The Member Secretary,  
West Bengal Pollution Control Board,  
Paribesh Bhawan, 10A, Block-LA,  
Sector- III, Bidhannagar, Kolkata- 700106

Dated: 15/11/2021

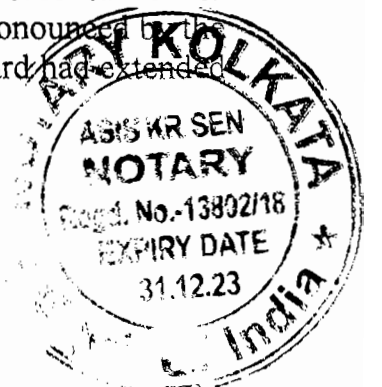
Sub: Appeal for urgent action against the miscreants responsible for the murder of Subhas Biswas who protest against the use of sound generating firecrackers.

Sir(s),

With reference to the above I am inviting your attention that the aforementioned senior citizen i.e. Subhas Biswas was murdered by the miscreants as he was protest against the use of sound making fire crackers. The said incident has already reported in the different news papers and similar incident was also occurred in West Bengal since 1997 and onwards on number of occasions. List of such unfortunate incidents are narrated below. Copies of the news paper cutting of Anandabazar Patrika and Eisamay are enclosed herewith for your ready reference

1. Dipak Das, Serampore 1997
2. Subodh Kumar Mahato, Saotaldihi 2007
3. Bokul Adhikary, Bizpur 2010
4. Pradip Roy, Gaighata 2010
5. Monmahan Kutti, Haldia 2011
6. Pijush Kanti Sarkar, Maheshtala 2012
7. Ranjit Kumar Naskar, Canning, 2013
8. Pintu Biswas, Ashoknagar 2013
9. Durlab Chandra Mahato, Jhargram 2015
10. Putin Mondal, Farrakka 2016
11. Purnima Maitra, Bijoygarh 2016
12. Haradhan Mal, Khargram, Murshidabad 2019

Hon'ble High Court at Calcutta was pleased to declare Dipak Das as a first "Sound Martyrs" in West Bengal. In the state of West Bengal highest number of murder was occurred by the miscreants against the Environmental Activists due to the protest against the use of sound making firecrackers or in case of use of microphones in high-pitch. Considering the order and philosophy pronounced by the Hon'ble High Court at Calcutta, West Bengal Pollution Control Board had extended financial help to the Sound Martyrs till 2011.





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PARIBESH ACADEMY • BARABAZAR, CHANDANNAGAR, HOOGHLY, (W. B.)

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(2)

Since then West Bengal Pollution Control Board has not extended any financial help to the family of the victims. However our organization has helped the victims through our limited resources.

In fact since 1997 and onwards number of unfortunate incident of murders were occurred and number of people including physically challenged person were physically harassed by the miscreants. Our organization has already submitted representation before the Hon'ble Minister In charge, Department of Environment, Dr. Ratna Dey Nag in this matter. Considering the aforementioned scenario, our humble submission before the Competent Authority that...

- a) All miscreants who are responsible of the murder of Subhas Biswas need to be arrested urgently and proper punishment need to be given;
- b) Subhas Biswas may be declared as a Sound Martyrs by the State of West Bengal;
- c) Atleast 5 Lakh compensation need to be given to the family of Subhas Biswas;

We hope and trust you will do the needful to consider our submissions and prayers for the end of justice and fare play.

Encl: as stated

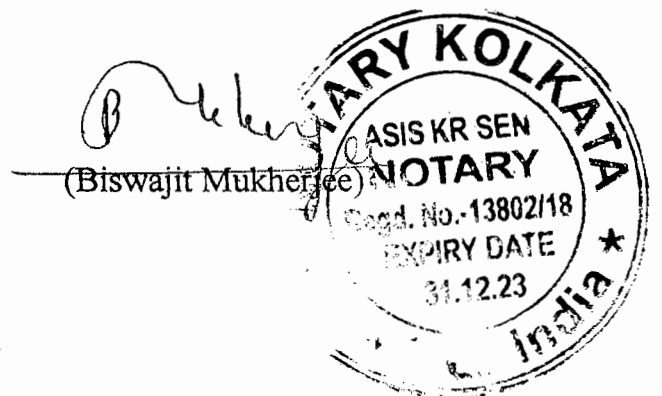
Yours faithfully,

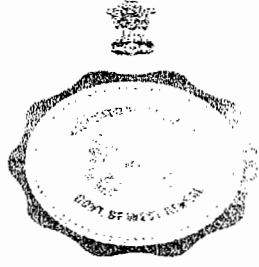
(Biswajit Mukherjee)  
President

Copy forwarded for kind attention and necessary action:

1. PS to Minister of State,  
Department of Environment &  
Department of Science and Technology and Bio Technology,  
Government of West Bengal, Pranisampad Bhawan,  
5<sup>th</sup> floor, LB-2 Block, Sector- III, Salt Lake,  
Kolkata- 700 106
2. Sub-Divisional Police Officer,  
Ranaghat Sub-Division,  
Ranaghat SDPO Office, Mission Road,  
P.O & P.S.- Ranaghat, Nadia- 741201 .

(Biswajit Mukherjee)





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Government of West Bengal  
Environment Department  
Pranisampad Bhavan, 5<sup>th</sup> Floor, LB-2, Sector-III, Salt Lake, Kolkata-106.

No:- 2054-EN/IP-01/2021

Dated- 26.11.2021

From: The Special Secretary  
to the Govt. of West Bengal

To: The District Magistrate, Nadia  
Krishnanagar, Nadia  
Pin-741101

Sub:- Appeal for urgent action against the miscreants responsible for the murder of Subhas Biswas who protest against the use of sound of firecrackers

Sir:

Apropos the reference on the cited subject, I am directed to send the aforementioned complaint of Shri Biswajit Mukherjee, President of Paribesh Academy, Barobazar, Chandannagar, Hooghly, addressed to Hon'ble MOS (IC), Environment Deptt., which is self explanatory, for your kind perusal and for taking suitable action at your end.

You are requested to send an action taken report to this end,

Yours faithfully

Sd/- S. K. Parui  
Special Secretary  
to the Govt. of West Bengal

Encl: As stated

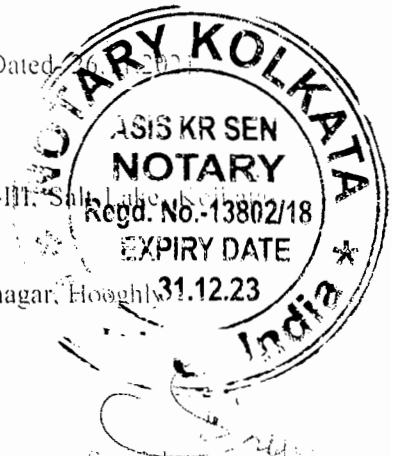
No- 2054-1(2)-EN-IP-01/2021

Dated- 26.11.2021

Copy forwarded for information to :

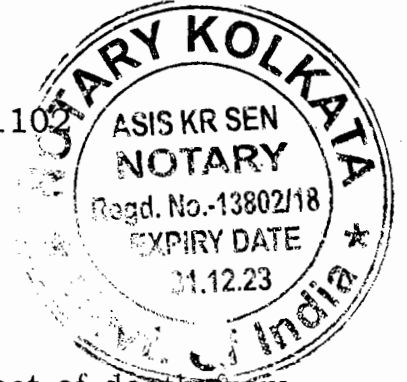
(1) The PS to MOS(IC), Environment Department, Pranisampad Bhavan, Sector-III, Salt Lake, Kolkata-106

(2) Shri Biswajit Mukherjee, President of Paribesh Academy, Barobazar, Chandannagar, Hooghly



Special Secretary  
to the Govt. of West Bengal

- 1) The Additional Chief Secretary,  
Home Department, Nabanna,  
325, Sarat Chatterjee Road, Shibpore,  
Howrah -711102. Dated: 20.12.2021
- 2) The Principal Secretary, Department of Environment,  
Govt. of West Bengal, Pranisampad Bhawan, Block-LB,  
Sector-III, 5<sup>th</sup> Floor, Bidhannagar, Kolkata — 700106
- 3) The Principal Secretary, Department of Fire & Emergency Services,  
Govt. of West Bengal, Bikash Bhaban, 2<sup>nd</sup> Floor, South Block.  
Sector-I, Salt Lake City, Kolkata — 700091
- 4) The Director General & Inspector General of Police,  
West Bengal Police, "Nabanna, 11<sup>th</sup> Floor, 325,  
Sarat Chatterjee Road, P.O. Shibpur, Howrah — 711102
- 5) The Member Secretary,  
West Bengal Pollution Control Board,  
Paribesh Bhaban, 10 LA Block, Sector-III,  
Bidhan Nagar, Kolkata — 700106.



Sub: Appeal for compensation to the victims in respect of death from the accident occurred in Fire Work Manufacturing Units and to stop the unlicensed Fire Works Manufacturing Unit in the State of West Bengal.

Ref: Our letters dated 04.03.2019, 28.10.2019 & 05.01.2020

Re: Original Application No, 101 of 2015 / EZ (Biswajit Mukherjee Applicant - Vs - Union of India & Ors.)

Sir(s),

With reference to above, I am inviting to your kind attention in respect of the two issues i.e. appropriate compensation to the victims in respect of death or injury from the accident occurred in the Fire Works Manufacturing Units and another issue regarding closure of the unlicensed Fire Works Manufacturing Units in the State of West Bengal as per the order of the National Green Tribunal, Eastern Zone dated 16<sup>th</sup> October, 2015.

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ঠিকানা : সবুজের অভিযান, বড়বাজার, চন্দননগর, পিন-৭১২১৩৬ ■ দূরভাষ : (০৩৩) ২৬৮৩৬৫৩৩

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(2)

**Compensation issue:** That Hon'ble Calcutta' High Court was Pleased to fix up compensation in respect of compensation to the victims who died from the accident occurred in the Fire Works manufacturing Units in connection C.O. No. 180.16 (W) of 1996 (Centre for Communication & Development Vs State West Bengal & Ors.) and also fix up a guideline for prevention of such type of incident in the State of West Bengal. Relevant portion of the order date 05.12.1996 passed by Hon'ble Justice S. B. Sinha in this matter, are as follows.-

"The petitioner, who has taken up the cause of the families of several, children who lost their lives by reason of Firework explosion at Nowab Fireworks Factory said to be belonging to M. N. Fireworks, at Haturia-1 Gram Panchayat, P.S. Bagnan, District - Howrah, on 11.09.95, has filed this writ application, inter alio, for a direction upon the respondents to take positive steps to compensate all those victim families who lost their Children.

West Bengal Pollution Control Board, represented by Mr. Das has filed an affidavit in opposition. It appears that a similar matter came up for consideration before the Apex Court in the case of M.C. Mehta - v - Union Of India & Ors. in Writ Petition (Civil) No. 3727 of 1985 and a Division Bench consisting of Kuldeep Singh and K. T. Thomas, JJ, by an order dated 26.11.96 directed that the families of all such children be granted a sum of Rs. 1,00,000/ by way of compensation and further direct the Labour Commissioner, West Bengal, to determine the amount of compensation in proportion to the extent of damage and/or injury to the extent of damage and/or injury to the disabled persons.

In view of the fact that a law has been laid down by the Supreme Court of India, it is the duty of the State to see that the law of the land is implemented.

In that view of the matter, this application is disposed of with a direction upon the State to see that compensation be paid to the families of the victim in terms of the aforementioned directions of the Supreme Court of India. The concerned respondents, including the Labour Commissioner, West Bengal are hereby directed to



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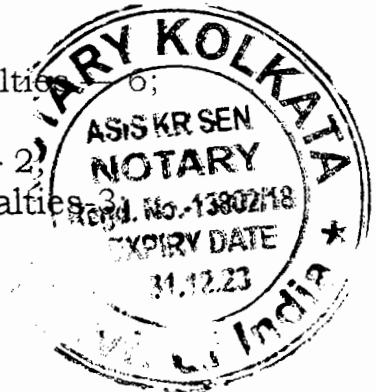
initiate appropriate proceedings of realization of the amount of compensation to the families of the deceased children and/or for the payment of compensation payable to the injured Persons, as early as possible and preferably within a period of 2 weeks from the date of communication of this order. It would be open to the concerned authorities to see that same interim amount be paid both to the families of the deceased children as also to the injured persons. It is also directed that State shall render all medical assistance to the injured persons.

Having regard to the magnitude of the occurrence and possibility of similar occurrence taking place in future, in my opinion, it would be desirable if the State Government directs formation of a Committee consisting of the District Magistrate, Chief Medical Officer as also an officer of the West Bengal Pollution Control Board concerned, for submission of a report to the concerned Ministry, whereupon necessary directions may be issued for prevention of such occurrence in future. The District Magistrate and the Controller, Explosives Department, Government of India should also see that no permission or license to fireworks manufacturing industry be granted without permission of the West Bengal State Pollution Control Board.

While making payment of such compensation, the concerned authorities should ensure that the amount of compensation should reach the concerned families and requisite advice for investment of a substantial amount may be given to them so that they do not squander away the money nor can become victim of some other persons purporting to espouse their cause."

Considering the philosophy and the guideline of the aforementioned order, our organization has submitted number of petitions before the competent authorities for giving compensation to the victims who expired since 2009 and onwards.

- June, 2009 in Kalna, District — Burdwan — casualties — 8,
- September, 2010 in Dhanekhali, District — Hooghly — casualties — 6;
- October, 2011 in Kolaghat, Midnapore West, casualties — 3;
- September, 2013 in Kalna, District — Burdwan, casualties — 2,
- September, 2013 in Paskura, District -Midnapore West, casualties — 3,
- October, 2013 in Begampur, District Hooghly casualties



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ঠিকানা : সবুজের অভিযান, বড়বাজার, চন্দননগর, পিন-৭১২১৩৬ ■ দূরভাষ : (০৩৩) ২৬৮৩৬৫৩৩

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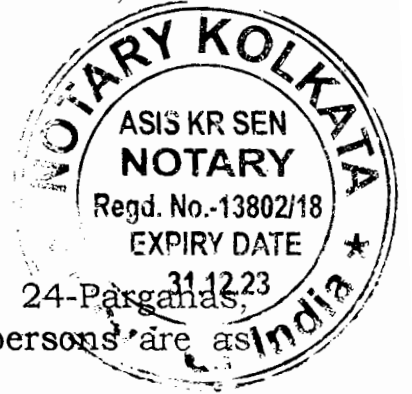
- (g) September, 2014 in Moyna, District - Burdwan, casualties - 3;
- (h) May, 2015 in Pingla, District - Midnapore West', casualties - 12,
- (I) 2016 in Topsia, Kolkata - injured - 6,
- (j) 2016 in Budge Budge - Casualties - 2;
- (k) 2016 in Nilgunge - Causality - 1;
- (l) 2017 in Telinipara - injured - 2;
- (m) 2017, Champahati - Causality-1, injured - 3;
- (n) 2017 in Amdanga, North 24-Parganas -Causality-5, injured - 15;
- (o) 2018 in Halisahar, North 24-Parganas - Casualty-3, injured - 3;
- (p) 2018 in Mograhat, Hooghly- Causality- 3, injured - 3;
- (q) 2019 in Contai, Midnapore East- Causality-2, injured-4;
- (r) 2019 in Maheshtala, South 24-Parganas- Causality-2;
- (s) 2019 Chamahati, South 24-Parganas, injured - 3;
- (t) 2019 Keshpur, East Midnapore, injured - 2, Causality-1
- (u) 2020 Naihati, North 24 Parganas, Causality-5;

In recent incident occurred in Nodakhali, South 24-Parganas, wherein three (3) persons were expired. Name of such persons are as follows:

- (1) Ashim Mondal
- (2) Atithi Halder
- (3) Kakoli Midya

In this connection it is worthwhile to mention here that Govt. of West Bengal has extended financial help to the victims who died in Uttar Pradesh for explosion of the fireworks manufacturing units and all such persons are citizens of Maldah District, but unfortunately the persons who died in West Bengal in similar accident, in such cases, compensation has not yet paid by the State Government or by any other statutory organization. Our organization has already sent a letter to the Hon'ble Minister In Charge, Department of Environment, Government of West Bengal on 03/12/2021 through email and copy of the same is enclosed herewith.

**Closure of illegal Fire Works Manufacturing Units-** Upon hearing the Hon'ble Calcutta High Court was pleased to direct on 05.12.1996 that no permission should be issued by the competent authorities without permission of the West Bengal Pollution Control Board (Re: C.O. No. 18016 (W) of 1996). Similarly National Green Tribunal, Eastern Zone



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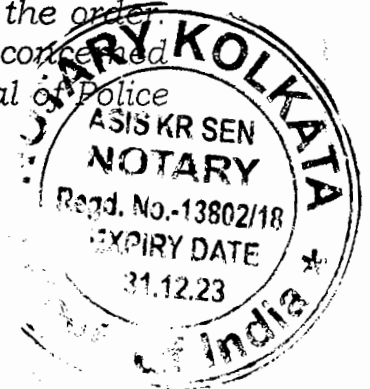
(Re: Application No. 101 of 2015) was pleased to direct the competent authorities on 16<sup>th</sup> October, 2015 to take necessary action to check the functioning of the illegal cracker manufacturing units. Relevant portion of the order reads as follows:-

*"The State of West Bengal represented by the Chief Secretary, the State Pollution Control Board represented by the Member Secretary, the DG & IG of Police and the Commissioner of Police, Kolkata, the Principal Secretary, Deptt. Of Fire and Emergency Services and the Principal Secretary, Deptt. Of Environment, Govt. of West Bengal is all directed to submit their respective status report and the opposition, if any, of this application by four weeks and copy be served upon the applicant. Rejoinder to the opposition is filed by the applicant within two weeks thereafter. In the meantime the concerned respective respondents who are legally responsible under the law to check the illegal cracker manufacturing units will take all steps and measures to close down such illegally operating units and action taken report to be filed on the date fixed."*

That the Hon'ble Green Tribunal further directed the State of West Bengal to formulate a policy for the purpose of functioning of fireworks manufacturing units in the State of West Bengal taking all precautionary measures and relevant portion of the order dated 28.07.2016 reads as follows:-

*"We are of the considered view that the State should frame a detailed policy guideline on the grant of license for establishing fire cracker manufacturing units in the State. We suggest that the guidelines should provide for on line monitoring of the fire cracker units in co-ordination with the other concerned authorities, who should also be inter-connection through a common server."*

The order of closure issued on 23.06.2016 by the State PCB against 13 fire cracker manufacturing units running without consent to operate, has been endorsed to several authorities including the Director General and Inspector General of Police, West Bengal. This, in our view, is not sufficient for an effective enforcement of the order. We would direct the PCB to take of the matter with the concerned police stations also for the purpose and the Director General of Police to issue instructions in that behalf for compliance."



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ঠিকানা : সবুজের অভিযান, বড়বাজার, চন্দননগর, পিন-৭১২১৩৬ ■ দূরভাষ : (০৩৩) ২৬৮৩৬৫৩৩

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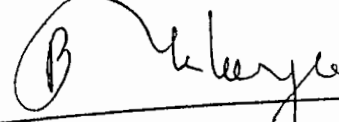
In considering the aforementioned issues and in consideration up the judicial pronouncement, our specific submissions are as follows:-

- a) All illegal fireworks manufacturing units need to be closed urgently;
- b) A specific guideline need to be constituted for giving permission for manufacturing fireworks;
- c) Compensation need to be given to the victims who died or injured due to accident occurred in fireworks manufacturing units in the State of West Bengal;

We hope and trust you will do the needful and your action taken report may kindly be communicated to our organization for end of justice and fair play.

Enclo: as stated

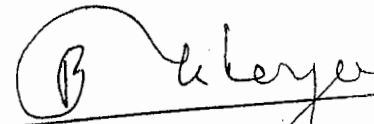
yours faithfully,



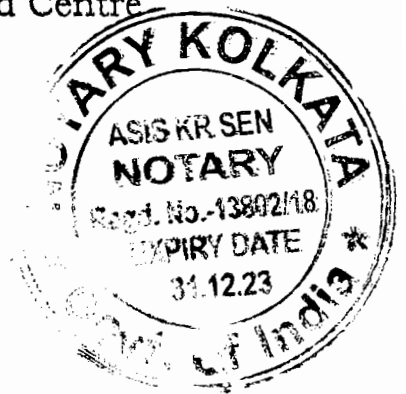
Biswajit Mukherjee  
Secretary  
Legal Aid Centre

Copy forwarded to:

PS to the Minister of State (Independent Charge),  
Department of Environment,  
Government of West Bengal &  
Department of Science and Technology &  
Biotechnology,  
Prani Sampad Bhawan, 5<sup>th</sup> Floor,  
LB 2 Block, Sector- III, Salt Lake,  
Kolkata- 700 106



Biswajit Mukherjee  
Secretary  
Legal Aid Centre





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Government of West Bengal  
Environment Department  
Pranisampad Bhaban, 5<sup>th</sup> Floor, LB-2, Sector-III, Salt Lake, Kolkata-106.

No:- 2122/EN/IP-01/2021(Pt-III)

Dated:- 20.10.2022

From: The Special Secretary  
to the Govt. of West Bengal

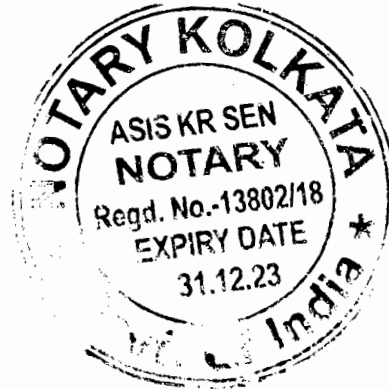
To:- The Member Secretary  
West Bengal Pollution Control Board,  
"Paribesh Bhawan"  
10 A, LA-Block, Sector-III,  
Kolkata - 700 106

Sub:- Regarding non-action of State Govt. of West Bengal reportedly unlicensed manufacturing of fireworks/crackers etc.

Sir,

Apropos the reference on the cited subject, I am directed to send herewith a copy of a complaint attached with our previous forwarding Memo no. 426/EN/IP-01/2021(Pt-1) dt. 14.03.2022 received from Shri Biswajit Mukherjee Secretary, Legal Aid Centre, Barabazar, Chandannagar, Pin-712136 addressed to the Additional Chief Secretary, Environment Deptt, which is self-explanatory, for your kind perusal and taking necessary action.

You are also requested to take action on the issue and send an action taken report to this end at the earliest convenience.



Yours faithfully,

Sd/- S.K. Barai

Special Secretary  
to the Govt. of West Bengal

Encl: As stated

No:- 2122/1(1)EN/IP-01/2021(Pt-III)

Dated:- 20.10.2022

Copy forwarded for information to:-

Shri Biswajit Mukherjee, Secretary, Legal Aid Centre, Barabazar, Chandannagar, Pin-712136

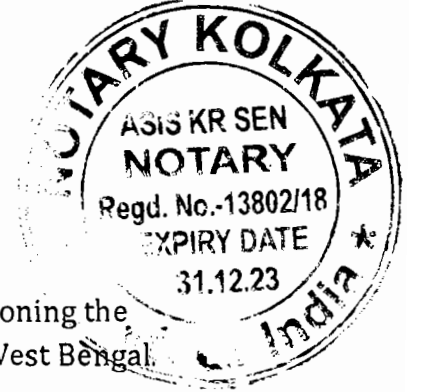
Special Secretary  
to the Govt. of West Bengal.

Legal Aid Centre • Environment, Public Health, Human Rights & Labour Matters

A. Idress : Sabujer Avijan, Barabazar, Chandannagar, Pin-712136 ■ Ph. : (033) 26836533 Website : www.sabujeravijan.org

- 1) The Additional Chief Secretary,  
Home Department, Nabanna,  
325, Sarat Chatterjee Road, Shibpore,  
Howrah -711102.
- 2) The Principal Secretary, Department of Environment,  
Govt. of West Bengal, Pranisampad Bhawan, Block-LB,  
Sector-III, 5<sup>th</sup> Floor, Bidhannagar, Kolkata — 700106
- 3) The Principal Secretary,  
Department of Fire & Emergency Services,  
Govt. of West Bengal, Bikash Bhaban, 2<sup>nd</sup> Floor,  
South Block, Sector-I, Salt Lake City, Kolkata — 700091
- 4) The Director General & Inspector General of Police,  
West Bengal Police, "Nabanna, 11<sup>th</sup> Floor, 325,  
Sarat Chatterjee Road, P.O. Shibpur, Howrah — 711102
- 5) The Member Secretary,  
West Bengal Pollution Control Board,  
Paribesh Bhaban, 10 LA Block, Sector-III,  
Bidhan Nagar, Kolkata — 700106.

Dated: 12/10/2022



Sub: Non action of the State Government to stop the functioning the  
unlicensed fireworks manufacturing units in the state of West Bengal.

Ref: Our letter dated 07/02/2022 and letter of Department of  
Environment dated 14/03/2022

Sir(s),

With reference to the above, I am inviting your attention that since 2015 and onwards, our organization time and again approached before your good office to stop the functioning of the unlicensed fireworks manufacturing units in conformity of the order of the Hon'ble National Green Tribunal, Eastern Zone dated 16/10/2015 but it is observed from the records after 2014 at least 16 number of explosion incidents were occurred from the unlicensed fireworks manufacturing units.

That, our organization had submitted a detailed representation on 03/12/2021 with a copy to Hon'ble Minister In Charge, Department of Environment, Government of West Bengal. In turn Department of Environment, Government of West Bengal was pleased to direct the West Bengal Pollution Control Board to take necessary action as prayed in our letter dated 20/12/2021. But it is observed that West Bengal Pollution Control Board and other Statutory Authorities are absolutely reluctant to take necessary action in this matter. Copies of the letters under reference are enclosed here with for your ready reference.

(2)

Further it can be mentioned that recently it is reported in **Anandabazar Patrika & Eisamay Patrika dated 12/10/2022** that further explosion has occurred in an unlicensed fireworks manufacturing unit in the Sub-Division of Tamluk under Purba Midnapur District. Such incident is sharply indicating that unlicensed fireworks manufacturing units are operating in the State of West Bengal for the purpose of manufacturing ban fireworks in violation of the order of Hon'ble Supreme Court of India, Hon'ble High Court at Calcutta and also order of the Hon'ble National Green Tribunal, Eastern Bench.

We are in apprehension that ensuing Kali Puja & Diwali will be a noisy festival though Hon'ble Supreme Court of India, Hon'ble High Court at Calcutta has specifically mentioned that only Green Crackers will be used maintaining the norms and as per the order of Hon'ble High Court at Calcutta no fireworks are allowed to be used, generating noise level more than 90 db from the 5 meters from the bursting point. As per such order no sound making fire crackers are allowed in the State of West Bengal for manufacturing, storing or for use in any manner. **(Ref: Order of the Hon'ble High Court at Calcutta dated 11/10/2022 in connection with W.P.A (P) 292 of 2021 with IA no. CAN1 of 2022 Sabuj Mancha Vs State West Bengal & Others).**

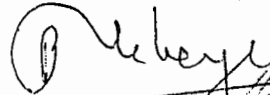
In view of such and in consideration of the Judicial Pronouncement our specific submissions are as follows:

- All illegal fireworks manufacturing units need to be closed urgently;
- A specific guideline need to be constituted for giving permission for manufacturing fireworks;
- Compensation need to be given to the victim workers who died or injured due to accident occurred in fireworks manufacturing units in the State of West Bengal;

We hope and trust you will do the needful and your action taken report may kindly be communicated to our organization for end of justice and fair play.

Encl: as stated

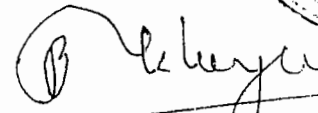
yours faithfully,



Biswajit Mukherjee  
Secretary

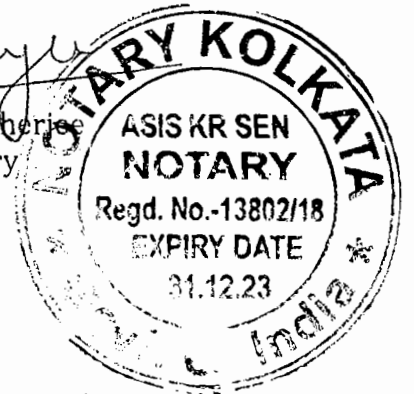
Copy forwarded to:

PS to the Minister of State (Independent Charge),  
Department of Environment,  
Government of West Bengal,  
Prani Sampad Bhawan, 5<sup>th</sup> Floor,  
LB 2 Block, Sector- III, Salt Lake,  
Kolkata- 700 106



Biswajit Mukherjee  
Secretary

Email: biswajit.envlaw@gmail.com



- 1) The Principal Secretary, Department of Environment,  
Govt. of West Bengal, Pranisampad Bhawan, Block-LB,  
Sector-III, 5<sup>th</sup> Floor, Bidhannagar, Kolkata — 700106
- 2) The Director General & Inspector General of Police,  
West Bengal Police, "Nabanna, 11<sup>th</sup> Floor, 325,  
Sarat Chatterjee Road, P.O. Shibpur, Howrah — 711102
- 3) The Member Secretary,  
West Bengal Pollution Control Board,  
Paribesh Bhaban, 10 LA Block, Sector-III,  
Bidhan Nagar, Kolkata — 700106.

Dated: 28/11/2022

Sub: Non action of the State Government to stop the functioning the  
unlicensed fireworks manufacturing units in the state of West Bengal.

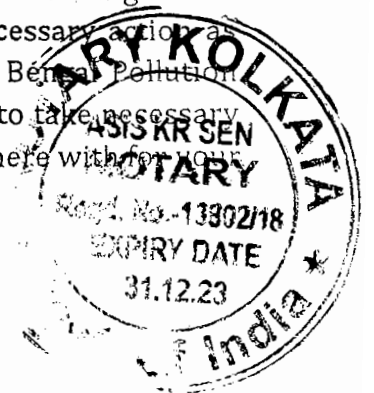
Ref: Our letter dated 04/03/2019, 18/10/2019, 05/01/2020, 07/02/2022,  
12/10/2022 and letter of Department of Environment dated 14/03/2022

Sir(s),

With reference to the above, I am inviting your attention that since 2015 and onwards, our organization time and again approached before your good office to stop the functioning of the unlicensed fireworks manufacturing units in conformity of the order of the Hon'ble National Green Tribunal, Eastern Zone dated 16/10/2015 but it is observed from the records that number of explosion incidents were occurred from the unlicensed fireworks manufacturing units. Copy of our letter dated 12/10/2022 is enclosed here with for your ready reference.

Last few years, it is observed that numbers of children are victim of explosion of the crude bombs and unlicensed fireworks manufacturing units are the perennial source of such type of crude bombs. Such incidents are also reported in the newspaper and newspaper cuttings are enclosed here with for your ready reference.

That, our organization had submitted a detailed representation on 03/12/2021 with a copy to Hon'ble Minister In Charge, Department of Environment, Government of West Bengal. In turn Department of Environment, Government of West Bengal was pleased to direct the West Bengal Pollution Control Board to take necessary action as prayed in our letter dated 20/12/2021. But it is observed that West Bengal Pollution Control Board and other Statutory Authorities are absolutely reluctant to take necessary action in this matter. Copies of the letters under reference are enclosed here with for ready reference.



Legal Aid Centre • Environment, Public Health, Human Rights & Labour Matters

Address : Sabujer Avijan, Barabazar, Chandannagar, Pin-712136 ■ Ph. : (033) 26836533 Website : www.sabujeravijan.org

(2)

We are in apprehension that due to the ensuing Panchayat Election such type of incident are increasing and therefore unlicensed fireworks manufacturing units are need to be closed immediately not only for environmental issues but also for the maintaining law and order problem in the state of West Bengal.

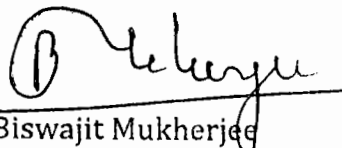
In view of such and in consideration of the Judicial Pronouncement our specific submissions are as follows:

- All illegal fireworks manufacturing units need to be closed urgently;
- Compensation need to be given to the children who are victim of the explosion of the crude bombs and State Government should take all responsibility for the treatment.

We hope and trust you will do the needful and your action taken report may kindly be communicated to our organization for end of justice and fair play.

Encl: as stated

yours faithfully,

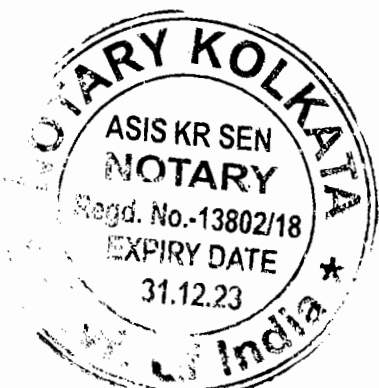
  
Biswajit Mukherjee  
Secretary

Email: biswajit.envlaw@gmail.com

भारतीय डाक  
RW597733067IN IVR:8287597733067  
RL CHANDANNAGAR SO HOOGHLY <7121  
Counter No:1.29/11/2022.10:32 India Post  
To:DIRECTOR GENE.INSPECTOR GENERA  
PIN:711102, Sibour SO  
From:SECRETARY,SABUJER AVIJAN  
Wt:20gms  
Amt:22.00(Cash)  
<Track on www.indiapost.gov.in>  
<Dial 18002666868> <Wear Masks. Stay Safe>

भारतीय डाक  
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To:PRINCIPAL SEC.DEPT OF ENVIRONM  
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Amt:27.00(Cash)  
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<Dial 18002666868> <Wear Masks. Stay Safe>

भारतीय डाक  
RW597733053IN IVR:8287597733053  
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Counter No:1.29/11/2022.10:32 India Post  
To:MEMBER SECRET.WEST BENGAL POLL  
PIN:700106, Bidhan Nagar IB Market SO  
From:SECRETARY,SABUJER AVIJAN  
Wt:20gms  
Amt:22.00(Cash)  
<Track on www.indiapost.gov.in>  
<Dial 18002666868> <Wear Masks. Stay Safe>



Legal Aid Centre • Environment, Public Health, Human Rights & Labour Matters

Address : Sabujer Avijan, Barabazar, Chandannagar, Pin-712136 ■ Ph. : (033) 26836533 Website : www.sabujeravijan.org

- 1) The Principal Secretary, Department of Environment,  
Govt. of West Bengal, Pranisampad Bhawan, Block-LB,  
Sector-III, 5<sup>th</sup> Floor, Bidhannagar, Kolkata — 700106
- 2) The Director General & Inspector General of Police,  
West Bengal Police, "Nabanna, 11<sup>th</sup> Floor, 325,  
Sarat Chatterjee Road, P.O. Shibpur, Howrah — 711102
- 3) The Member Secretary,  
West Bengal Pollution Control Board,  
Paribesh Bhaban, 10 LA Block, Sector-III,  
Bidhan Nagar, Kolkata — 700106.

Dated: 21/03/2023

Sub: Non action of the State Government to stop the functioning the  
unlicensed fireworks manufacturing units in the state of West Bengal.

Ref: Our letter dated 04/03/2019, 18/10/2019, 05/01/2020, 07/02/2022,  
12/10/2022, 28/11/2022 and letter of Department of Environment dated  
14/03/2022

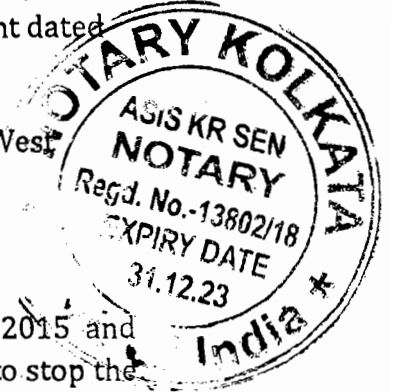
Re: W.P. No. 34080(W) of 2013 (Biswajit Mukherjee Vs State of West  
Bengal & Others)

Sir(s),

With reference to the above, I am inviting your attention that since 2015 and  
onwards, our organization time and again approached before your good office to stop the  
functioning of the unlicensed fireworks manufacturing units in conformity of the order of  
the Hon'ble National Green Tribunal, Eastern Zone dated 16/10/2015 but it is observed  
from the records that number of explosion incidents were occurred from the unlicensed  
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Last few years, it is observed that numbers of children are victim of explosion of  
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of such type of crude bombs. Such incidents are also reported in the newspaper and  
newspaper cuttings are enclosed here with for your ready reference.

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pleased to direct the West Bengal Pollution Control Board to take necessary action as



অইন সহায়তা কেন্দ্র • পরিবেশ, জনস্বাস্থ্য, মানবাধিকার ও শ্রমিকের অধিকার বিষয়ক

ঠিকানা : সবুজের অভিযান, বড়বাজার, চন্দননগর, পিন-৭১২১৩৬ ■ দূরভাষ : (০৩৩) ২৬৮৩৬৫৩৩

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Legal Aid Centre • Environment, Public Health, Human Rights & Labour Matters

Address : Sabujer Avijan, Barabazar, Chandannagar, Pin-712136 ■ Ph. : (033) 26836533 Website : www.sabujeravijan.org

(2)

mentioned in our letter dated 20/12/2021. But it is observed that West Bengal Pollution Control Board and other Statutory Authorities are absolutely reluctant to take necessary action in this matter. Copies of the letters under reference are enclosed here with for your ready reference along with the News Paper cutting of Eisamay Newspaper dated 11/03/2023 wherein explosion of the unauthorized fireworks unit as reported.

We are in apprehension that due to the ensuing Panchayat Election such type of incident are increasing and therefore unlicensed fireworks manufacturing units need to be closed immediately not only for environmental issues but also for the maintaining law and order problem in the state of West Bengal.

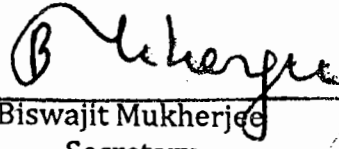
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- a) All illegal fireworks manufacturing units need to be closed urgently;
- b) Compensation need to be given to the children who are victim of the explosion of the crude bombs and State Government should take all responsibility for the treatment.

We hope and trust you will do the needful and your action taken report may kindly be communicated to our organization for end of justice and fair play.

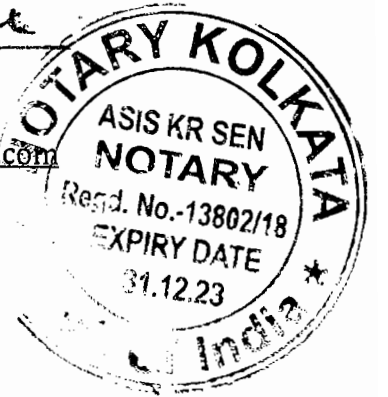
Enclosure: as stated

yours faithfully,



Biswajit Mukherjee  
Secretary

Email: [biswajit.envlaw@gmail.com](mailto:biswajit.envlaw@gmail.com)



ইন সহায়তা কেন্দ্র • পরিবেশ, জনস্বাস্থ্য, মানবাধিকার ও শ্রমিকের অধিকার বিষয়ক

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Legal Aid Centre • Environment, Public Health, Human Rights & Labour Matters

Address : Sabujer Avijan, Barabazar, Chandannagar, Pin-712136 ■ Ph. : (033) 26836533 Website : www.sabujeravijan.org

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- 1) The Principal Secretary, Department of Environment,  
Govt. of West Bengal, Pranisampad Bhawan, Block-LB,  
Sector-III, 5<sup>th</sup> Floor, Bidhannagar, Kolkata — 700106
- 2) The Director General & Inspector General of Police,  
West Bengal Police, "Nabanna, 11<sup>th</sup> Floor, 325,  
Sarat Chatterjee Road, P.O. Shibpur, Howrah — 711102
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Dated: 21/03/2023

Sub: Non action of the State Government to stop the functioning the  
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Ref: Our letter dated 04/03/2019, 18/10/2019, 05/01/2020, 07/02/2022,  
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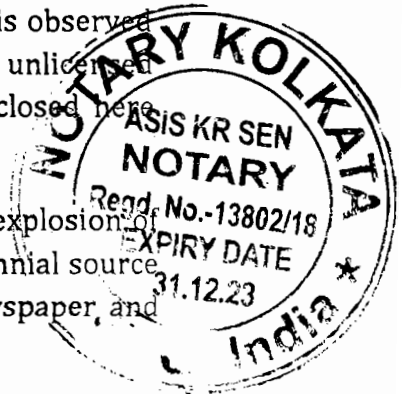
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মহিন সহায়তা কেন্দ্র • পরিবেশ, জনস্বাস্থ্য, মানবাধিকার ও শ্রমিকের অধিকার বিষয়ক

ঠিকানা : সবুজের অভিযান, বড়বাজার, চন্দননগর, পিন-৭১২১৩৬ ■ দূরভাষ : (০৩৩) ২৬৮৩৬৫৩৩

Legal Aid Centre • Environment, Public Health, Human Rights & Labour Matters

Address : Sabujer Avijan, Barabazar, Chandannagar, Pin-712136 ■ Ph. : (033) 26836533 Website : www.sabujeravijan.com

(2)

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We are in apprehension that due to the ensuing Panchayat Election such type of incident are increasing and therefore unlicensed fireworks manufacturing units are need to be closed immediately not only for environmental issues but also for the maintaining law and order problem in the state of West Bengal.

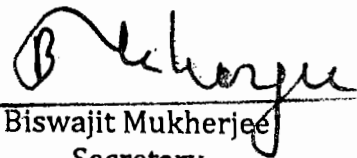
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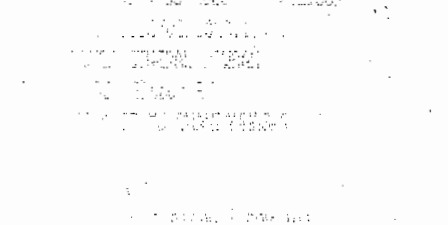
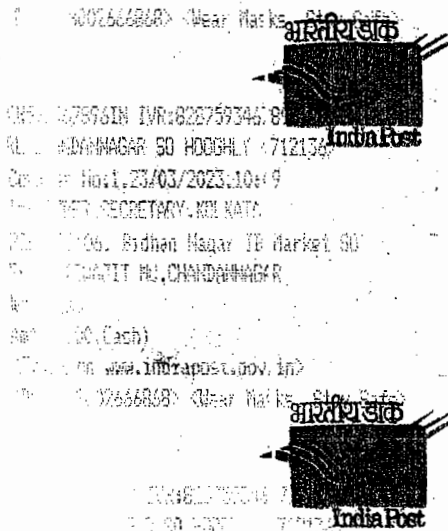
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Encl: as stated

yours faithfully,

  
Biswajit Mukherjee  
Secretary

Email: [biswajit.envlaw@gmail.com](mailto:biswajit.envlaw@gmail.com)





পরিবেশ আকাদেমী • বড়বাজার, চন্দননগর - ৭১২১৩৬

PARIBESH ACADEMY • BARABAZAR, CHANDANNAGAR, HOOGHLY, (W. B.)

~~294~~

256



1) The Principal Secretary, Department of Environment,  
Govt. of West Bengal, Pranisampad Bhawan, Block-LB,  
Sector-III, 5<sup>th</sup> Floor, Bidhannagar, Kolkata — 700106

Dated: 16/05/2023

2) The Director General & Inspector General of Police,  
West Bengal Police, "Nabanna, 11<sup>th</sup> Floor, 325,  
Sarat Chatterjee Road, P.O. Shibpur, Howrah — 711102

3) The Member Secretary,  
West Bengal Pollution Control Board,  
Paribesh Bhaban, 10 LA Block, Sector-III,  
Bidhan Nagar, Kolkata — 700106.

**Sub: Absolute failure of the Government Machinery to stop the functioning of the unlicensed fireworks manufacturing units in the State of West Bengal. In conformity of the Hon'ble Judicial Mandate.**

Ref: Our letter dated 05/09/2016, 04/03/2019, 18/10/2019, 05/01/2020, 07/02/2022, 12/10/2022, 28/11/2022 and letter of Department of Environment dated 14/03/2022

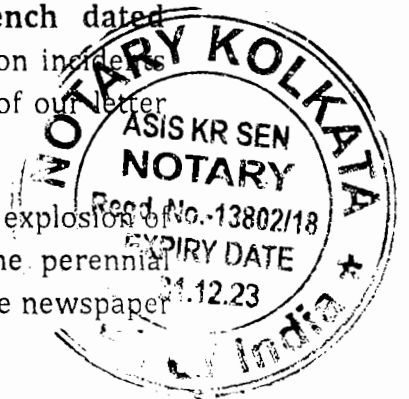
Re: **W.P. No. 34080(W) of 2013** (Biswajit Mukherjee Vs State of West Bengal & Others) & Original Application No. 101/2015/EZ Before the National Green Tribunal, Eastern Zone Bench, Kolkata.

Re: Order of the Hon'ble National Green Tribunal, Eastern Zone Bench, Kolkata dated 16/10/2015.

Sir(s),

With reference to the above, I am inviting your attention that since 2015 and onwards, our organization time and again approached before your good office to stop the functioning of the unlicensed fireworks manufacturing units in conformity of the order of the **Hon'ble National Green Tribunal, Eastern Zone Bench dated 16/10/2015** but it is observed from the records that number of explosion incidents were occurred from the unlicensed fireworks manufacturing units. Copy of our letter dated 21/03/2023 is enclosed here with for your ready reference.

Last few years, it is observed that numbers of children are victim of explosion of the crude bombs and unlicensed fireworks manufacturing units are the perennial source of such type of crude bombs. Such incidents are also reported in the newspaper and newspaper cuttings are enclosed here with for your ready reference.

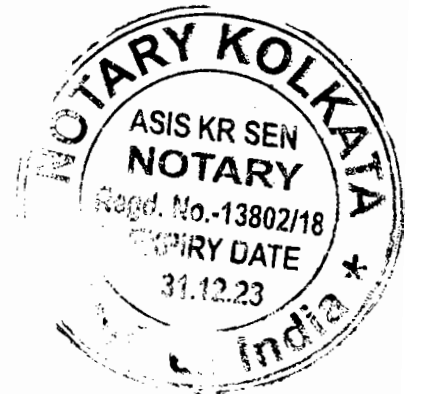


(2)

That, our organization had submitted a detailed representation before the **Hon'ble Chief Minister on 27/03/2023 and also to the Hon'ble Minister in Charge, Department of Environment on 03/12/2021** enclosing the aforementioned letter, mentioning there to that responsible Government Machineries for controlling unlicensed fireworks manufacturing units are totally reluctant to implement the law of the land and also the Judicial mandates in this matter.

Recent incident in East Midnapur at Egra sharply indicates that the Government Machineries have absolutely failed to stop functioning to stop the unlicensed fireworks manufacturing units though since 2015, our organization time and again have approached before the Competent Authorities but the situation remained unchanged and non-action of the Government Machineries have paved the way of **Serious Deadly Environmental Crimes**. List of the incidents of explosion of the unlicensed fireworks manufacturing units in the State of West Bengal, given below:

1. June, 2009 in Kalna, District – Burdwan - casualties – 8,
2. September, 2010 in Dhanekhali , District – Hooghly – casualties – 6;
3. October, 2011 in Kolaghat, Midnapore West, casualties – 3;
4. September, 2013 in Kalna, District – Burdwan, casualties – 2;
5. September, 2013 in Paskura, District - Midnapore West, -casualties – 3;
6. October, 2013 in Begampur, District Hooghly, casualties - 4;
7. September, 2014 in Moyna, District – Burdwan, casualties – 3;
8. May, 2015 in Pingla, District – Midnapore West, casualties – 12;
9. 2016 in Topsia, Kolkata – injured – 6;
10. 2016 in Budge Budge – Casualties – 2;
11. 2016 in Nilgunge – Casualty – 1;
12. 2017 in Telinipara – injured – 2;
13. 2017, Champahati – Casualty-1, injured – 3;
14. 2017 in Amdanga, North 24-Parganas – Casualty-5, injured – 15;
15. 2018 in Halisahar, North 24-Parganas – Casualty-3, injured – 3;
16. 2018- in Mograhat, Hooghly – Casualty- 3, injured – 3;
17. 2019 - in Contai, Midnapore East – Casualty-2, injured-4;
18. 2019 – in Maheshtala, South 24-Parganas – Casualty-2;
19. 2019- in Keshpur, Paschim Midnapur, Casualties- 1;
20. 2020- Naihati, North 24 Parganas, Casualties- 5;





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PARIBESH ACADEMY • BARABAZAR, CHANDANNAGAR, HOOGHLY. (W. B.)

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21. 2021- Nodakhali, South 24 Parganas, Casualties- 3;
22. 2023- Maheshtala, South 24 Parganas, Casualties- 3;
23. 2023- Egra, Purba Midnapur, Casualties- under observation;

We are in apprehension that due to the ensuing Panchayat Election such type of incident are increasing and therefore unlicensed fireworks manufacturing units are need to be closed immediately not only for environmental issues but also for the maintaining law and order problem in the state of West Bengal.

In view of such and in consideration of the Judicial Pronouncement our specific submissions are as follows:

- a) All illegal fireworks manufacturing units need to be closed urgently;
- b) Compensation needs to be given to the children who are victim of the explosion of the crude bombs and State Government should take all responsibility for the treatment.
- c) Responsibility should fix up upon the Government Officials for the failure to stop the illegal fireworks manufacturing units;
- d) Immediately all Commissionerates and District Police Authorities should be directed to identify unlicensed fireworks manufacturing units and sealed the unlicensed fireworks manufacturing units forthwith;
- e) A monitoring team may be formed under all Commissionerates and District Police Authorities involving the officers of West Bengal Pollution Control Board and representative of the District Magistrate of all concerned districts.

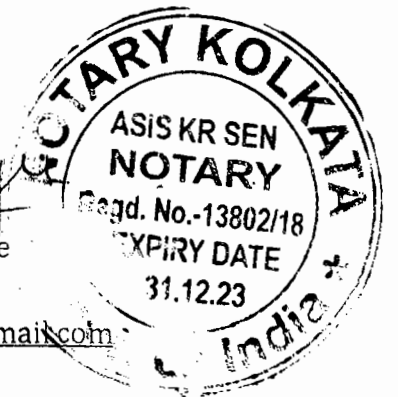
In view of the above, you are requested to consider our proposal within 15 days from the issuance of this letter under intimation to our organization, failing which our organization will move before the Hon'ble National Green Tribunal, Eastern Zone Bench and also before Hon'ble High Court at Calcutta without any further reference.

Encl: as stated

Yours faithfully,

Biswajit Mukherjee  
President

Email: [biswajit.envlaw@gmail.com](mailto:biswajit.envlaw@gmail.com)





পরিবেশ আকাদেমী • বড়বাজার, চন্দননগর - ৭১২১৩৬  
PARIBESH ACADEMY • BARABAZAR, CHANDANNAGAR, HOOGHLY, (W. B.)

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- 1) The Principal Secretary, Department of Environment, Govt. of West Bengal, Pranisampad Bhawan, Block-LB, Sector-III, 5<sup>th</sup> Floor, Bidhannagar, Kolkata — 700106
- 2) The Director General & Inspector General of Police, West Bengal Police, "Nabanna, 11<sup>th</sup> Floor, 325, Sarat Chatterjee Road, P.O. Shibpur, Howrah — 711102
- 3) The Additional Director General & Inspector General of Police Criminal Investigation Department (CID), Government of West Bengal, Bhabani Bhaban, 3, Belvedere Road, Alipore, Kolkata- 700 027
- 4) The Member Secretary, West Bengal Pollution Control Board, Paribesh Bhaban, 10 LA Block, Sector-III, Bidhan Nagar, Kolkata — 700106.
- 5) The Joint Controller of Explosive, Kolkata, PESO, 8, Esplanade East, 1<sup>st</sup> Floor, Kolkata- 700 069

Dated: 19/05/2023

**Sub: Enquiry in respect of the Explosion in Egra, Purba Midnapur on 16/05/2023.**

Ref: Our letter dated 16/05/2023

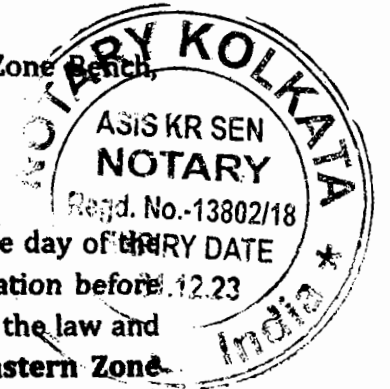
Re: W.P. No. 34080(W) of 2013 (Biswajit Mukherjee Vs State of West Bengal & Others) & Original Application No. 101/2015/EZ Before the National Green Tribunal, Eastern Zone Bench, Kolkata.

Re: Order of the Hon'ble National Green Tribunal, Eastern Zone Bench, Kolkata dated 16/10/2015 & 02/05/2016

Sir(s),

With reference to the above, I am inviting your attention that on the day of the incident referred above, our organization submitted a detailed representation before the Competent Authorities for taking necessary action as warranted under the law and in conformity of the order of the Hon'ble National Green Tribunal, Eastern Zone Bench.

2. That it is reported in the Newspaper that Criminal Investigation Department, Government of West Bengal has already started investigation in the said incident and taking into the consideration of the report published in the Newspaper, we are in view that some silent important issues need to be considered by the investigating team.





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In this connection, it is worthwhile to mention that gun powder is the essential ingredients for preparation of the fireworks and also the crude bombs. For storing, for transportation and for manufacturing the gun powder, some specific rules have enacted under Environment Protection Act, 1986 read with Manufacturer, Storage, and Import of Hazardous Chemicals Rules, 1986 and Hazardous and other Wastes (Management and Trans boundary Movement) Rules, 2016. Apart from the aforementioned Rules Explosives Act 1984 read with Explosive Rules 2008 is also applicable in respect of using gun powder for manufacturing fireworks.

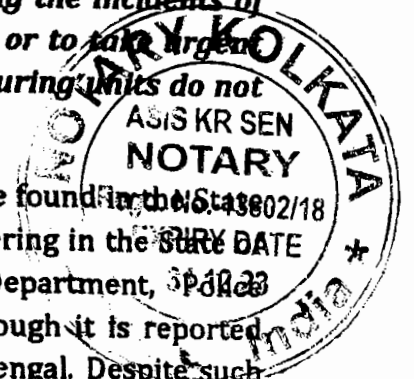
Apart from the aforementioned Acts and Rules, before establishing and functioning, "Consent to Establish" and "Consent to Operate" is necessary for functioning any fireworks manufacturing units. But in this instant case, we are in strong apprehension that aforementioned Acts and Rules, has not been complied with by the fireworks manufacturing units in Egra, Purba Midnapore under questioned.

3) That our organization time and again, has approached before the competent Authorities for taking necessary action against the unlicensed fireworks manufacturing units, and Hon'ble National Green Tribunal, Eastern Zone Bench was pleased to hold in its order dated 02/05/2016, wherein it is observed that such unlicensed fireworks manufacturing units are perennial sources of crude bomb. Relevant portion of the order reads as follows:

***"We are deeply concerned by the facts that a large number of Firecrackers manufacturing units are operating illegally under the very nose of the agencies which are supposed to monitor those. We detect absolute negligence and callousness on the part of the agencies in the matter. Considering the incidents of Crude bomb blasts in the State, the Government of West Bengal or to take urgent measures to ensure that such illegal such firecrackers manufacturing units do not operates in the State"***

It is surprising to note that huge quantity of gun powder have found in the State of West Bengal, which sharply indicates that the gun powder is entering in the State of West Bengal without any monitoring from the Explosive Department, Police Department and also West Bengal Pollution Controlling Board, though it is reported number of blasting incidents have occurred in the State of West Bengal. Despite such facts, responsible Statutory Authorities are totally reluctant to control the entry of gun powder in the State of West Bengal for the reasons best known to them.

4) That, after the incident of Egra, Purba Midnapore, Police Authorities have started to conduct search in the different part of West Bengal to identify the unlicensed fireworks manufacturing units and it is reported huge quantity of illegal fireworks are ceased and





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PARIBESH ACADEMY • BARABAZAR, CHANDANNAGAR, HOOGHLY, (W. B.)

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for disposal of such illegal fireworks proper system need to be maintained as per the procedure laid down under Hazardous Wastes (Management and Handling) Rules, 1989 otherwise further polluttional problem may generate.

In view of the above and in consideration of the Judicial Pronouncements, our specific suggestions are as follows:

- a) That during investigation, provision of the aforementioned Acts need to be considered by the Investigating Team;
- b) That during investigation, it need to be considered categorically how the huge quantity of gun powder have been stored in the different parts of West Bengal without maintaining any statutory norms laid down under Environment Protection Act, 1986 and Explosive Rules 2008;
- c) That all necessary steps need to be taken for save disposal of the illegal fireworks because all such illegal fireworks are containing heavy metals, such as nitrates, chlorates, barium, lead, iron, potassium etc;
- d) That all precautionary measures need to be taken to stop the entry of the gun powder in the state of West Bengal and for this purpose, Explosive Department, Police Department and also West Bengal Pollution Controlling Board need to be worked jointly.
- e) That necessary action may be taken against the unlicensed fireworks manufacturing units and also the units supplying gun powder unauthorized under Environment Protection Act, 1986 and Explosive Rules 2008;

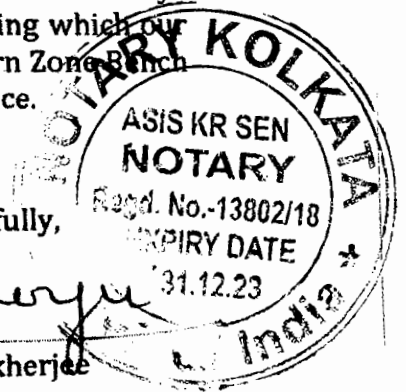
In view of the above, you are requested to consider our proposal within 15 days from the issuance of this letter under intimation to our organization, failing which our organization will move before the Hon'ble National Green Tribunal, Eastern Zone Bench and also before Hon'ble High Court at Calcutta without any further reference.

Encl: as stated

Yours faithfully,

Biswajit Mukherjee  
President

Email: [biswajit.envlaw@gmail.com](mailto:biswajit.envlaw@gmail.com)



**Minutes of the Meeting held in the Chief Secretary's Conference Room, 13<sup>th</sup> floor, Nabanna, on  
05.08.2023 at 3 P.M. on Green firecrackers**

List of members attended the meeting is enclosed.



The Chief Secretary, Govt. of West Bengal chaired the meeting. At the outset, the Chief Secretary requested the representatives of Sara Bangla Atashbazi Samity to inform the current situation of the firecracker manufacturing/selling/storage units. The representatives informed that since the 16<sup>th</sup> May 2023 incident at Egra, Purba Mandinipur most of the manufactures/selling units are closed across the state causing loss of livelihood problems of 1 lac people associated with this activity.

Chief Secretary then informed the house about various actions initiated after the said incident including series of meetings held with concerned departments/stake holders under his chairmanship for discussing solution to various issues concerning the manufacturing/selling/storage of green fire crackers of the state.

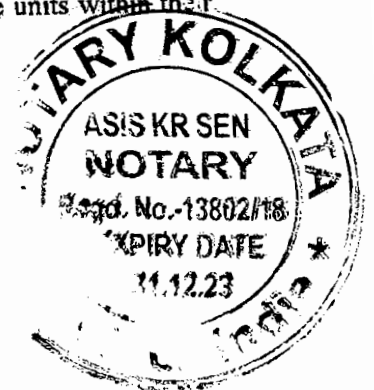
Chief Secretary also informed that while action is being taken for processing of green firecracker license as per explosive act and rules, a separate module in Single Window System (Silpasathi Portal) is under finalization for such seamless processing. Chief Secretary mentioned that the WBPCB has written to National Environmental Engineering Research Institute (NEERI) to set up testing laboratory of green firecracker in a space identified by them at Haldia. Also, a number of training programs have been organized in the past two months for green firecracker manufacturing in coordination with NEERI. It was also informed that in future state government in the MSME&T Dept. will bear all necessary expenditure for organizing such training of firecrackers manufacturing units with NEERI.

On request of the Chief Secretary, the Principal Secretary, MSME & T Department gave a brief presentation on the subject matter covering the following aspects (presentation is enclosed) :-

**(a) Action taken by the State government :**

- Model Plan/Estimate prepared for Sale/Storage/Manufacturing clusters in consultation with PESO
- A separate module for submitting applications and getting license under explosives Act/Rules has already been developed & uploaded in Shilpasathi portal
- Letter issued to Environment Deptt./WBPCB, Fire & ES Deptt, & Labour Deptt. with simplified inspection format for their views/suggestions
- On receiving feedback, the application module under Silpasathi will be made operational from the department
- Training for manufacturing green firecrackers is being conducted by NEERI officials. The cost of training of program will be borne by MSME&T Deptt.
- WBPCB has proposed to NEERI to set up a testing lab at Haldia for testing the Firecracker sample made in West Bengal.

(b) DMs were requested to identify firecrackers manufacturing/selling/storage units within their districts. Based on the survey, the following status was obtained :-





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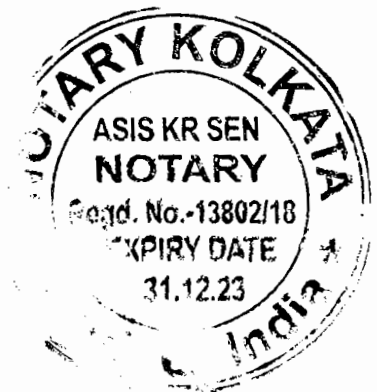
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- Total number of units : 5556
  - Selling Units – 3766 Manufacturing units – 1347, Manufacturing & storage-229
  - Manufacturing & sale -18, Storage-19, Sale & storage-177
- 11 Districts – NIL Report
- Land identified for clusters –  
South 24-Parganas, Purba Medinipur & North 24 Parganas

Chief Secretary requested the DMs/SPs/CPs present to further identify if there are any more such units and obtain the status within 15 days. (the detailed status is enclosed at Annexure – A). He also requested DMs & SPs/CPs to identify suitable land where such manufacturing/selling units can be shifted.

(c)The model plan estimate and area requirement as per Explosive Act and Rule was informed along with a model lay out for 15 kgs production cluster was presented. The gist of such exercise is as follows :-

No.	Type of Units	Category (Kg)	No. of Units	Employment (Nos.)	Total Cost (Rs. Cr.)	Land Req. (Acres)	Shape of land required (Approx.)
	Green Fire Cracker Mfg Unit	15.00	10	100	1.29	5.28	Rectangular having min. width 75 m.
	Magazine Unit for green fire cracker	50000.00	10	30	0.43	3.80	Square having min. side 72 m with surrounding open space.
	Green sparkler Mfg unit	15.00	10	100	2.31	2.82	Rectangular having min. width 48 m.
	Magazine unit for Sparkler	50000.00	10	30	0.38	1.30	Square having min. side 42 m with surrounding open space.
	Selling Unit	6000.00	10	50	0.53	0.57	Any shape.
	Composite unit of Green Sparkler & selling	50000.00	20	150	2.84	3.36	Rectangular having min. width 48 m.



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Thereafter, Chief Secretary requested the ACS, Labour, ADG (Law & Order), CP-Kolkata, other DMs/SPs/CPs present to share their views. After detailed discussion the following decisions were taken :-

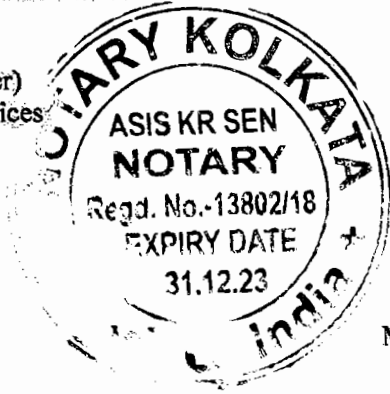
1. Sri Babla Roy, General Secretary, Sara Bangla Atabazi Unnayan Samity was requested to share the list of all the manufacturing/selling units district wise with Principal Secretary, MSME&T Dept. and concerned DMs within 7 days.
2. ACS, Labour was requested to designate a Factory Directorate Official to function as Factory Safety Officer at Blocks/Clusters in each of the districts having good amount of firecracker manufacturing who will assist the District Administration in ensuring necessary safety norms for selling/manufacturing green firecrackers. They will also enlist laborers/workers engaged in such units.
3. It was decided that a joint team involving the representatives of local PS, BDO office and Fire Department will conduct an inspection of all such manufacturing/selling units. It was decided that the units which are not operating from the households and those which fulfill the General Safety Norms only shall be allowed to function.
4. It was also decided that the District Magistrates will identify vacant land in the vicinity of such manufacturing/selling units in their districts for setting up of clusters.
5. The representative of Sara Bangla Atabazi Unnayan Samity was also requested to identify vested/private land which they can offer to the DMs for setting up of such clusters.
6. The DMs/SPs was also requested to set up temporary Bazi markets across their districts which are away from residential areas where temporary selling license not more than 30 days on each occasion may be allowed during festive season.

There being no other points to discuss the meeting ended with thanks to and from the chair.

Sd/-  
(Dr. H.K. Dwivedi)  
Chief Secretary

Copy forwarded for information to the :

1. Additional Chief Secretary, Home & Hill Affairs Dept.
2. Additional Chief Secretary, Fire & Emergency Services Dept
3. Additional Chief Secretary, Labour Dept
4. Commissioner of Police, Kolkata
5. Additional Director General (Law & Order)
6. Director General, Fire & Emergency Services
7. Commissioner of Police (all)
8. District Magistrate (all)
9. Superintendent of Police (all)



*[Signature]*  
Principal Secretary  
MSME&T Department

## General Safety Norms

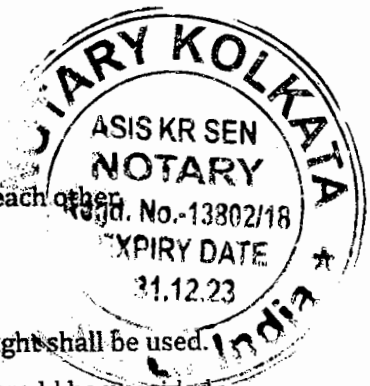
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### For Manufacturing Units:

- a. The manufacturing units will be located at a safety distance of 45 mtr. from any residential locality. There will be safety distance of 200 Mtr. between two manufacturing units.
- b. Sheds will have 2 doors which open outward.
- c. No electricity connection will be installed in any of the above mentioned sheds except Office room.
- d. Dedicated charcoal room, oxidizers, other ingredient rooms to be provided.
- e. Fireworks units should be operated only day time and only manually.
- f. The thickness of wall of each shed will be of 34 cm.
- g. To discharge static electricity a metal plate should be installed by the side of door of each shed.
- h. Shed must contains bucket full of sand.
- i. Each unit shall be surrounded by barbed wire fencing at least 2 m height. The roof of each shed shall be of GI Sheet or wood.
- j. Lightning arrester should be installed in each shed.
- k. Side open space shall not be encroached by any utility which obstructs free movement.
- l. Wooden and brass tools are to be used in the sheds.
- m. Rubber sheets to be laid on the floor.

### For Selling Units:

- a. The sheds for selling of fireworks shall be at a reasonable distance from each other.
- b. No staircases will be permissible in the selling premises.
- c. All electrical fittings should be concealed.
- d. Smoking strictly prohibited. No Oil burning lamps, Gas lamps, or naked light shall be used.
- e. Fire extinguishers - 1 nos, water buckets - 2 nos, sand buckets - 2 nos should be provided.



BEFORE THE NATIONAL GREEN TRIBUNAL  
EASTERN ZONE BENCH, KOLKATA

O.A. No. 101/2015/EZ



BISWAJIT MUKHERJEE

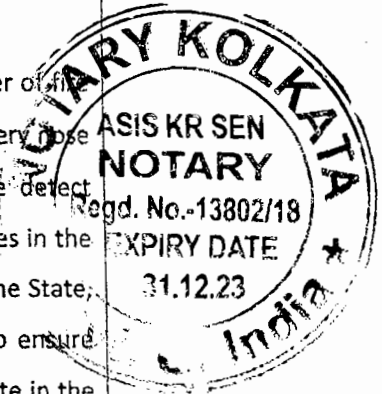
VS

UNION OF INDIA & ORS

CORAM: Hon'ble Mr. Justice S.P.Wangdi, Judicial Member  
Hon'ble Prof. (Dr.) P. C. Mishra, Expert Member

PRESENT: Applicant : Mr. Sumanta Biswas, Advocate  
Respondents 1 : Mr. Subhankar Chatterjee, Advocate  
Respondent 3 : Mr. Dipanjan Ghosh, Advocate  
Respondent Nos. 4 to 7 : Mr. Bikas Kargupta, Advocate

Date/Remarks	Orders of the Tribunal
Item No. 14 21/12/2016.	<p>Upon perusal of the affidavits filed on behalf of the Respondent No.5 viz., the Principal Secretary, Deptt. of Environment affirmed by the Deputy Secretary of the Department, the Respondent No.6 viz., Commissioner of Police and Respondent No.7 viz., Director General and Inspector General of Police, West Bengal it is quite apparent that there are large number of fire cracker manufacturing units operating in different districts of West Bengal without necessary licences from the concerned authority, the Respondents No.1 and 5 had consent to operate from the State PCB (E). Respondent No.2. The Respondent Nos. 3 and 7 shall file action taken reports on the steps taken by them against the illegally run fire cracker manufacturing units.</p> <p>We are deeply concerned by the fact that a large number of fire cracker manufacturing units are operating illegally under the very nose of the agencies which are supposed to monitor those. We detect absolute negligence and callousness on the part of the agencies in the matter. Considering the incidences of crude bomb blasts in the State, the Govt. of West Bengal ought to take urgent measures to ensure that such illegal fire cracker manufacturing units do not operate in the State and, that the Respondent No.1 strictly monitor the issuance of</p>



licences. It is of pertinence to observe that the State of West Bengal share a long border with the Bangladesh which requires to be taken note of by the concerned authorities.

We expect plausible action and effective steps from the Respondents. Action taken report be filed by them within a period of four weeks as prayed for.

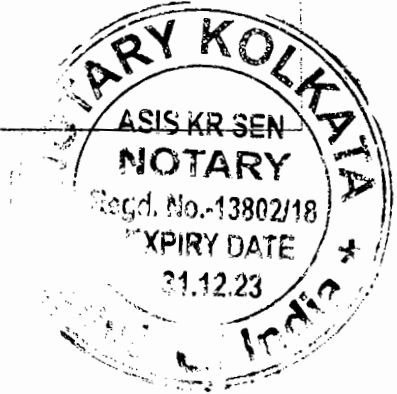
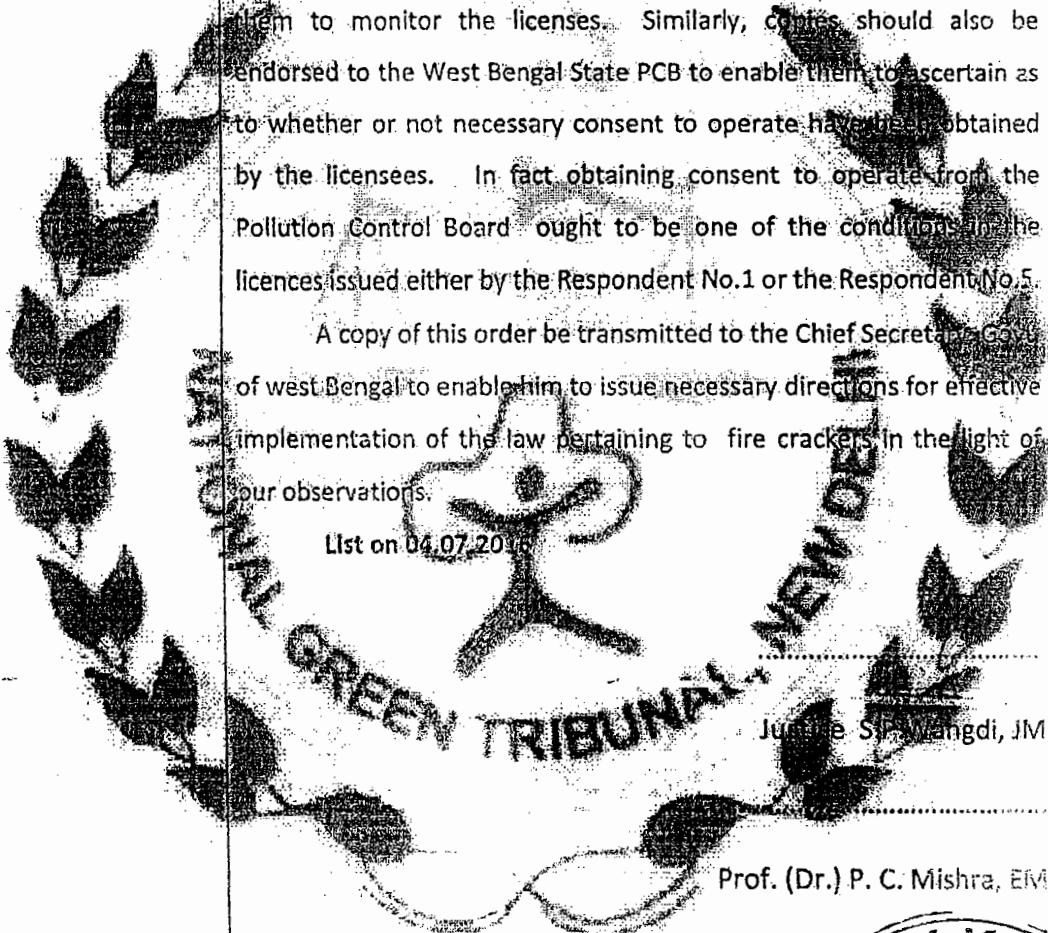
From the submissions of the Id. counsel for the Respondents, the lack of co-ordination amongst them is quite apparent. It is expected that the licensing authority would endorse a copy of each of such licences granted by them to the policed authorities to enable them to monitor the licenses. Similarly, copies should also be endorsed to the West Bengal State PCB to enable them to ascertain as to whether or not necessary consent to operate have been obtained by the licensees. In fact obtaining consent to operate from the Pollution Control Board ought to be one of the conditions for the licences issued either by the Respondent No.1 or the Respondent No.5.

A copy of this order be transmitted to the Chief Secretary Govt of west Bengal to enable him to issue necessary directions for effective implementation of the law pertaining to fire crackers in the light of our observations.

List on 04.07.2018

Judge S.P. Gangdi, JM

Prof. (Dr.) P. C. Mishra, EM



# VAKALATNAMA

BEFORE THE NATIONAL GREEN TRIBUNAL,  
(EASTERN ZONE BENCH, KOLKATA)

MEMORANDUM OF APPLICATION

[Under Section 18(1) read with Sections 14, 15 and 17 of National Green  
Tribunal Act, 2010]

ORIGINAL APPLICATION NO. OF 2023/EZB

In the matter of:

SRI BISWAJIT MUKHERJEE & ANR

..... Petitioners

Versus

UNION OF INDIA & OTHERS

..... Respondents

VAKALATNAMA ON BEHALF OF: PETITIONERS

KNOW ALL MEN BY THIS presents that I/We do hereby put and depute in my place and stead MR. BIKASH SHAW, Advocate-on-record to act, Prosecute and defend in the above matter and to do all such acts, and things and pay all such fees and charges in connection therewith as he shall deem necessary and I undertake and promise to pay to the said Advocate -on-record all such costs charges and expenses as they may or shall from time to time suffer, incur or be put to in the premises and shall pay the balance of all costs and charges any expenses (if any) within one month after issue of the allocature.

IN WITNESS WHEREOF I sign and execute this vakalatnama on this      Day of  
September, 2023

Name of Advocate  
MR. BIKASH SHAW, ADVOCATE  
HIGH COURT, CALCUTTA  
87, BAKAR MAHAL, SADAR BAZAR,  
KOLKATA- 700 120  
PHONE#9999738942  
Enrolment No. WB/954-A1/2014  
Email id: bikash90999@gmail.com

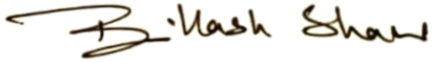
Paribesh Academy

Biswajit Mukherjee  
President

Ganesh Sarker

BAZI O DJ BOX BIRODHI  
MANCHA  
General Secretary

RECEIVED THE VOKALATNAMA  
FROM THE EXECUTANT  
SATISFIED & ACCEPTED BY ME

 Bilalash Shaw

ADVOCATE