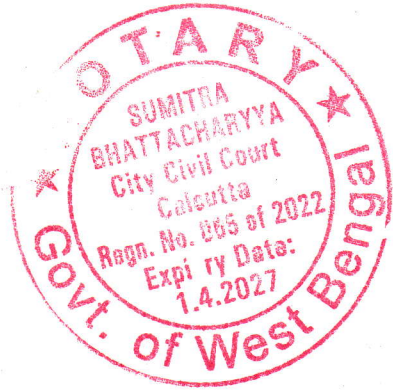


S.L. No. 29/24



BEFORE THE HON'BLE NATIONAL GREEN TRIBUNAL
EASTERN ZONE BENCH, KOLKATA, WEST BENGAL
ORIGINAL APPLICATION No. 118 of 2024



In the matter of :
Environment Warrior

....Applicant

Versus

West Bengal Pollution Control Board & Ors.
..Respondents.

AFFIDAVIT-IN-OPPOSITION ON BEHALF OF THE RESPONDENT
NO. 4, being M/s Sunil Foam (P) Ltd..

INDEX

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1.	Affidavit.		1-5
2.	Copy of disconnection of Electricity.	A	
3.	Copy of Enquiry Report.	B	7-10A
4.	Copy of application for conversion.	C	11-14
5.	Copy of Gazette Notification dated 16 th October, 2023.	D	15-18
6.	Copy of the order.	E	20-21

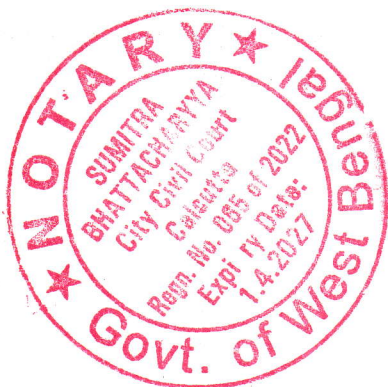
05 NOV 2024

FILED BY

Krishnendu Bera

ADVOCATE

**BEFORE THE HON'BLE NATIONAL GREEN TRIBUNAL
EASTERN ZONE BENCH, KOLKATA, WEST BENGAL
ORIGINAL APPLICATION No. 118/ 2024/EZ**



In the matter of :

Environment WarriorApplicant

Versus

West Bengal Pollution Control Board &
Ors.

.....Respondents.

AFFIDAVIT ON BEHALF OF THE RESPONDENT NO. 4, being M/s Sunil Foam (P) Ltd.

I, Snil Kumar Goel, son of Brahma Nand Goel, aged about 61 years, by faith- Hindu, by Occupation- Business, residing at 764, Block-P, New Alipore, Circus Avenue, Kolkata:700053, do hereby solemnly declare and say as follows:

1. That I am the respondent no. 4 in the instant original application and I am well acquainted with the facts and circumstances of the case and I am duly authorized by the respondent no. 4 to sign and swear this affidavit.
2. That I have been advised to deal with those contention and/or averments made in the said Original application which appear to be material and relevant for adjudication of the said application and I further say that the averments and / or contentions which are not expressly admitted, deemed to have been denied by me.

X

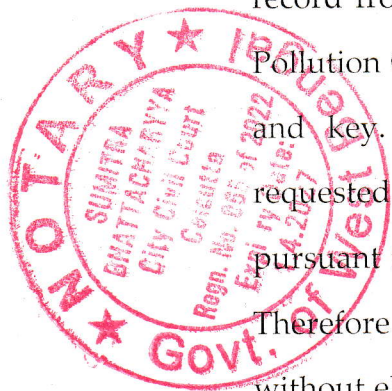
3. That at the outset it is humbly submitted that the unit of the Respondent no. 4, is not functioning and/or non operational which is evident from the matter of records.

4. It is stated that the instant original application is taken up by the Hon'ble Tribunal on the basis of a Letter petition received through email dated 01.04.2024 alleging that inspite of notice of closure as well as disconnection of electricity vide order dated 30.11.2023 the unit being the respondent no. 4 herein is still continuing operation.

5. With regard to the aforesaid, the present respondent deny and dispute such allegations as the same is contrary to the records and it is matter of record from the Closure Order dated 30.11.2023 passed by the West Bengal Pollution Control Board that during inspection the unit was found under lock and key. In the said closure order the Director (HR), WBSEDCL was requested to take necessary steps for disconnection of the electricity. That pursuant to the said direction Electricity was also disconnected on 19.01.2024. Therefore it emphatically establishes there is no possibility left to run the Unit without electricity as well as after communication of closure order, which has been alleged by the complainant.

Copy of the said disconnection of Electricity is annexed herewith and marked with the letter 'A' to this affidavit.

6. It is stated that pursuant to the solemn order passed by the Hon'ble Tribunal an inspection was held on 12.08.2024 by the Revenue Inspector alongwith CI of the BDO (Block Development Office) Serampore-Uttarpara



X

Development block and officer of Dankuni Police Station which also reveals that the Unit being the respondent no. 4 is no operational with no electricity.

Copy of the said Enquiry report is annexed herewith and marked with the letter 'B' to this affidavit.

7. It is stated that land of the unit is located in Plot numbers 1366 (P), 1367 (P), 1368(P), 1370 (P), 1371 (P), 1372 (P), 1377 (P) of Mouza- Mollarber, J.L. No. 22, Khatian no. 5105, Dankuni, District- Hooghly which is classified as 'Shali'. That a notice under Section 4C of West Bengal Land Reforms Act, 1955 was served upon the respondent herein. It is respectfully stated that already the present respondent submitted an application before the BL&LRO for conversion of classification of land which is pending before the appropriate authorities.

Copy of the said application for conversion is annexed herewith and marked with the letter 'C' to this affidavit.

8. It is alleged that Unit is situated on the wet land, which the respondent no. 4 deny and dispute. It is matter of record from the Gazette Notification published on 16th October, 2023 by the Department of Environment, Govt. of West Bengal that the Plot numbers 1366 (P), 1367 (P), 1368(P), 1370 (P), 1371 (P), 1372 (P), 1377 (P) of Mouza- Mollarber, J.L. No. 22, Khatian no. 5105, Dankuni, District- Hooghly over which the Unit is situated is recorded as Shali and thereby question of situation of unit over wet land has no legs to stand upon.

Copy of the said Gazette Notification dated 16th October, 2023 is annexed herewith and marked with the letter 'D' to this affidavit.

✕

9. It is submitted that respondent no. 4 is a law abiding Unit and in compliance with the Closure order already said Unit stopped the operation and taken all steps to comply with the conditions as issued by the State following the laws of the land upon maintaining all criterions. That presently the entire matter is between the unit and the authority. It is respectfully submitted that in similar circumstances the Hon'ble High Court in the matter of WPA (P) 87 of 2024 observed that when the Electricity is disconnected the Unit cannot operate as the closure order continues to remain in force. That in terms of provisions of Water (Prevention and Control of Pollution) Act, 1974 and Air (Prevention and Control of Pollution) Act, 1981, the offending party has the remedy against the closure order and when the Industry approaches the Pollution Control Board or the Appellate authority he shall be heard before any order is passed on prayer made for revocation of closure order.

Copy of the said order is annexed herewith and marked with the letter 'E' to this affidavit.

10. That the respondent no. 4 humbly submits that he has high regard to the Solemn Orders as passed by this Hon'ble Tribunal and be discharged from the instant proceeding and further submits that the respondent Unit will comply with any Order as may be passed by this Hon'ble Tribunal.



X

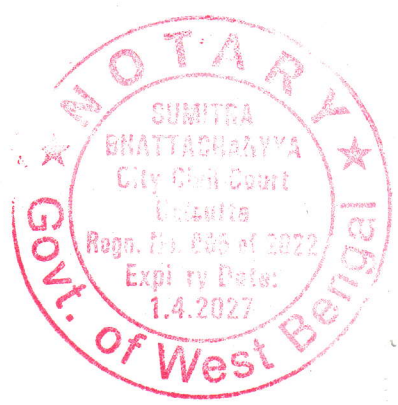
11. That the statements made in paragraphs 1 to 8 are true to my knowledge and rest are my respectful submission.

Sunil Foam Private Limited
[Signature]
DEPONENT Director

Identified by me
Krishnendu Basu
Advocate

Solemnly Affirmed and
Declared before me U/S 139
CPC, (C)
Sumitra Bhattacharya
Notary

Sumitra Bhattacharya
Notary, Govt. of W.B.
Regd. No. 065 of 2022
City Civil Court, Calcutta



05 NOV 2024

X

VERIFICATION

I, the Deponent above-named, do hereby verify and declare that the statements made in 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 21st day of October, 2024.

Prepared by me

Krishmendu Bera

Advocate

Sunil Foam Private Limited
[Signature]
DEPONENT Director



Annexure - R-2'

Annexure - A 55

2/19/24



WBSEDCL

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

Hooghly Region
Administrative Building
Ram Mandir, P.O. Chinsura(R.S)
Dist. Hooghly, Pin 712 102.

Ph: 033-26860424

Fax: 033-26868352

Memo. No. RM/HG/Bulk/Misc./ 220

Date: 14.08.24

To,
The Sub-Divisional Officer,
Serampore,
Hooghly.

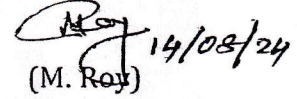
Sub: Status of Electricity Connection i.r.o. M/s. Sunil Foam (P) Ltd.
Ref: Your letter bearing memo no. 49/R.M./Srp. dated 12.08.2024.

Sir,

In reference with your letter, mentioned above, this is to inform you that the Electricity Connection in respect of M/s. Sunil Foam (P) Ltd., bearing Con ID - 950083107 had been disconnected physically on 19.01.2024. as per direction of Pollution Control Board.

Thanking you,

Yours faithfully


(M. Roy)

Regional Manager,
Hooghly Region, WBSEDCL.



Amazone - R-1)

Amazone - B



ENQUIRY REPORT

In pursuance of your instruction, we, the undersigned, have jointly visited the unit of M/s Sunil Foam (P) Ltd. (herein after referred to as the unit), located at Mouza-Mollaber, P.O.&P.S.-Dankuni, Hooghly, 712310, on 12.08.2024 to enquire upon the matter on whether the electricity of M/s Sunil Foam (P) Ltd. has been disconnected or not and whether the said unit still continuing its operation. Findings are enumerated below-

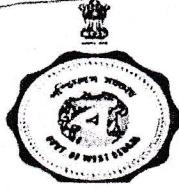
1) During the visit, prima facie it appears that the unit has no electricity connection and the unit is presently non-operational. The representative of the owner of the unit Sri Sanatan Mitra has stated before the visiting team that the electricity of the unit was disconnected and presently the unit is completely non-operational. However, the matter of electricity disconnection can be further affirmed by the WBSEDL authority.

(MONAJ DAS)
Industrial Development Officer
Serampore-Uttarpara Dev. Block

(RAJU GHOSH)
Inspector of Co-operative Societies
Serampore-Uttarpara Dev. Block



Amexn - (2-3)



Government of West Bengal
Office of the BLOCK Land & Land Reforms Officer,
Serampore-Uttarpara :: Hooghly.
Email: blrosu@gmail.com

Memo No.: 1697 /B. L.S. U/ 24

Date: 13/08/2024

To
The Block Development Officer
Serampore-Uttarpara
Hooghly

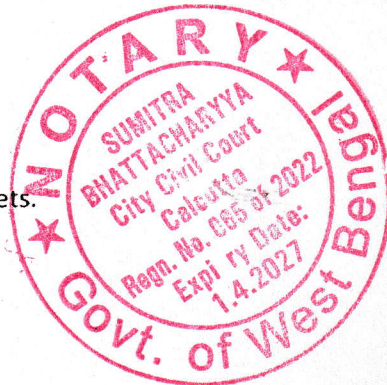
Sub: Enquiry report in respect of OA No. 118/2024/EZ in the matter of Environment Warrior vs WB PCB & others.
Ref: His office Memo no. 1059/SU dt 12.08.24

In view of the above subject, a joint inspection was conducted on 12/08/2024 by the C.I, Serampore-Uttarpara Block Development Office and R.I, Rishra G.P of the BL&LRO, Serampore Uttarpara. The joint inspection report is also attached herewith for his perusal. It appears from the joint inspection report that 80% of the land covered with rubbish as the land is low in nature. Secondly, some portion of the land is lying vacant and other part is covered with bushes.

The plot information of concerned plots i.e, MOUZA- MOLLARBER, JL NO- 22, LR KHATIAN- 4045 & 5105 with classification SALI are also enclosed for ready reference.

This is for kind information.

• Enclosure: 04 sheets.



Assistant Director and
Block Land & Land Reforms Office
Serampore-Uttarpara, Hooghly.
Assistant Director
and
Block Land & Land Reforms Office:
Serampore - Uttarpara

Amexur - (BPA)

9



Government of West Bengal
Office of Block Development Officer
Serampore - Uttarpara Development Block
Serampore, Hooghly.

E-mail :
bdoserampore@gmail.com
Phone: 033-2662 0082
Add: 21, Rabindra Bhaban
Road,

Memo No. 1070/SU

Date 13/08/2024.

To
The Sub-Divisional Officer
Serampore Sub-Division.

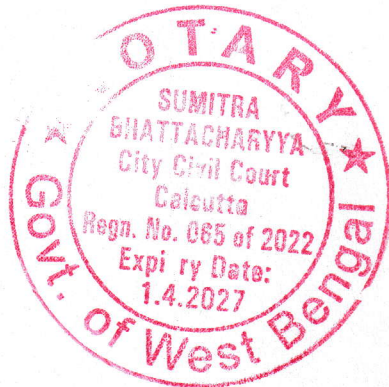
Sir,

Sending herewith the Enquiry Report in pursuance of your office Memo No.49/RM/Srp dt.12.08.2024 for your kind perusal and necessary action please.

Yours faithfully,

[Signature]

Block Development Officers
Serampore-Uttarpara Dev. Block





NO

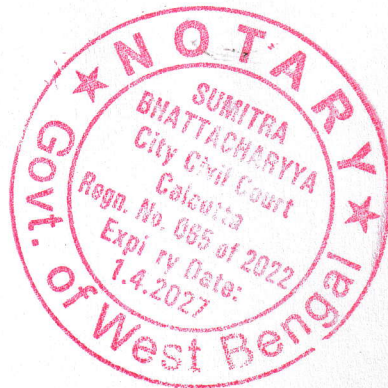
E-mail:
bdoserampore@gmail.com
Phone: 033-2662 0082
Add: 21, Rabindra Bhaban
Road,

Government of West Bengal
Office of Block Development Officer
Serampore – Uttarpara Development Block
Serampore, Hooghly.

ENQUIRY REPORT

In pursuance of Memo No. 49/RM/Srp. dt.12.08.2024 of the Sub-Divisional Officer, Serampore Sub-Division ,I, the undersigned would like to state that Officers of this Block ,the BL&LRO Office, Serampore and Dankuni P.S. have jointly visited the unit of M/s Sunil Foam (P) Ltd.(herein after referred to as the unit),located at Mouza-Mollaber, P.O.&P.S.-Dankuni, Hooghly, 712310, on 12/08/2024. Findings are enumerated below-

- 1) During the visit, prima facie it appears that the unit has no electricity connection and the unit is presently non-operational. The representative of the owner of the unit Sri Sanatan Mitra has stated before the officers visited that the electricity of the unit was disconnected and presently the unit is completely non-operational. However, the matter of electricity disconnection can be further affirmed by the WBSEDCL authority.
- 2) As per report of the R.I the piece of land is a low land and recorded in the name of Sunil Foam (P) Ltd. located in Mouza-Mollaber [J.L No.-22, Khatian No-5105, Dag No-1366(P), 1367(P), 1368(P), 1370(P), 1371(P), 1372(P) & 1377(P)] is partially ,apparently 80% of the total area, filled up .However, any dumped garbage could not be traced around the piece of land in question.



[Signature]

Block Development Officer
Serampore-Uttarpara Dev. Block



Amey...

DOA

GOVERNMENT OF WEST BENGAL
OFFICE OF THE SUB-DIVISIONAL OFFICER
SERAMPORE :: HOOGHLY

e-mail : sdoserampore18@gmail.com/electionsrp2017@gmail.com

Memo No. 50 RM./Srp

Date: 14.08.2024

To
The District Magistrate,
Hooghly.

Sub: O.A. No. 118/2024/EZ in the matter of Environment Warrior vs WB PCB & others.

Ref: Your Office Memo No. 1267/R.M., Dated: 08.08.2024

Madam,

In reference to the subject matter as stated above the undersigned would like to inform you that:-

1] As per the report available from the Regional Manager, Hooghly region WBSEDCL the electricity connection in respect of M/S Sunil Foam (P) Ltd. bearing consumer ID No. 950083107 has been disconnected physically on 19.01.2024 according to the direction of the West Bengal Pollution Control Board. As per spot enquiry done, it has been observed that the unit has no electricity connection and more over the unit is presently non-operational.

2] The piece of land is a low land and it is recorded in the name of Sunil Foam (P) Ltd. located in Mouza - Mollarber, J.L. No.- 22, Khatiyon No. -5105, Dag No.-1366(P), 1367(P), 1368(P), 1370(P), 1371(P), 1372(P), which is partially (apparently 80% of the total area) filled up.

However, no dumped garbage could be traced around the piece of land in question.

All the enquiry report is enclosed for your kind perusal.

Endo: As stated

Yours faithfully.

Sumitra Bhattacharya
Sub-Divisional Officer,
Serampore, Hooghly.



Annexure C



Land & Land Reforms And Refugee Relief & Rehabilitation Department

FORM 1A

Application for change of character, conversion or alteration in the mode of use land
(See sub-rule (1) of rule 5A)

Application No : CONV2023060900785

Application Date : 29/05/2023

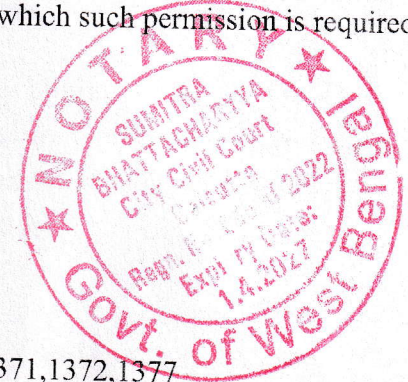
From : SUNIL FOAM PRIVATE LIMITED
31 , GANESH CHANDRA AVENUE , BOWBAZAR , KOLKATA - 700013
To : The District Land & Land Reforms Officer/
The Sub-divisional Land & Land Reforms Officer/
The Bolck Land & Land Reforms Officer.

Sub. Application for permission for change of character, conversion or alteration in the mode of use of land.

Sir,

I / We have the honour to apply for permission for change of character , conversion or alteration in the mode of use of the land having water body for the purpose of Industrial and commercial use

2. The particulars of the land / land having water body with respect to which such permission is required is furnished below:-



(1) Name of the District	: HUGLI
(2) Name of the Block	: SHRIRAMPUR
(3) Name of the police station	: Serampur
(4) Name of the mouza	: Mollarber
(5) Jurisdiction List No.	: 22
(6) Khatian No. (R.S & L.R)	: 5105
(7) Plot No. (R.S & L.R)	: 1366,1367,1368,1370,1371,1372,1377
(8) Area of the Plot (R.S & L.R) [If part plot, specify the area and portion]	: 0.6217 acre,0.27 acre,0.26 acre,0.23 acre,0.61 acre,0.7172 acre,0.03 acre
(9) Existing classification of the Plot	: Shali,Shali,Shali,Shali,Shali,Shali,Shali
(1) Name of the District	: HUGLI
(2) Name of the Block	: SHRIRAMPUR
(3) Name of the police station	: Serampur
(4) Name of the mouza	: Mollarber
(5) Jurisdiction List No.	: 22
(6) Khatian No. (R.S & L.R)	: 5105
(7) Plot No. (R.S & L.R)	: 1366,1367,1368,1370,1371,1372,1377
(8) Area of the Plot (R.S & L.R) [If part plot, specify the area and portion]	: 0.6217 acre,0.27 acre,0.26 acre,0.23 acre,0.61 acre,0.7172 acre,0.03 acre
(9) Existing classification of the Plot	: Shali,Shali,Shali,Shali,Shali,Shali,Shali
(10) Applied classification of the Plot	: Shali,Shali,Shali,Shali,Shali,Shali,Shali,Factory



3. The following documents, in duplicate, are enclosed with this application:-

4. I / We also declare and undertake –

1. That the land, in question shall be used strictly for the purpose for which such permission shall be granted;
2. That there is no bargadar, in the land, in question;
3. That no work shall be done on the land, in question that may lead to conversion of the same unless permission as sought for is granted;
4. That necessary approval or permission or licence shall be obtained from the appropriate authority as required for execution of the work on the land, in question as soon as permission for conversion as sought for is granted;

5. I / We further declare –

1. That the land, in question is under peaceful possession of myself / ourselves and it is free from all encumbrances;
2. That the land, in question is not involved in any proceeding for vesting under the provisions of any law;
3. That the land, in question is not involved in any court case which prohibits such conversion, change or alteration in the mode of use of the land.

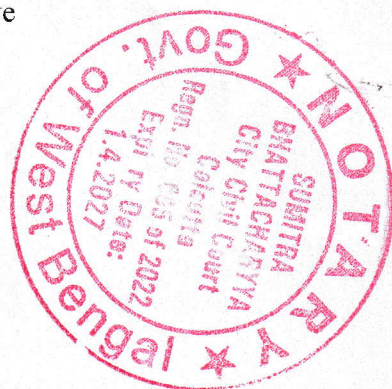
6. I / We also declare and undertake that in case it is proved at any point of time that the documents furnished and statements made hereinabove are not true and correct, I / We am / are liable for any legal action which will be taken by the competent authority in this regard including cancellation of order granting change of character, conversion or alteration in the mode of use of land as sought for.

Encl. As stated above

Yours faithfully,

Place :

Date :



(Full signature of the applicants(s) with seal, if any.)



AB

Land & Land Reforms And Refugee Relief & Rehabilitation Department

ACKNOWLEDGEMENT RECEIPT

Case No. : CN/2023/0609/585 generated for this Application No. CONV2023060900503.

GRN No. is: 192023240066465811 Dated: 23/05/2023 05:21:51.

Paid Amount is: 2410.0.

N.B: Please bring the required documents in original at the time of hearing at concerned SDLLRO Office.





Government of West Bengal GRIPS 2.0 Acknowledgement Receipt Payment Summary



230520232006646580

GRIPS Payment Detail

GRIPS Payment ID: 230520232006646580 **Payment Init. Date:** 23/05/2023 17:21:51
Total Amount: 2410 **No of GRN:** 1
Bank/Gateway: State Bank of India **Payment Mode:** Online Payment
BRN: IK0CGKJUC4 **BRN Date:** 23/05/2023 17:22:30
Payment Status: Successful **Payment Init. From:** Department Portal

Depositor Details

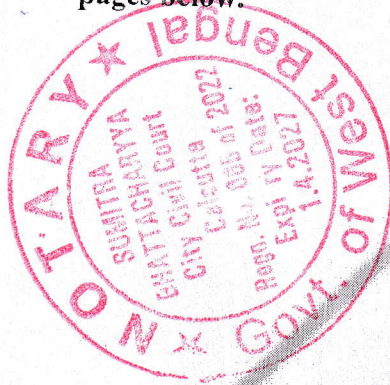
Depositor's Name: SUNIL FOAM PRIVATE LIMITED
Mobile: 8013744114

Payment(GRN) Details

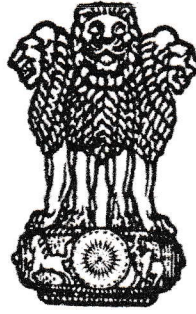
Sl. No.	GRN	Department	Amount (₹)
1	192023240066465811	Land & Land Reforms and Refugee Relief & Rehabilitation	2410
Total			2410

IN WORDS: TWO THOUSAND FOUR HUNDRED TEN ONLY.

DISCLAIMER: This is an Acknowledgement Receipt, please refer the respective e-challan from the pages below.



The
Kolkata
Gazette



सत्यमेव जयते

Extraordinary
Published by Authority

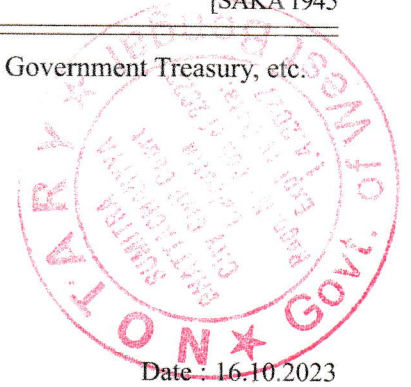
ASVINA 24]

MONDAY, OCTOBER 16, 2023

[SAKA 1945

PART I—Orders and Notifications by the Governor of West Bengal, the High Court, Government Treasury, etc.

GOVERNMENT OF WEST BENGAL
Department of Environment
Prani Sampad Bhavan, 5th Floor,
LB-2, Sector-III, Salt Lake, Kolkata-700106



No. 2466/EN/4E-174/2023-2024

Date : 16.10.2023

The draft of the notification, which the West Bengal State Wetlands Authority (WBSWA) proposes to issue in exercise of the powers conferred under rule 7 of the Wetlands (Conservation and Management) Rules, 2017 read with Environment (Protection) Act, 1986 (29 of 1986), is hereby published for the information of the persons likely to be concerned or affected thereby; and notice is hereby given that the said draft notification shall be taken into consideration on or after the expiry of a period of (60) sixty days from the date on which copies of the Official Gazette containing this notification are made available to the public;

Any person interested in making any objection or suggestion, on the proposals contained in the draft notification may forward the same in writing, for consideration of the Government of West Bengal, within the period so specified to the Member Secretary, West Bengal State Wetlands Authority, or at email address ctoekwma@gmail.com

Draft Notification

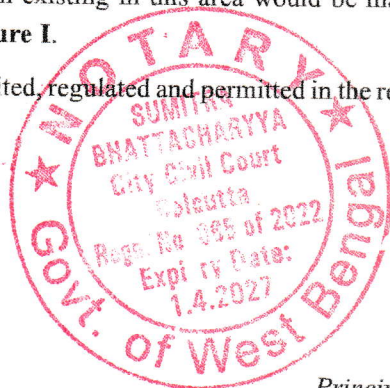
1. Whereas, the Dankuni wetland including zone of influence admeasuring an area of approximate 118 ha, situated in Mouza Mollarber, JL no. 22, Panchghara, JL no. 80, Jaykrishnapur, JL no. 69 and Jhakari, JL no. 103, Block Srirampur-Uttarpara, Chanditala-II, Singur under Hooghly, West Bengal, which is considered to be critically significant for its ecosystem services and biodiversity values for the local communities and society at large (hereinafter referred to as the "Dankuni wetland"); which is more particularly described in **Schedule I** herein under;
2. And whereas, it is considered that for sustaining these values, the ecological character of wetland ecosystem needs to be maintained by maintaining status quo by regulating developmental activities within the wetland as well as within its zone of influence;



3. And whereas, in terms of sub-rule (1) of rule 7 of the Wetlands (Conservation and Management) Rules 2017, the Environment Department of Government of West Bengal prepared a Brief Document for identifying the said Dankuni wetland;
4. And whereas, based on the physical survey, Brief Documents as well as drone survey conducted by the WBPCB, an area of approximate 118 ha is found waterlogged, for a considerable amount of time even after desiltation of the Dankuni canal. Hence, the Technical Committee of the West Bengal State Wetlands Authority (WBSWA) has recommended to preserve these existing recorded water bodies and to draft notify the said Dankuni wetland area under the provisions of Wetlands (Conservation and Management) Rules, 2017;
5. Hence this Draft Notification is issued by the Department of Environment, Government of WB in the exercise of powers conferred under Rule 7 of Wetland (Conservation & Management) Rules, 2017 and is hereby published for the information of public;
6. The extent of the wetland and its zone of influence is described in Schedule I of this notification;
7. Activities prohibited within the wetland and its zone of influence are listed in **Schedule II** of this notification. Such prohibitions shall not apply for areas designated under other Acts and Rules, and listed at para 1.2 (a), (b) and (c) of **Schedule I**. Relevant provisions of respective Acts and Rules shall apply in such areas;
8. Activities regulated within the wetland and its zones of influence, i.e. permitted only with permission of State Government are listed in **Schedule II** of this notification. Request for permissions can be made to the Member Secretary, West Bengal State Wetlands Authority, C/o Department of Environment, Pranisampad Bhaban, Kolkata 700106 or at email - ctockwma@gmail.com. Such regulations shall not apply for areas designated under other Acts and Rules, and listed at para 1.2 a), b) and c) of **Schedule I**. Relevant provisions of respective Acts and Rules shall apply in such areas;
9. Activities permitted within the wetland and its zone of influence are listed in **Schedule IV** of this notification. Such permissions shall not apply for areas designated under other Acts and Rules, and listed at para 1.2 a), b) and c) of **Schedule I**. Relevant provisions of respective Acts and Rules shall apply in such areas;
10. The West Bengal State Wetlands Authority shall monitor the enforcement of the provisions of this notification;
11. All the pre-existing ownership rights and privileges pertaining to identified and notified wetlands will be maintained. Further, no pre-existing ownership rights or property will be transferred to WBSWA as a part of this notification. The status quo of the existing ownership of the notified property will be maintained. No conversion of land will be allowed in draft notified waterbody till the final decision in this regard is taken by the authority as per prescribed in the schedules of the notification.

NOTE: In the remaining area of Mollarber and Panchgara Mouza which is no more waterlogged after desiltation of the Dankuni canal, low polluting activities/ green activities will be allowed as per the existing rules and regulations, from the date of issue of this draft Notification. However, no change of character of recorded waterbodies in this area will be permitted and the drainage pattern existing in this area would be maintained as such. The schedule of land falling outside wetland is given as **Annexure I**.

The details of activities prohibited, regulated and permitted in the recorded water bodies are mentioned in **Schedule II, III and IV**.



By order of the Governor,

Sd/-

ROSHNI SEN, IAS

Principal Secretary to the Government of West Bengal
Deptt. of Environment, Govt. of West Bengal



Export and Storage of Hazardous Micro-organisms Genetically engineered organisms or cells, 1989 or the Hazardous Wastes (Management, Handling and Transboundary Movement) Rules, 2008; Hazardous and Other Wastes (Management, Handling and Transboundary Movement) Rules, 2016; electronic waste covered under the E- Waste (Management) Rules, 2016; and other acts and rules as notified by Central Government and State Government applicable to wetlands.

4. Solid waste dumping and plastic waste dumping covered under Municipal Solid Waste Management Rules, 2016.
5. Discharge of untreated wastes, chemical fertilizers, pesticides, effluents and any other chemicals effecting the ecological character of the wetland from industries, cities, towns, villages and any other human settlements and/or activities.
6. Poaching and illegal hunting covered under the Wildlife (Protection) Act, 1972 and amendments thereof; Extraction of soil, mud, rock and sand for commercial purposes.

[Any other activity other than mentioned above if taken up in the surrounding area that will have a direct or an indirect adverse effect on the ecological character of the wetland including water quality the same shall be prohibited.]

Schedule III: List of activities regulated within the boundary of wetland and its zone of influence and for which prior approval of State Government is required to be obtained.

Activity	Regulation within the boundary of wetland or zone of influence	Name of department / Agency responsible for regulation
Withdrawal of water/ impoundment/ diversion or any other hydrological intervention	within the boundary of wetland and zone of influence	District Administration
Harvesting of resources (living / non-living)	within the boundary of wetland	District Administration
Religious practices	within the boundary of wetland and zone of influence	District Administration
Eco-tourism	within the boundary of wetland and zone of influence	District Administration
Aquaculture, agriculture and horticulture activities within the wetland boundaries.	within the boundary of wetland and zone of influence	District Administration

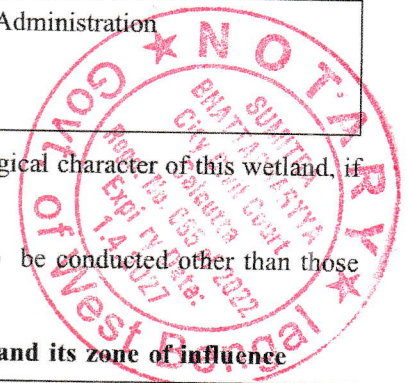
WBSWA will review and regulate the above activities for maintaining the ecological character of this wetland, if these activities adversely affect the ecological character of the wetland.

Approval of the WBSWA shall be obtained for any other activity proposed to be conducted other than those mentioned above which may adversely affect ecological character of wetland.

Schedule IV: List of activities permitted within the boundary of wetland and its zone of influence

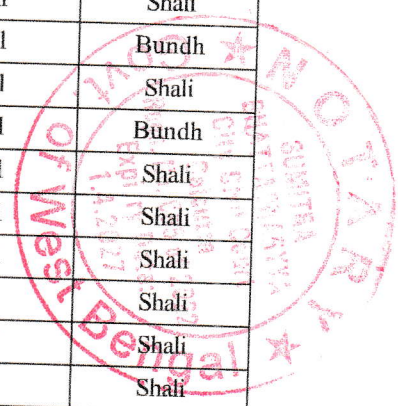
Activity	Within the boundary of wetland and zone of influence	Name of department / Agency responsible
Deciding best possible wise use of wetland without affecting or impacting its ecological character and services offered presently	Permitted	District Administration

Approval of the WBSWA shall be taken for any other activity to be conducted other than those mentioned above.





Sl. No.	Block	Mouza & JL No.	Sheet No.	Plot No.	Full/ Partly falls outside the Dankuni wetland	Class_REC
1181	Srirampur-Uttarpara	Mollarber, 022	3	1335	Full	Doba
1182	Srirampur-Uttarpara	Mollarber, 022	3	1336	Full	Shuna
1183	Srirampur-Uttarpara	Mollarber, 022	3	1337	Full	Shali
1184	Srirampur-Uttarpara	Mollarber, 022	3	1338	Full	Shali
1185	Srirampur-Uttarpara	Mollarber, 022	3	1339	Full	Shali
1186	Srirampur-Uttarpara	Mollarber, 022	3	1340	Full	Shali
1187	Srirampur-Uttarpara	Mollarber, 022	3	1341	Full	Shali
1188	Srirampur-Uttarpara	Mollarber, 022	3	1342	Full	Doba
1189	Srirampur-Uttarpara	Mollarber, 022	3	1343	Full	Shali
1190	Srirampur-Uttarpara	Mollarber, 022	3	1344	Full	Shali
1191	Srirampur-Uttarpara	Mollarber, 022	3	1345	Full	Shali
1192	Srirampur-Uttarpara	Mollarber, 022	3	1346	Full	Shali
1193	Srirampur-Uttarpara	Mollarber, 022	3	1347	Full	Shali
1194	Srirampur-Uttarpara	Mollarber, 022	3	1348	Full	Shali
1195	Srirampur-Uttarpara	Mollarber, 022	3	1349	Full	Bundh
1196	Srirampur-Uttarpara	Mollarber, 022	3	1350	Full	Shali
1197	Srirampur-Uttarpara	Mollarber, 022	3	1351	Full	Bundh
1198	Srirampur-Uttarpara	Mollarber, 022	3	1352	Full	Shali
1199	Srirampur-Uttarpara	Mollarber, 022	3	1353	Full	Shali
1200	Srirampur-Uttarpara	Mollarber, 022	3	1354	Full	Shali
1201	Srirampur-Uttarpara	Mollarber, 022	3	1355	Full	Shali
1202	Srirampur-Uttarpara	Mollarber, 022	3	1356	Full	Shali
1203	Srirampur-Uttarpara	Mollarber, 022	3	1357	Full	Shali
1204	Srirampur-Uttarpara	Mollarber, 022	3	1358	Full	Shali
1205	Srirampur-Uttarpara	Mollarber, 022	3	1359	Full	Shali
1206	Srirampur-Uttarpara	Mollarber, 022	3	1360	Full	Shali
1207	Srirampur-Uttarpara	Mollarber, 022	3	1361	Full	Shali
1208	Srirampur-Uttarpara	Mollarber, 022	3	1362	Full	Bundh
1209	Srirampur-Uttarpara	Mollarber, 022	3	1363	Full	Shali
1210	Srirampur-Uttarpara	Mollarber, 022	3	1364	Full	Bundh
1211	Srirampur-Uttarpara	Mollarber, 022	3	1365	Full	Shali
1212	Srirampur-Uttarpara	Mollarber, 022	3	1366	Full	Shali
1213	Srirampur-Uttarpara	Mollarber, 022	3	1367	Full	Shali
1214	Srirampur-Uttarpara	Mollarber, 022	3	1368	Full	Shali
1215	Srirampur-Uttarpara	Mollarber, 022	3	1369	Full	Shali
1216	Srirampur-Uttarpara	Mollarber, 022	3	1370	Full	Shali
1217	Srirampur-Uttarpara	Mollarber, 022	3	1371	Full	Shali
1218	Srirampur-Uttarpara	Mollarber, 022	3	1372	Full	Shali
1219	Srirampur-Uttarpara	Mollarber, 022	3	1373	Full	Shali
1220	Srirampur-Uttarpara	Mollarber, 022	3	1374	Full	Shali
1221	Srirampur-Uttarpara	Mollarber, 022	3	1375	Full	Shali





Sl. No.	Block	Mouza & JL No.	Sheet No.	Plot No.	Full/Partly falls outside the Dankuni wetland	Class_REC
1222	Srirampur-Uttarpara	Mollarber, 022	3	1376	Full	Shali
1223	Srirampur-Uttarpara	Mollarber, 022	3	1377	Full	Shali
1224	Srirampur-Uttarpara	Mollarber, 022	3	1378	Full	Shali
1225	Srirampur-Uttarpara	Mollarber, 022	3	1379	Full	Shali
1226	Srirampur-Uttarpara	Mollarber, 022	3	1380	Full	Shali
1227	Srirampur-Uttarpara	Mollarber, 022	3	1381	Full	Shali
1228	Srirampur-Uttarpara	Mollarber, 022	3	1382	Full	Shali
1229	Srirampur-Uttarpara	Mollarber, 022	3	1383	Full	Shali
1230	Srirampur-Uttarpara	Mollarber, 022	3	1384	Full	Shali
1231	Srirampur-Uttarpara	Mollarber, 022	3	1385	Full	Shali
1232	Srirampur-Uttarpara	Mollarber, 022	3	1386	Full	Shuna
1233	Srirampur-Uttarpara	Mollarber, 022	3	1387	Full	Shali
1234	Srirampur-Uttarpara	Mollarber, 022	3	1388	Full	Shali
1235	Srirampur-Uttarpara	Mollarber, 022	3	1389	Full	Shali
1236	Srirampur-Uttarpara	Mollarber, 022	3	1390	Full	Shali
1237	Srirampur-Uttarpara	Mollarber, 022	3	1391	Full	Shali
1238	Srirampur-Uttarpara	Mollarber, 022	3	1392	Full	Shali
1239	Srirampur-Uttarpara	Mollarber, 022	3	1393	Full	Shali
1240	Srirampur-Uttarpara	Mollarber, 022	3	1394	Full	Shali
1241	Srirampur-Uttarpara	Mollarber, 022	3	1395	Full	Shali
1242	Srirampur-Uttarpara	Mollarber, 022	3	1396	Full	Shali
1243	Srirampur-Uttarpara	Mollarber, 022	3	1397	Full	Shali
1244	Srirampur-Uttarpara	Mollarber, 022	3	1398	Full	Shuna
1245	Srirampur-Uttarpara	Mollarber, 022	3	1399	Full	Shali
1246	Srirampur-Uttarpara	Mollarber, 022	3	1400	Full	Shali
1247	Srirampur-Uttarpara	Mollarber, 022	3	1401	Full	Bastu
1248	Srirampur-Uttarpara	Mollarber, 022	3	1402	Full	Bastu
1249	Srirampur-Uttarpara	Mollarber, 022	3	1403	Full	Shali
1250	Srirampur-Uttarpara	Mollarber, 022	3	1404	Full	Shali
1251	Srirampur-Uttarpara	Mollarber, 022	3	1405	Full	Shali
1252	Srirampur-Uttarpara	Mollarber, 022	3	1406	Full	Shali
1253	Srirampur-Uttarpara	Mollarber, 022	3	1407	Full	Shali
1254	Srirampur-Uttarpara	Mollarber, 022	3	1408	Full	Shali
1255	Srirampur-Uttarpara	Mollarber, 022	3	1409	Full	Shali
1256	Srirampur-Uttarpara	Mollarber, 022	3	1410	Full	Shali
1257	Srirampur-Uttarpara	Mollarber, 022	3	1411	Full	Shali
1258	Srirampur-Uttarpara	Mollarber, 022	3	1412	Full	Shali
1259	Srirampur-Uttarpara	Mollarber, 022	3	1413	Full	Shali
1260	Srirampur-Uttarpara	Mollarber, 022	3	1414	Full	Shali
1261	Srirampur-Uttarpara	Mollarber, 022	3	1415	Full	Shali
1262	Srirampur-Uttarpara	Mollarber, 022	3	1416	Full	Shali

Annexure - E

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04
AN
RP

14.03.2024
Ct. No. 01

WPA(P) 87 of 2024

Ankur Sharma
Vs.
State of West Bengal & Ors.

Mr. Sabyasachi Chatterjee
Mr. Sandipan Das
Mr. Badrul Karim
Ms. Kiron Sk.
Ms. Indrani Roy
Ms. Suparna Dutta

... for the petitioner

Mr. Samrat Sen, Id. AAAG
Mr. Manali Ali

... for the State

Mr. Supriyo Chattopadhyay
Ms. Debosri Chatterjee

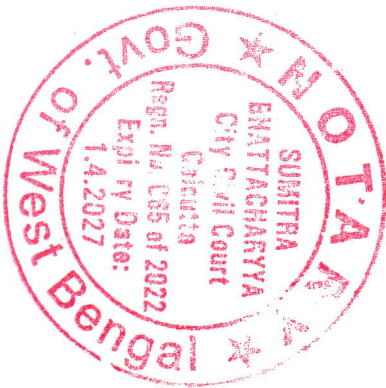
... for the WBSEDCL

Mr. Soumya Mukherjee

... for the WBPCB

1. By this writ petition styled as a Public Interest Litigation, the writ petitioner seeks for implementation of the order of closure passed by the West Bengal Pollution Control Board dated 30.11.2023. Learned counsel appearing for the West Bengal Pollution Control Board submitted that pursuant to the complaint lodged by the petitioner on 24.07.2023 notice was issued to the offending party viz. the 11th respondent as well as the writ petitioner, parties were heard and the Pollution Control Board passed an order of closure on 30.11.2023.

2. Learned counsel appearing for the Electricity Board submitted that in terms of the directions issued by the Pollution Control Board the electricity connection has been disconnected. Thus, as on date, the 11th respondent



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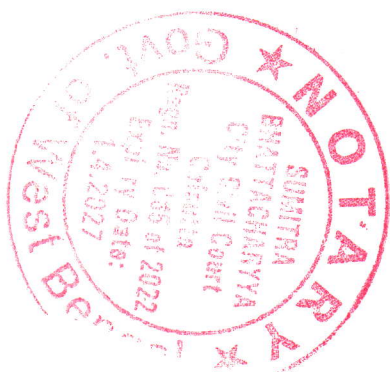
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cannot operate the unit as the order of closure continues to remain in force. However, the Court is conscious of the fact that under the provisions of Water (Prevention and Control of Pollution) Act, 1974 and Air (Prevention and Control of Pollution) Act, 1981, the offending party has remedy against the order of closure. Therefore, such a remedy cannot be foreclosed by this Court at this juncture. However, as long as the order of closure remains in force, the Pollution Control Board shall ensure that the same is not violated in any manner and no third party interest is created in respect of the said industry. In the event, the industry approaches the Pollution Control Board or the appellate authority under the aforementioned statutory provisions, then the writ petitioner shall be issued notice and the writ petitioner shall be heard by the Pollution Control Board before any order is passed on such a prayer made for revocation of the order of closure. If, ultimately, the order of closure attains finality, the authorities shall take appropriate steps on merits and in accordance with law with regard to the reclamation of the property in question.

3. In the result, the writ petition stands **disposed of.**

(T. S. Sivagnanam)
Chief Justice

(Hiranmay Bhattacharyya, J.)



BEFORE THE NATIONAL GREEN
 TRIBUNAL
 EASTERN ZONAL BENCH, KOLKATA,
 WEST BENGAL

O.A. No. 118/2024/EZ

In the matter of :

Environment Warrior

.....Applicant

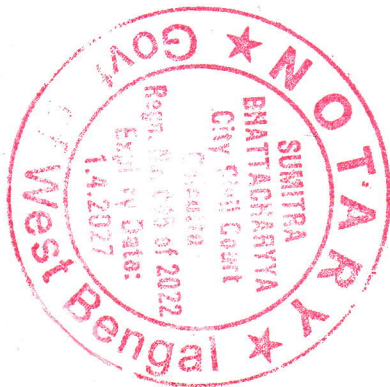
-Versus-

West Bengal Pollution Control Board &
 Ors.

....Respondents.

AFFIDAVIT-IN-OPPOSITION

BY RESPONDENT NO. 4



Krishnendu Bera ,
 Advocate.

280, Gopal Lal Thakur Road,
 Baranagar, Kolkata- 700036.

9804470595 (M)

Email : krishnendubera87@gmail.com