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

M. A. No. 27/2024/EZ

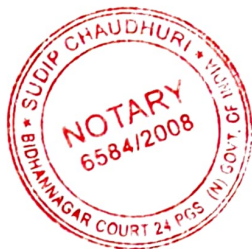
In

ORIGINAL APPLICATION NO. 136/2015/EZ

In The Matter of:

Subhas Datta

... Applicant



Versus


State of West Bengal & Ors.

... Respondents

COUNTER AFFIDAVIT ON BEHALF OF THE RESPONDENT NUMBER 03,  
DISTRICT MAGISTRATE & COLLECTOR, JALPAIGURI DISTRICT.

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Filed by

*Sibojyoti Chakrabarti*

SIBOJYOTI CHAKRABARTI

Advocate

For The State of West Bengal

Email: [subho.advocate@gmail.com](mailto:subho.advocate@gmail.com)

(M): 9007035534

X

BEFORE THE HON'BLE NATIONAL GREEN TRIBUNAL  
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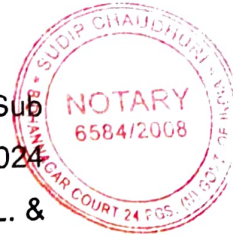
COUNTER AFFIDAVIT ON BEHALF OF THE RESPONDENT NUMBER 03,  
DISTRICT MAGISTRATE & COLLECTOR, JALPAIGURI DISTRICT.

I, Priyadarshini Bhattacharyya, D/o Avijeet Bhattacharya, aged 33 years by faith Hindu and by occupation-Service, presently posted as Additional District Magistrate (LR & LA), Jalpaiguri district having office at Collectorate Building, Collectorate Avenue, Jalpaiguri, Pin: 735101, West Bengal, do hereby solemnly affirm and submit as follows:-

1. That I am presently posted as the Additional District Magistrate (LR & LA), Jalpaiguri district, having office address at having office at Collectorate Building, Collectorate Avenue, Jalpaiguri, Pin: 735101, West Bengal, I am competent to swear and affirm this affidavit for and on behalf of myself and on behalf of the District Magistrate & Collector, Jalpaiguri.
2. That this counter affidavit is filed in compliance to the Solemn Order dated 09.07.2024 passed by the Hon'ble National Green Tribunal, Eastern Zone Bench, Kolkata. That in the said Solemn Order the Hon'ble Tribunal has been interalia pleased to direct the respondents to file their counter affidavit.

01 OCT 2024

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3. That in compliance and obedience to the above mentioned order the Sub Divisional Officer (SDO), Mal, Jalpaiguri had vide letter dated 24.07.2024 directed the Deputy Magistrate & Deputy Collector (DMDC) Mal, and B. L. & L. R. O (Block Land & Land Reforms Officer) Mal to conduct a joint field inspection, with respect to M.A no. 27/2024 in Original Application no.136/2015/EZ in connection with Subhas Dutta -Vs- The State of West Bengal & Ors. on banks of the laiti River near Patharjhora Tea Estate and submit an inspection report along with Geo-tagged photographed to the SDO Mal, Jalpaiguri.

Photocopy of the letter dated 24.07.2024 issued by the Sub Divisional Officer (SDO), Mal, Jalpaiguri to the Deputy Magistrate & Deputy Collector (DMDC) Mal, and B.L.&L.R.O Mal is annexed herewith and marked with letter 'R-1'.

4. That as per the letter issued by the SDO, Mal, Jalpaiguri an inspection was conducted by the Deputy Magistrate & Deputy Collector (DMDC) Mal, and B.L.&L.R.O Mal on 29.07.2024 wherein the officers jointly visited the site on bank of the Laiti river in Mouza-Manabari, Mal Block.

During the inspection visit it has been observed that the stone crusher unit is situated in very close proximity to the river laiti within distance of approximately 100 feet. It has also been observed no machines were operating at the time of the visit and also there was no vehicular movement for transportation of materials to and from the crushing unit.

The local present at the spot during the time of enquiry stated that the crusher unit has been closed since some time. Attendance sheet containing their signature is enclosed herewith.

One Rajen Sharma who was present at the spot stated that the crusher is closed at the moment. He also stated that maintenance work is going on as per the guidelines issued by the Pollution Control Board.

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Photocopy of the joint inspection report along with photographs dated 29.07.2024 are collectively annexed herewith and marked with the letter 'R-2'.

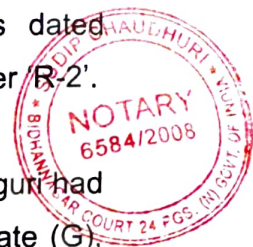
5. That subsequently vide letter dated 31.07.2024 the SDO, Mal, Jalpaiguri had forwarded the joint inspection report to the Additional District Magistrate (G), Jalpaiguri for his information.

Photocopy of the vide letter dated 31.07.2024 from the SDO Mal, Jalpaiguri to the Additional District Magistrate Mal, annexed here with and marked with the letter 'R-3'.

6. That the West Bengal Pollution Control Board had issued Consent To Operate vide memo. No. C62/WPB/SRO/Jal/A-117-2011 dated 25.02.2011 to M/S ARK NIRMAN P LTD from 1.02.2011 to 31.01.2014.
7. That subsequently the Sub Divisional Officer, Mal vide memo no. 2219/JM-Indus/2021 dated 31.08.2021 had granted renewal the consent to operate to M/s ARK NIRMAN (P)LTD for its unit located at Manabari from 01.01.2019 to 31.12.2019.

Photocopies of the consent to operate issued by the West Bengal Pollution Control Board vide memo. No. C62/WPB/SRO/Jal/A-117-2011 dated 25.02.2011 to M/S ARK NIRMAN (P) LTD and alos by the Sub Divisional Officer, Mal vide memo no. 2219/JM-Indus/2021 dated 31.08.2021 which was granted for renewal of the consent to operate to M/s ARK NIRMAN (P) LTD are collectively annexed herewith and marked with the letter 'R-4'.

8. That vide memo no.912/JM-Indus/2022 dated 17.06.2022 the Sub Divisional Officer (SDO)Mal, Jalpaiguri had inter alia directed that the consent to operate issued in favor of M/S ARK NIRMAN(P)LTD by WBPCB ,Siliguri Regional Office is been withdrawn and more over as per direction on Hon'ble NGT, Stone crushing activity will stop in immediate effect.



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Photocopy of the vide memo no.912/JM-Indus/2022 dated 17.06.2022 issued by the Sub Divisional Officer(SDO) Mal, Jalpaiguri to M/S ARK NIRMAN(P)LTD annexed herewith and marked with the letter 'R-5'.



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

Identified by me

*Sibajyoti Chakrobarti*  
Advocate 30.09.2024  
State of West Bengal

*Prigdasini Bhattacharya*

Deponent

Additional District Magistrate &  
District Land & Land Reforms Officer  
Jalpaiguri

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



VERIFICATION:

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

Verified at Kolkata on the 30<sup>th</sup> Day of September, 2024.

Identified by me

*Sibajyoti Chakrobarti*  
Advocate 30.09.2024  
State of West Bengal

Deponent

*Prigdasini Bhattacharya*

Additional District Magistrate &  
District Land & Land Reforms Officer  
Jalpaiguri

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

01 OCT 2024

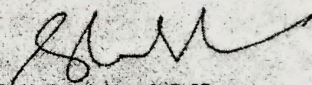


Government of West Bengal  
Office of the Sub-Divisional Officer  
Mal Sub-Division, Malbazar, Jalpaiguri  
Call : 03562-256485, 256495(F), email-sdomal09@gmail.com

" Annexure - R-1 "

### ORDER

In pursuance of the letter by ADM(G), Jalpaiguri vide memo no. 153/XXI/52/MA/CS/2024/EZ, dated 16.07.2024 with respect to M.A. No. 27/2004/EZ in Original Application No. 136/2015/EZ in connection with Subhas Dutta- Vs- The State of West Bengal & Ors. (copy enclosed), Sri Atul Krishna Adhikary, WBCS (Exe.), DMDC, Mal and BLLRO, Mal are hereby ordered to conduct a joint field inspection on the banks of Laiti river near Patharjhora Tea Estate and submit an inspection report along with Geo-tagged photograph to the undersigned by 29.07.2024.

  
Sub-Divisional Officer  
Mal, Jalpaiguri

Memo No.- 687 (4)/ JM-Indus/2024

Date: 24 .07.2024

Copy forwarded to:

1. The Additional District Magistrate (G), Jalpaiguri for favour of kind information.
2. Sri Atul Krishna Adhikary, WBCS (Exe.), DMDC, Mal for compliance.
3. The BLLRO, Mal for compliance.
4. CA to the District Magistrate, Jalpaiguri.

  
Sub-Divisional Officer  
Mal, Jalpaiguri

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Annexure - R - 2<sup>n</sup>

**Inspection report with respect to M.A No. 27/2024/EZ in Original Application No., 136/2015/EZ in Connection with Subhas Dutta Vs The State of West Bengal and Others.**

As directed by the Sub-Divisional Officer, Mal vide his Memo No. 687(4)/JM-Indus /2024 dated 24.07.2024, the undersigned Officers jointly visited the site on the banks of the Laiti river in Mouza-Manabari, Mal block on 29.07.2024 at around 3.P.M. During the visit it has been observed that the stone crusher unit is situated in very close proximity to the river Laiti within a distance of approximately 100 feet. It has also been observed that no machines were operating at the time of the visit and also there was no vehicular movement for transportation of materials to and from the crushing Unit.

The locals present at the spot during the time of enquiry stated that the crusher unit has been closed since some time. Attendance sheet containing their signatures is enclosed herewith.

One Rajen Sharma who was present at the spot stated that the crusher is closed at the moment. He also stated that maintenance work is going on as per the guidelines issued by the Pollution Control Board.

The report is submitted to the Sub-Divisional Officer, Mal for his kind perusal and taking necessary action.

*Preeti Lamba*  
Preeti Lamba (Dy. Magistrate & Dy. Collector)  
LAND REFORMS OFFICER  
MAL, JALPAIGURI

*Atul Krishna Adhikary*  
Atul Krishna Adhikary (WBSC Exe.) D.M.D.C Mal  
Dy. Magistrate & Dy. Collector  
Mal Sub - Division  
Mal, Jalpaiguri

"Answer-R-2"

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## Field Enquiry

Field enquiry is conducted on 29.07.2024 at 3 P.M. The crusher is closed since one month as per the statement of the local people. And the owner who is present at the spot. The owner also stated maintenance work is on going as per the guidelines of P.C.B.

witness -

① Berra Chowdhury. 9733315559

② Ganga sharma

③ Dharmender

④ Nupur Chakraborty

⑤ P. J. Kumar

⑥ Raju Sharma. 98320 33394

Seen  
 BLOCK LAND &  
 LAND REFORMS OFFICER  
 MAL. JALPAIGURI

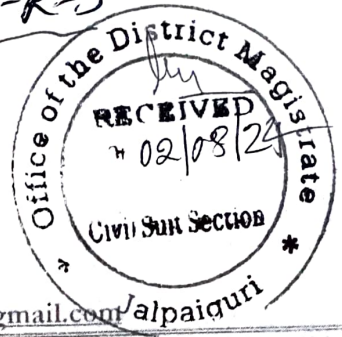
Seen  
 29/07/24

Dy. Magistrate & Dy. Collector  
 Mal Sub - Division  
 Mal. Jalpaiguri

" Annexure - R-3 "

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Government of West Bengal  
Office of the Sub-Divisional Officer  
Mal Sub-Division, Malbazar, Jalpaiguri  
Call : 03562-256485, 256495(F), email-sdomal09@gmail.com



Date: 31.07.2024

Memo. No. 737 /JM-Indus/2024

To,  
The Additional District Magistrate (G),  
Jalpaiguri.

OC CS

**Sub: Forwarding of Joint Inspection Report.**

**Ref: Memo no. 153/XXI/52/MA/CS/2024/EZ, dated 16.07.2024 of ADM(G), Jalpaiguri.**

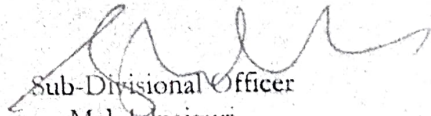
Respected Sir,

Reference above, in compliance with your directions, the undersigned issued an order vide memo no. 687(4)/JM-Indus/2024, dated 24.07.2024 (copy attached) for a joint inspection. The joint inspection was conducted by Sri Atul Krishna Adhikary, WBCS(Exe.), DMDC, Mal and Smt. Preeti Lama, BI.&LRO, Mal on the banks of Laiti river.

The Joint Inspection Report alongwith relevant documents are being forwarded for your kind perusal.

- Encl: 1. Inspection Report.**  
**2. Field Enquiry Report.**  
**3. Pictures of the visit.**

Yours faithfully


  
Sub-Divisional Officer  
Mal, Jalpaiguri

Date: 31.07.2024

Memo No.- 738 /1/ JM-Indus/2024

Copy forwarded to:

1. CA to the District Magistrate, Jalpaiguri.

  
Sub-Divisional Officer  
Mal, Jalpaiguri

*f to p...  
file B.*

4  
Dhorewale - R-4 2**WEST BENGAL POLLUTION CONTROL BOARD**

'Paribesh Bhawan',  
Bldg. No. - 10A, Block-LA, Sector-III,  
Salt Lake City, Kolkata-700 098



Consent Letter Number : .....

Memo Number : C62/WPB/SRST/JAL/A-117-2011Date : 25-02-2011**Consent to Operate**

under

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.

The West Bengal Pollution Control Board (hereinafter referred to as State Board) under the provisions of Section 25 & 26 of the Water (Prevention and Control of Pollution) Act, 1974, as amended and Section 21 of the Air (Prevention and Control of Pollution) Act, 1981, as amended, and Rules and Orders made thereunder, hereby grants its consent to : **M/S. ARK NIRMAN (P) LTD.**

**WEST BENGAL**

(Address of Regd. office/Head/Office/City Office)

(hereinafter referred to as Applicant) for its unit located at **Manabari Basti, P.O. - Manabari,**  
**P.S. - Mal, Dist. - Jalpaiguri, PIN - 735222.**

(Detailed address of the manufacturing unit)

for a period from **01/02/2011** to **31/01/2014**

to operate the industrial unit and to discharge liquid effluent and to emit gaseous effluent from the premises/land of the industrial unit, in accordance with the conditions as mentioned in the Annexure to this consent letter provided on any day at any instance the quantity and quality of liquid discharge and gaseous emission shall not exceed the permissible limit as specified in the Table I & II of this consent letter and in the Environmental (Protection) Act, 1986.

Breach of the conditions and / or failure to comply with the directions as set out in the Annexure shall render the applicant liable for prosecution under the provisions of the Water (Prevention and Control of Pollution) Act, 1974 and Air (Prevention and Control of Pollution) Act, 1981.

The State Board reserve the right to revoke, withdraw or make any reasonable variation / change / alter the conditions of this consent letter giving one month's notice to the applicant.

West Bengal Pollution Control Board  
Siliguri Regional Office;  
Paribahan Nagar  
P.O. Matigara - 734010  
Dist. Darjeeling

Seal

For and on behalf of the State Board

(Member Secretary/Chief Engr./Sr. Env. Engr./Env. Engr./Asst. Env. Engr.)

*[Signature]*  
25/02/11

~~18~~  
ANNEXURE

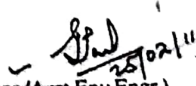
Consent to ..... M/s. ARK NIRMAN (P) LTD.  
for its unit at ..... Manabari Basti, P.O. - Manabari, P.S. - Mal, Dist. -  
Jalpaiguri, PIN - 735222.

**Conditions :**

01. This Consent is valid for the manufacture of :-

Sl. No.	Name of major products and by-products	Quantity manufactured per month
01	Stone Chips	23,400 MT/M
02		
03		
04		
05		
06		
07		
08		
09		
10		
11		
12		

02. The Applicant shall remain responsible for quantity and quality of liquid effluent and air emissions.
03. Daily discharge of industrial liquid effluent shall not exceed ..... 5 ..... KL.
04. Daily discharge of domestic liquid effluent shall not exceed ..... 2 ..... KL.
05. Daily discharge of mixed (industrial & domestic) liquid effluent shall not exceed ..... Nil ..... KL.
06. The Applicant shall discharge liquid effluent to ..... own land ..... (place of discharge) through ..... 01 (one) ..... nos. outlets/outfalls.
07. To bring into any altered or new outlet/outfall, or to change the place of discharge, the Applicant shall have to inform the Board and obtain prior permission of the Board in this effect.
08. The Applicant shall provide comprehensive facility for treatment of industrial liquid waste and domestic liquid waste (sewage, sullage and liquid effluent generated from canteen), and operate and maintain the same continuously so that the quality of final effluent conforms to the Standard as given in Table-I in page 03.

  
 (Member Secretary/Chief Engr./Sr. Env. Engr./Env. Engr./Asst. Env. Engr.)

Continued.....





06

Consent to M/s. ARK NIRMAN (P) LTD.  
 for its unit at Manabari Basti, P.O. - Manabari, P.S. - Mal, Dist. -  
Jalpaiguri, PIN - 735222.

11. The Applicant shall install suitable device for measuring the volume of water consumed for different purposes as mentioned above giving correct result to the satisfaction of the State Board.
12. All the stacks connected to various sources of emissions must be designated by numbers such as S-1, S-2, S-3, etc., and this must be painted/displayed to facilitate identification.
13. The Applicant shall install comprehensive control system consisting of pollution control equipment as is warranted with reference to generation of air emissions and operate and maintain the same continuously so as to achieve the level of pollutants to the Standard as given in Table-II below.

**Table-II**

Stack No.	Stack height from G.L. (in mts.)	Stack attached to (sources and control system, if any):	Volume Nm <sup>3</sup> /hr	Velocity of gas emission m/sec	Concentrations of parameters not to exceed				Frequency of emission sampling
					SPM (mg/Nm <sup>3</sup> )	CO (% v/v)			
S-1	35	01 (one) no. 380 KVA D.G. Set				1%	-	-	Yearly
S-2									
S-3									
S-4									
S-5									
S-6									
S-7									
S-8									
S-9									
S-10									

(Member Secretary/Chief Engr./Sr. Env. Engr./Env. Engr./Asst. Env. Engr.)

Continued.....

~~X~~

Consent to ..... M/s. ARK NIRMAN (P) LTD.  
 for its unit at ..... Manabari Basti, P.O. - Manabari, P.S. - Mal, Dist. -  
 ..... Jalpaiguri, PIN - 735222.

14. The Applicant shall provide ports in the stack(s) and other necessary permanent facilities such as ladder, platform, etc. for monitoring/sampling the air emissions and the same shall be made available for inspection and use by the State Board's staff as well as State Board's authorised agencies.

15. The Applicant shall observe the following fuel consumption pattern :- Nil.

Sl. No.	Type of fuel	Quantity consumed per day	Fuel burning operation where the fuel is used
01			
02			
03			
04			
05			

16. The Applicant shall maintain the generation and treatment/disposal of non-hazardous solid waste as specified below :

Type of waste	Quantity	Treatment	Disposal
Stone Dust	67600 m <sup>3</sup> /m		Sale

17. The Applicant shall take adequate measures for control of noise levels from its own sources within the premises within the limit given below :

Time	Limit in dB(A) L <sub>eq</sub>
Day Time (06 am. to 09 pm.)	65
Night Time (09 pm. to 06 am.)	55

18. The Applicant shall at all times maintain good house-keeping, proper working order, and operate efficiently for control of pollution from all sources so as not to cause nuisance to surrounding areas/inhabitants and to achieve compliance with the terms and conditions of the consent.
19. The Applicant shall bring about at least 33% of the available open land under the green coverage / plantation.
20. The Applicant shall provide for an alternate electric power source sufficient to operate all pollution control facilities installed by the Applicant to maintain compliance with the terms and conditions of the consent. In absence of such an alternate electric power source, the Applicant shall stop, reduce or otherwise control production to abide by the terms and conditions of the Consent regarding pollution level.
21. The Applicant shall install a separate energy meter showing the consumption of energy for operation of pollution control devices.
22. The Applicant shall ensure that fugitive emissions from the activity are controlled so as to maintain clean and safe environment in and around the factory premises.
23. The Applicant shall provide drainage system for conveying industrial and domestic liquid waste. Storm-water drain shall be kept separate from the drainage system meant for industrial and domestic liquid waste.

  
 (Member Secretary/Chief Engr./Sr. Env. Engr./Env. Engr./Asst. Env. Engr.)

Continued.....



06

Consent to M/s. ARK NIRMAN (P) LTD.  
 for its unit at Manabari Basti, P.O. - Manabari, P.S. - Malda Dist. -  
Jalpaiguri, PIN - 735222.

24. The Applicant shall maintain a separate register showing consumption of chemicals used in pollution control systems.
25. The Applicant shall get the samples of hazardous wastes/leachates analysed at least once in ..... from the laboratory recognised of the West Bengal Pollution Control Board and ensure that they conform to the limits stipulated. Test reports shall be sent to the Board.
26. The Applicant shall provide adequate and safe facility for collection of air, wastewater and solid waste samples by the State Board's staff as well as State Board's authorised agencies.
27. The Applicant shall submit to the State Board by the 30th September of every year the Environmental Statement Report for the financial year ending 31st March of the current year in the prescribed form (Form-V) as required under the provisions of rule 14 of the Environment (Protection) [Second Amendment] Rules, 1992.
28. The Applicant shall allow the Officers of the State Board to enter into the applicant's premises at any reasonable time to inspect the pollution control systems as well as monitoring and measuring devices in connection with prevention & control of pollution.
29. The Applicant shall maintain an Inspection Book in the factory premises which shall be made available to Officers & employees of the State Board for inspection, review and to write down any direction or observation as is deemed necessary during the inspection from time to time.
30. The Applicant shall furnish to the State Board all information in respect of quality, quantity, rate of discharge, place of discharge of liquid effluent and air emissions.
31. The Applicant shall maintain adequate number of qualified and trained personnel among his staff for proper maintenance and operation of the effluent treatment and/or emission control devices and for overall environment management of the industry.
32. The Applicant shall have to make registration for the use of groundwater, if any, with Central Ground Water Authority.
33. The Applicant shall intimate to the State Board immediately of any occurrence or apprehension of occurrence of discharge of any poisonous, noxious or pollutants in excess of quality as well as quantity as mentioned earlier to any receiving water body/receiving system or to atmosphere owing to accident or other unforeseen incident / event including natural disaster. The Applicant shall (i) take all steps adequate to prevent such accidental discharge / release of poisonous, noxious or pollutants and to limit their consequences to persons and the environment. (ii) provide to the persons working on the site with the information, training and equipment including antidotes necessary to ensure their safety and mitigate the accidental release of poisonous, noxious or pollutants to the environment.
34. The Applicant shall make an application to the State Board in the prescribed form for renewal of the consent at least 60 (sixty) days before the date of expiry of this Consent.
35. The Applicant shall not make any alternation/modification/expansion in the existing manufacturing process and equipment as well as the pollution control system without prior approval of the Board.
36. The Applicant shall comply with the conditions as laid down in the Manufacture, Storage and Import of Hazardous Chemicals Rules, 1989 and Hazardous Wastes (Management & Handling) Rules, 1989.

#### Additional Conditions

Please see enclosed annexure.

(Member Secretary/Chief Engr./Sr. Env. Engr./Env. Engr./Asst. Env. Engr.)

*[Signature]*  
25/02/11


~~10~~

Annexure  
SPECIAL CONDITION

Annexure to Consent letter no. C045792

Special Condition issued to M/s. ARK NIRMAN (P) LTD.

1. The industry shall not undertake any expansion, modification or alteration in the existing process or equipments without permission of the State Pollution Control Board.
2. The project proponent/authorities must obtain all other approvals from concerned Central/State Govt. agencies.
3. The consent will be revoked immediately if at any time it is found that the industry is not meeting the standards as mentioned by the State Board of if the pollution control equipments are found to inoperative.
4. The consent will stand canceled if there is any violation of the E.P. Act, 1986 or if any valid complaint is lodged against the industry regarding environmental pollution.
5. The industry shall maintain a good house keeping & take all necessary precautions in order to control noise fugitive emission.
6. Industry shall maintain adequate greenery in and around the premises.
7. Land Conversion Certificate to be obtained.
8. Necessary clearance to be obtained for withdrawal of ground water from competent authority.
9. This consent may be revoked subject to any valid Public Complaint against the unit from environmental point view.
10. All the norms of the Environment (Protection) Act, 1986 to be abided by the unit.
11. The unit is directed to maintain the norms of the State Board with respect to emission and discharge.
12. Dust containment cum suppression system for the equipment to be installed & operated.
13. Mask and personal protective device to be provided to all the workers.
14. The suspended particulate matter measured between 3-10 mtr. from any process equipment of a stone crushing unit shall not exceed 600 microgram/Cu.m.
15. Construction of wind breaking walls should be done.
16. Construction of the metalled roads within the premises should be done.
17. Regular cleaning and wetting of the ground within the premises should be done.
18. Plantation along the periphery should be done.

  
 Asstt. Environmental Engineer-Incharge  
 Silliguri Regional Office  
 West Bengal Pollution Control Board

RENEWAL (Orange Category)



Government of West Bengal  
Office of the Sub-Divisional Officer  
Mal Sub-Division, Malbazar, Jalpaiguri  
Call : 03562-256485, 256495(F), email-sdomal09@gmail.com

Memo. No. 2219/JM-Indus/2021

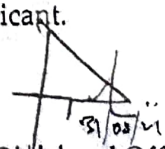
Date: 31.08.2021

Consent Letter Number : 02/CTO/SDOMAL/2019

Renewal of Consent to Operate under 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.

This Office, under the provisions of Section 25 & 26 of the Water (Prevention and Control of Pollution) Act, 1974 as amended and Section 21 of the Air (Prevention and Control of Pollution) Act, 1981 as amended, and Rules and Orders made there under and Order issued by West Bengal Pollution Control Board vide its Memo. No. 1542-4A-6/2015 dt.01.06.2015 and subsequently Memo No. 1646-4A-7/2016, dated 28.06.2016, hereby grants renewal for Consent to Operate to: M/S. ARK NIRMAN (P) LTD. (hereinafter referred to as 'Applicant') for its unit located at Manabari Plot No.: 48(P) 48/368 (LR) Khatian No.:176 & 177, Area : 2 acres (1 acres + 1 acres) JL No.:22 Mouza: Manabari, Land being owned by Sri : Rajesh Chhetri and Sri Shyamlal Agarwal, under Mal PS (Detailed address of the manufacturing unit) for a period from 01.01.2019 to 31.12.2023 to continue operation of the industrial unit and to discharge liquid effluent and to emit gaseous effluent from the premises/ land or the industrial unit, in accordance with the-conditions as mentioned in the 'Consent to Operate' issued to the Applicant earlier by the PCB Siliguri vide No.:C-62/WPB/SRO/Jal/A-117-2011 dt.25/02/2011 & N287/WPB/SRO/NOC/Jal/A-133-2010, dated 24.08.2010 (hereinafter referred to as 'Earlier Consent') and the conditions mentioned below, provided on any day at any instance the quantity and quality of liquid discharge and gaseous emission shall not exceed the permissible limit as specified in the Table-I & II of the earlier Consent and in this Consent letter as specified in the in the Environmental(Protection) Act, 1986; and breach of the conditions and /or failure to comply with the directions as mentioned in the earlier Consent and in this Consent shall render the applicant liable for prosecution under the provisions of the Water (Prevention and Control of Pollution) Act,1974 and Air (Prevention and Control of Pollution) Act, 1981.

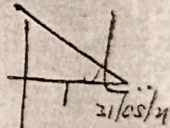
This Office and or any of the appropriate authorities in Govt. of West Bengal reserves / reserve the right to revoke, rescind, withdraw or make any reasonable variation-/ change / alter the conditions of the earlier Consent and this Consent letter giving one month's Notice to-the applicant.

  
31/08/21  
Sub Divisional Officer.

Additional Conditions:

1. Necessary protection measures must be taken up for the working staff as per the PCB no. - dust mask, green walls of trees, etc. as directed earlier in Consent letter of West Ben. Pollution Control Board's, Siliguri Branch vide Annexure to last Renewal vide No 62/WPB/SRO/Jal/A-117-2011 dt.25/02/2011.
2. Special Conditions mentioned by WB PCB in Consent No. C045792 as issued to M/s. Al NIRMAN (P) LTD. on the issues related to A) Emission, B) Effluent, C) Solid Waste & General - are to be complied within or without any deviation.
3. Any deluge, mid & end production waste which is harmful to aquatic lives must have to be suspended within the safe enclosure in the Project premises itself by ensuring no mixing river water.
4. Deviation of any sort will attract this authority for termination of this CTO in public interest in order to avoid any non-permissible activity.
5. This CTO does not way allows / empowers the Agency to extract raw materials by illeg means; a formal approval for such lifting of RBM from River beds will have to be avail from appropriate authority.
6. Taxes on Lands, Trade, Commercial activities, Income and others, as applicable in the particular intervention, will have to be observed by the Proprietor, as per norms and rules;
7. Next Renewal Fees are to be deposited to the Govt. of West Bengal against appropriate Head of Account by TR 7 on ratification of Treasury Officer, Mal Treasury.



  
 Sub Divisional Officer  
 Mal, Jalpaiguri  
 Sub-Divisional Officer:  
 Mal, Jalpaiguri



Government of West Bengal  
Office of the Sub Divisional Officer  
(Judicial Munshikhana)  
Mal, Jalpaiguri.

Call : 03562-256485, 256495(F), [email-sdomal09@gmail.com](mailto:email-sdomal09@gmail.com)

Memo No. 912 /JM-Indus/2022

Date: 17.06.2022

To,  
1. Sri Rajesh Chhetri and 2. Sri Shyamal Agarwal,  
Proprietors of M/S. ARK NIRMAN (P) LTD.  
Manabari, Oodlabari.

Sub: Closure and withdrawn of Consent to Operate of ARK Nirman (P) Ltd.  
Stone Crushing Unit.

Ref: Memo No.- 226/XXI/9/WPA/CS/2022, dated 10.06.2022 of DM, Jalpaiguri  
and Order passed by the Hon'ble Justice before the National Green Tribunal  
(NGT) Special Branch of O.A. No.- 136 of 2015/EZ & M.A. No.-  
191/2017/EZ.

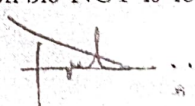
Reference above, as per kind instruction of the District Magistrate, Jalpaiguri vide Memo No. under reference and in pursuance to the order of the National Green Tribunal Special Branch vide order O.A. No.- 136 of 2015/EZ & M.A. No.- 191/2017/EZ, dated 30.05.2022 NGT has noted the following consideration, findings and directions-

1. Siting norms laid down under the Guidelines of Environmental Guidelines for Stone Crushing Units dated 2009 issued by CPCB require distance of 200 meters from the river, canal and lake.
2. This also violates norms for protection of flood plain zone which has significant environmental functions and has to be protected. The extent of flood plain zones depends upon the applicable norms under different state laws. In its absence, in terms of order of this Tribunal dated 15.12.2020 in O.A. No. 22/2020, *Dilip Kumar Samantaray v. State of Odisha Board & Ors.*, the extent of flood plain zone has to be 100 meters from the edge of the river.
3. In the present case, the Stone Crusher activity being within 100 feet of the edge of the river, cannot be allowed.

Therefore, renewal of Consent to Operate (CTO) in favour of M/S. ARK NIRMAN (P) LTD. issued vide this office Memo No.- 2219/JM-Indus, dated 31.08.2021 against CTE vide Memo No.- N287/WPB/SRO/NOC/Jal/A-133-2010, dated 24.08.2010 and CTO vide Memo No.- C62/WPB/SRO/Jal/A-117-2011, dated 25.02.2011 issued by WBPCB, Siliguri Regional Office is being withdrawn.

Hence, as per direction of the Hon'ble NGT, stone crushing activity of M/S. ARK NIRMAN (P) LTD. is to be stopped with immediate effect.

The above stated consideration, findings and directions of Hon'ble NGT is for strict compliance.

  
Sub-Divisional Officer  
Mal, Jalpaiguri

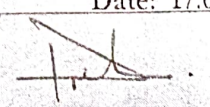
Memo No.- 912 /1/JM-Indus/2022

Date: 17.06.2022

Copy forwarded for information to:

1. The District Magistrate, Jalpaiguri.



  
Sub-Divisional Officer  
Mal, Jalpaiguri

X



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

M. A. No. 27/2024/EZ

In

O. A. NO. 136/2015/EZ

In The Matter of:

Subhas Datta

... Applicant

Versus

State of West Bengal & Ors.



... Respondents

COUNTER AFFIDAVIT ON  
BEHALF OF THE RESPONDENT  
NUMBER 03, DISTRICT  
MAGISTRATE & COLLECTOR,  
JALPAIGURI DISTRICT.

SIBOJYOTI CHAKRABARTI  
Advocate

For The State of West Bengal

Email: [subho.advocate@gmail.com](mailto:subho.advocate@gmail.com)

(M): 9007035534.

01 OCT 2024