

X

BEFORE THE NATIONAL GREEN TRIBUNAL
EASTERN ZONE BENCH, KOLKATA

ORIGINAL APPLICATION NO. 96/2024/EZ

SRIKANT SINGH

.....APPLICANT(S)

VERSUS

WEST BENGAL POLLUTION CONTROL BOARD &
ORS.

.....RESPONDENT(S)

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

INDEX

SL No	PARTICULARS	ANNEXURE	PAGE
1.	Affidavit		1-8
2.	Copy of inspection report of State Board.	'R1'	9-10
3.	Copy of the direction of the State Board	'R2'	11-12

Filed by

Ayush Dadhich

AYUSH KUMAR DADHICH
ADVOCATE

SL. NO. 22 Dt.- 12 NOV 2024

BEFORE THE NATIONAL GREEN TRIBUNAL
EASTERN ZONE BENCH, KOLKATA

ORIGINAL APPLICATION NO. 96/2024/EZ

SRIKANT SINGH

.....APPLICANT(S)

VERSUS

WEST BENGAL POLLUTION CONTROL BOARD &
ORS.

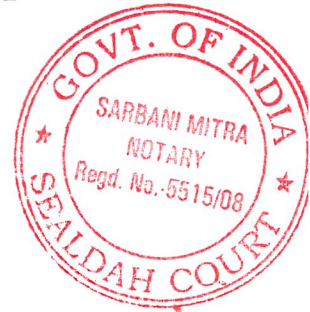
.....RESPONDENT(S)

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

Most Respectfully Sheweth

I, Sri Subrata Ghosh, son of Shri Biswanath Ghosh, aged about 60 years, by faith-Hindu, Occupation- Service, residing at Narkelbagan, Gorosthan, Chinsurah, District - Hooghly, do hereby solemnly declare and say as follows:-

12 NOV 2024



X

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



02. That, this affidavit is being affirmed in pursuant to the order passed by this Hon'ble Tribunal dated 16.05.2024.

03. That, in compliance to the order of the Hon'ble National Green Tribunal dated 16.05.2024, the official of the State Board visited the said site of M/s Padmavati Metal Industries, located at Liluah within Bally Municipality on 07/06/2024 between 16:30 hrs. to 17:15 hrs.

04. That, from the said inspection conducted on 07.06.2024, the following observations were made by the Inspecting officials of the State Board:

11 2 NOV 2024

X

- (a) This is redrawn plant and engaged in manufacturing copper pipes, gun metal pipes and brass pipes of different diameter using 2 numbers draw bench from copper pipes, gunmetal pipes and brass pipes.
- (b) Mainly, pipes of higher diameter are redrawn to reduced diameter.
- (c) The unit also uses 2 numbers pointing machine and one grinding machine in process for minor machining.
- (d) Activity requires heating/drying and surface cleaning of raw material for copper pipes.
- (e) Unit has also 01 number pickling (surface cleaning) bath (containing dilute sulphuric acid) and 01 number rinsing bath and 01 number coal fired oven for drying the pipes. The said pickling tank and oven are not provided with any Air Pollution Control system.
- (f) The unit has no Effluent Treatment Plant for treatment of pickling effluent.



12 NOV 2024

X

(g) All activities are carried out inside closed shed.

Complainant's house is situated just behind the industry.

(h) During inspection, complainant alleged against the unit about smoke emission and noise pollution.

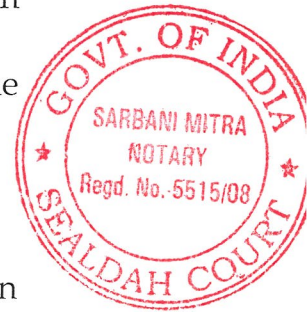
(i) The unit is not carrying out any extraction of copper from scraps or processing copper waste as alleged by the complainant.

(j) The industry was not in operation during inspection. On request, the unit started one machine and noise level was measured near work zone as follows:

No. of Observation	Near work zone area dB(A)	Ambient noise dB(A)
1.	72.6	74.63

The ambient noise is higher than that at work zone due to movement of traffic on the road in front of the unit. The noise level was not measured at complainant's residence since unit was not fully operational.

(k) Unit is carrying out surface treatment activity which falls under 'Red' category but unit has presently obtained acknowledgement as 'White' category through District



12 NOV 2024

X

Industries Centre (DIC) mentioning General Engineering products.

(l) As evident from file records, unit is operating since 1995 and has submitted trade license of year 1995.

(m) Unit is situated in an area which is predominated by industries.

05. That, the Inspecting Officials of the State Board further remarked that:

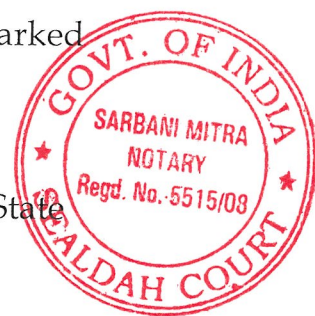
(i) The unit should obtain valid Consent to Operate from State Board for appropriate category as per its activity.

(ii) The unit should install suitable Air Pollution Control Systems and Effluent Treatment Plant.

Copy of the inspection report of the State Board is annexed herewith and marked with letter "R1".

06. That, subsequently a hearing was conducted by the State Board officials on 23.07.2024.

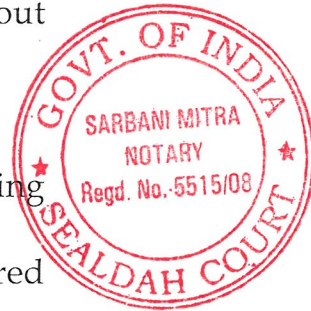
Thereafter, the State Board vide Memo dated 06.09.2024, issued a direction upon the said unit, wherein the following directions were issued upon the said M/s. Padmavati Metal Industries:



12 NOV 2024

X

- (a) The unit shall immediately obtain Consent to Operate from the State Board under Orange category.
- (b) The unit shall not resume the operation of the plant without obtaining Consent to Operate from the State Board.
- (c) The unit shall not operate the coal fired oven at the existing factory premises under any circumstances. The coal fired oven should be dismantled and the same to be intimated to the State Board accordingly. Heating/ drying activity should be done through electrical heating.
- (d) The unit shall not carry out any acid pickling activity for surface cleaning of copper pipes at existing factory premises.



Copy of the direction of the State Board is annexed herewith and marked with letter "R2".

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

A handwritten signature in blue ink, appearing to be "Sarbani Mitra".

DEPONENT

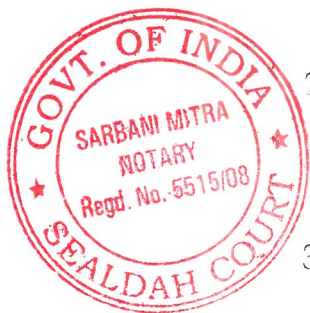
12 NOV 2024



VERIFICATION

I, Sri Subrata Ghosh, son of Shri Biswanath Ghosh, aged about 60 years, by Religion - Hindu, by Occupation- Service, residing at Narkelbagan, Gorosthan, Chinsurah, District-Hooghly, do hereby solemnly declare and say as follows:-

1. That, I am the Officer on Special Duty (OSD), West Bengal Pollution Control Board and I am well acquainted with the facts and circumstances of the instant Original Application.
2. That, the statements made in paragraph 1 of this affidavit is true to my knowledge and belief.
3. That, the statements made in paragraphs 2 to of this affidavit are my information derived from the records available in the office of the State Board which I verily believe to be true and the rest are my respectful submission before this Hon'ble Tribunal.



Ayush Debnath

Identified and corrected by me
Advocate
WBPCB

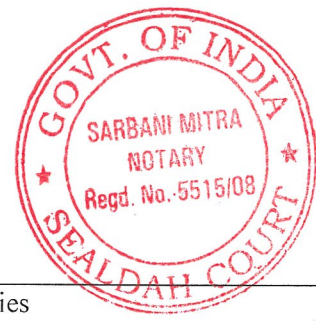
Sri Subrata Ghosh
DEPONENT

Solemnly Affirmed &
Declared Before Me
On Identification By

Sarbani Mitra
SARBANI MITRA
NOTARY
Regd. No. 5515/08

17 2 NOV 2024

X



RI

INSPECTION REPORT

Name and Address of the unit/site	M/s Padmavati Metal Industries
Police Station	Liluah
Local Body	Bally Municipality
Power Supply Authority	CESC
Date & Time of visit	07/06/2024 between 16:30 hrs. to 17:15 hrs.
Visiting Official(s)	1. Sri B. Mal, E.E. 2. Dr. N. Sengupta, A.E.E.
Person(s) met	Sri Pradeep Vyas son of Sri Arun Vyas (Proprietor) Sri Srikant Singh, Complainant
Industry category	Orange
Status of CFE/CFO	Obtained Consent to Operate as 'Orange' category which expired on 31/08/2018. Later, industry obtained 'White' category acknowledgement through DIC mentioning General Engineering products.
Inspection reference	Unit was inspected in connection with NGT mater O.A.No.96/2024/EZ

Introduction

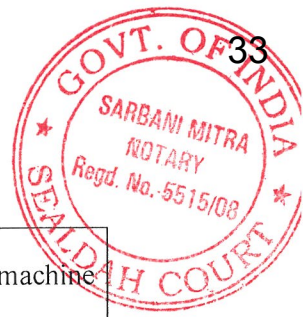
This is a complaint lodged by Mr. Ankur Sharma on behalf of Sri Srikant Singh, Applicant against M/s Padmavati Metal Industries alleging emission of dense smoke escaping from roof top asbestos shed of the unit due to extraction of copper from scraps and processing of copper waste. It is also alleged that said activity is causing discomfort and posing a health hazard to applicant and his family and also causing noise pollution.

Observation

This is redrawn plant and engaged in manufacturing copper pipes, gun metal pipes and brass pipes of different diameter using 2 numbers draw bench from copper pipes, gunmetal pipes and brass pipes. Mainly, pipes of higher diameter are redrawn to reduced diameter. Unit also uses 2 numbers pointing machine and one grinding machine in process for minor machining. Activity requires heating/drying and surface cleaning of raw material for copper pipes. Unit has also 01 number pickling (surface cleaning) bath (containing dilute sulphuric acid) and 01 number rinsing bath and 01 number coal fired oven for drying the pipes. The said pickling tank and oven are not provided with any Air Pollution Control system. The unit has no Effluent Treatment Plant for treatment of pickling effluent. All activities are carried out inside closed shed. Complainant's house is situated just behind the industry. During inspection, complainant alleged against the unit about smoke emission and noise pollution.

The unit is not carrying out any extraction of copper from scraps or processing copper waste as alleged by the complainant.

X



The industry was not in operation during inspection. On request, the unit started one machine and noise level was measured at near work zone as follows

No. of Observation	Near work zone area dB(A)	Ambient noise dB(A)
1.	72.6	74.63


The ambient noise is higher than that at work zone due to movement of traffic on the road in front of the unit. The noise level was not measured at complainant's residence since unit was not fully operational.

Other relevant information

- Unit is carrying out surface treatment activity which falls under 'Red' category but unit has presently obtained acknowledgement as 'White' category through DIC mentioning General Engineering products.
- As evident from file records, unit is operating since 1995 and has submitted trade license of year 1995.
- Unit is situated in an area which is predominated by industries.

Remarks/ recommendation

- Unit should obtain valid Consent to Operate from WBPCB for appropriate category as per its activity.
- Unit should install suitable APCS and ETP.


Signature of visiting official 19/06/2024

 19/06/2024
Signature of visiting official

X



LIFE
Lifestyle for
Environment

WEST BENGAL POLLUTION CONTROL BOARD

(Department of Environment, Government of West Bengal)

Paribesh Bhawan, 10A, Block – LA, Sector III, Bidhannagar

Kolkata – 700 106, Ph. No.: 2202-3097/3096

Website: www.wbpcb.gov.in, Email: net.wbpcb-wb@bangla.gov.in

Memo No.

-3L/WPB-E(IV)/2024

Date: /09/2024

DIRECTION

WHEREAS, M/s. Padmavati Metal Industries (hereinafter referred to as the unit) located at 46/1, N.S. Road (Gousala Road), Liluah, Howrah-711204 was inspected by the West Bengal Pollution Control Board (hereinafter referred to as the State Board) official on 07.06.2024 in connection with Hon'ble National Green Tribunal (NGT) matter (O.A. No. 96/2024/EZ). A complaint was lodged by Shri Ankur Sharma on behalf of Shri Srikant Singh, Applicant against M/s. Padmavati Metal Industries alleging emission of dense smoke escaping from roof top asbestos shed of the unit due to extraction of copper from scraps and processing of copper waste. It is also alleged that the said activity is causing discomfort and posing a health hazard to the Applicant and his family and also causing noise pollution.

AND WHEREAS, the unit is redrawn plant and engaged in manufacturing copper pipes, gun metal pipes and brass pipes of different diameter using 2 numbers draw bench from copper pipes, gun metal pipes and brass pipes. Mainly, pipes of higher diameter are redrawn to reduced diameter. The unit also uses 2 numbers pointing machine and one grinding machine in process for minor machining. Activity requires heating/drying and surface cleaning of raw material for copper pipes. The unit has also 01 number pickling (surface cleaning) bath (containing dilute sulphuric acid) and 01 number rinsing bath and 01 number coal fired oven for drying the pipes. The said pickling tank and oven are not provided with any air pollution control system. The unit has no effluent treatment plant (ETP) for treatment of pickling effluent. All activities are carried out inside closed shed. The unit is not carrying out any extraction of copper from scraps or processing copper waste as alleged by the complainant. The unit is situated in an area which is predominated by industries.

AND WHEREAS, complainant's house is situated just behind the industry. During inspection, complainant alleged against the unit about smoke emission and noise pollution.

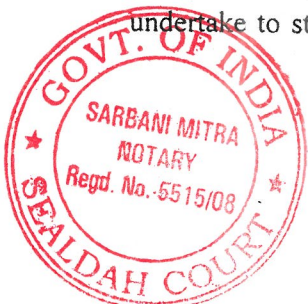
AND WHEREAS, the unit was not in operation during inspection. On request, the unit started one machine and noise level was measured at near work zone as follows:-

No. of observation	Near work zone area dB(A)	Ambient noise dB(A)
01	72.6	74.63

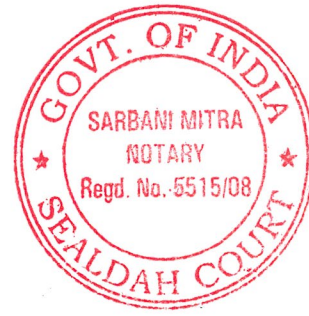
The ambient noise is higher than that at work zone due to movement of traffic on the road in front of the unit. The noise level was not measured at complainant's residence since the unit was not fully operational.

AND WHEREAS, the unit obtained Consent to Operate as Orange category which expired on 31/08/2018. Later, the unit obtained White category acknowledgement through DIC mentioning General Engineering products. The unit is carrying out surface treatment activity which falls under Red category, but the unit has presently obtained acknowledgement as White category through DIC mentioning general engineering products. As evident from file records, the unit is operating since 1995 and has submitted trade license of year 1995.

AND WHEREAS, the unit was called for a hearing on 23/07/2024 at the Head office of the Board. Shri Shamim Akhtar, Ld. Advocate on behalf of the unit appeared in the hearing and submitted that they would obtain Consent to Operate under Orange category from the State Board as soon as possible and they also undertake to stop the factory until CTO from the State Board is obtained. He also submitted that they



X



would stop the acid cleaning activity in their plant premises and operation of coal fired oven will be stopped. He stated that they would procure electrical heating system for heating/drying purpose.

AND WHEREAS, Shri Ankur Sharma, complainant was also requested to remain present during the hearing. But he was not present in the hearing.

NOW THEREFORE, considering the above, M/s. **Padmavati Metal Industries** located at 46/1, N.S. Road (Gousala Road), Liluah, Howrah-711204 is hereby directed as follows:-

1. **That**, the unit shall immediately obtain Consent to Operate from the State Board under Orange category.
2. **That**, the unit shall not resume the operation of the plant without obtaining Consent to Operate from the State Board.
3. **That**, the unit shall not operate the coal fired oven at the existing factory premises under any circumstances. The coal fired oven should be dismantled and the same to be intimated to the State Board accordingly. Heating/drying activity should be done through electrical heating system.
4. **That**, the unit shall not carry out any acid pickling activity for surface cleaning of copper pipes at the existing factory premises.

The Environmental Engineer & In-charge, Howrah Regional Office of the State Board is requested to conduct a fresh inspection of the unit for verification of compliance of Board's direction.

This direction is issued in exercise of the powers conferred under the provision of Section 33A of Water (Prevention & Control of Pollution) Act, 1974, Section 31A of Air (Prevention & Control of Pollution) Act, 1981, the Environment (Protection) Act, 1986 and Rules made thereunder after being approved by the Competent Authority.

By Order,

Sd/-

**Officer-on-Special Duty
(Operation & Execution)**

West Bengal Pollution Control Board

Memó No. 10060 (9) -3L/WPB-E(IV)/2024

Date: 06/09/2024

Copy forwarded for information and necessary action to:-

1. M/s. Padmavati Metal Industries, 46/1, N.S. Road (Gousala Road), Liluah, Howrah-711204
2. The Chief Engineer, Planning & EIM Cell, WBPCB
3. The Senior Law Officer, WBPCB
4. Smt. Paushali Mukherjee (Pahari), Sr. Law Officer, WBPCB
5. The Environmental Engineer & In-charge, Howrah Regional Office, WBPCB
6. T.A. to the Member Secretary, WBPCB
7. P.A. to the Chairman, WBPCB
8. Shri Ankur Sharma, 13/3, Dr. P.K. Banerjee Road, Howrah-711 101
9. Technical Cell, WBPCB for updating the website
10. Environment Officer- Communication, WBPCB – for circulation through float file
11. Guard file of O & E Cell

Sd/-
**Officer-on-Special Duty
(Operation & Execution)**

West Bengal Pollution Control Board

X

BEFORE THE NATIONAL GREEN TRIBUNAL
EASTERN ZONE BENCH, KOLKATA

ORIGINAL APPLICATION NO. 96/2024/EZ

SRIKANT SINGH

.....APPLICANT(S)

VERSUS

WEST BENGAL POLLUTION CONTROL BOARD &
ORS.

.....RESPONDENT(S)

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

AYUSH KUMAR DADHICH
ADVOCATE