

X

BEFORE THE NATIONAL GREEN TRIBUNAL
EASTERN ZONE BENCH, KOLKATA

ORIGINAL APPLICATION NO. 178/2024/EZ

DR. PAPITA GHOSH & ORS.

.....APPLICANT(S)

VERSUS

THE STATE OF WEST BENGAL & ORS.

.....RESPONDENT(S)

COMMITTEE 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 Committee.	'R'	9-14

Filed by

Ayush Dadhich

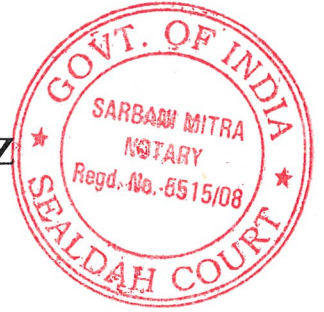
AYUSH KUMAR DADHICH
ADVOCATE

SL. NO. 17 Dt. ~~14~~ NOV 2024

BEFORE THE NATIONAL GREEN TRIBUNAL
EASTERN ZONE BENCH, KOLKATA



ORIGINAL APPLICATION NO. 178/2024/EZ



DR. PAPITA GHOSH & ORS.

.....APPLICANT(S)

VERSUS

THE STATE OF WEST BENGAL & ORS.

.....RESPONDENT(S)

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

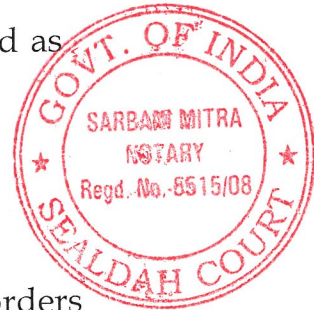
Most Respectfully Sheweth

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:-

14 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 orders passed by this Hon'ble Tribunal dated 12.09.2024.

03. That, the Hon'ble National Green Tribunal vide order dated 12.09.2024, constituted a committee comprising of the following members: -

- (i) Senior Scientist, West Bengal Pollution Control Board,
- (ii) District Magistrate, Hooghly, or his representative not below the rank of Additional District Magistrate.

That, the said Committee conducted a field visit on 23.10.2024.

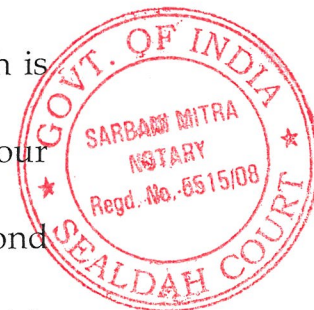
04. That, the Committee visited the site in question and made the following observations:

14 NOV 2024

X

The unit against whom the complaint is lodged is a brick grinding unit named as M/s Annapurna Agro Industries, situated in a village area close to complainant's residence. The unit is situated within the jurisdiction of Dhaniakhali block and Gurap police station. It is engaged in the production of brick dust from brick chunks with the help of a grinding mill (Raymond Mill) which is housed within tin (corrugated metal sheet) roof shed. The four sides of the shed are brick walled for about 2 feet only beyond which there is tin corrugated sheet. It was informed that the brick dust produced by the unit is meant for coating on fresh potatoes so as to make the potatoes more appealing to the customers and hide scars, if any.

The process involves crushing the brick chunks in a grinding mill and collecting the brick dust from the bottom hopper of the cyclone attached to the mill. Fine brick dust which escapes top of the cyclone passes thereafter through a horizontal duct-line connected with tubular plastic woven fabric spout to discharge brick dust followed by an open cage dust filter (bag) from the bottom of which the remaining brick dust is further collected. The mill as a whole is fabricated as a non-conventional / non-standard



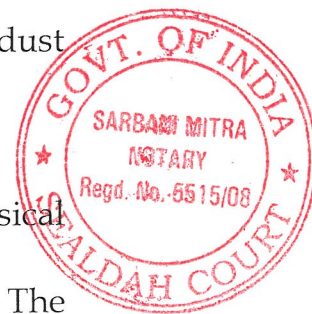
14 NOV 2024

one and is not devised considering the environmental aspect. It is having potential to spread brick dust.

No pollution control system for control of fugitive dust emission was noted and layers of brick dust was observed all around the unit. The duct of the grinding mill was also noted to be covered in cloth/jute in some places so as to manage the leakage of brick dust in the ambient environment.

The unit was not in operation at the time of inspection but physical observation suggests that the unit is in regular operation. The workers at the unit informed that the unit operates from about 7.00 AM to 1.30 PM and that there 15(fifteen) of them who work at the unit.

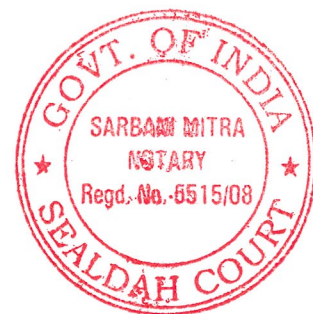
The unit was asked to operate the grinding mill for some time for measurement of noise values. Noise inside the unit was measured to be 82.2 dB (A) Leq whereas noise at the complainant's residence was found to be 60.08 dB(A) Leq. The noise level outside the gate of the unit was found to be 51.49 dB(A) Leq. when the grinding mill was not in operation. The area was observed to be predominantly residential. The noise level measured at the



14 NOV 2024

X

complainant's residence thus exceeds the permissible limit (55 dB(A) Leq) for a residential area.



05. That, the Committee made the following remarks:

- (i) The unit does not have valid consent to establish (CTE) of the West Bengal Pollution Control Board. The unit had applied for CTE online but has not replied to the queries raised by the State Board.
- (ii) The unit is presently operating without obtaining Consent to Operate (CTO) of the State Board.
- (iii) The unit does not have pollution control system to control the fugitive dust emissions generated from the brick crushing activity and avoid dispersion of dust in the ambient environment. That apart there are number of small holes existing in the shed and a gap exists between roof and wall.
- (iv) As the noise value of 60.08 dB(A) Leq recorded from the complainant's residence exceeds the permissible limit for a residential area, proper noise control steps are to be taken so that sound does not travel outside the unit beyond the permissible limit.

14 NOV 2024

X

The committee recommends that the unit may either explore the possibility of shifting to a non-residential area and operate maintaining the environmental statutes, or install adequate air and noise control measures so that the neighbourhood is not affected by the activities of the unit due to dispersion of dust & noise pollution and operate only after obtaining Consent to Operate of the State Board.



Copy of the inspection report of the Committee is annexed herewith and marked with letter "R".

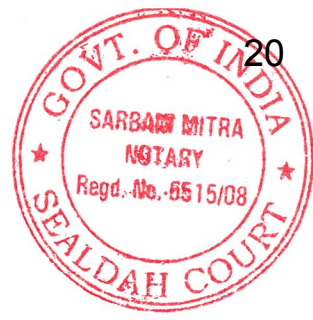
06. That, as the brick dust produced by the unit is reported to be used for providing coating on fresh potatoes, Department of Agriculture Marketing of the State may be requested to submit whether such use of brick dust on potatoes is allowed or not.

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.


DEPONENT

14 NOV 2024

X



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 6 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.

Sydney Dandridge

Sri Subrata Ghosh
DEPONENT

Identified and corrected by me
Advocate
WBPCB

Solemnly Affirmed &
Declared Before Me
On Identification By

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

14 NOV 2024

Report in the matter of Original Application No. 178/2024/EZ (Dr. Papita Ghosh & Others vs. The State of West Bengal & Ors.) vide Hon'ble NGT order (Eastern Zone Bench) dated 12.09.2024.

The Hon'ble National Green Tribunal, Principal Bench constituted a Joint Committee comprising the State PCB & the District Magistrate, Hooghly in the matter.

Pursuant to the order of the Hon'ble NGT, the Committee comprising of the following members was constituted.

1. Smt. Tamil Oviya, IAS, ADM (LR), Hooghly
2. Sri Baijayanta Kumar Majumdar, Environmental Engineer & In charge, Hooghly Regional Office, WBPCB



The members of the committee decided to carry out a site visit on 23.10.24. Accordingly, the members of the joint committee accompanied by Shri Sebananda Panda, WBCS (Ex.), OC (Env.), Shri D.Chattopadhyay, AEE, WBPCB and officials of the Block Land & Land Reforms office, Dhaniakhali Block visited the area on 23.10.2024 at around 1.30 pm.

Observations:

The unit against whom the complaint is lodged is a brick grinding unit named as M/s Annapurna Agro Industries, situated in a village area close to complainant's residence. The unit is situated within the jurisdiction of Dhaniakhali block and Gurap police station. It is engaged in the production of brick dust from brick chunks with the help of a grinding mill (Raymond Mill) which is housed within tin (corrugated metal sheet) roof shed. The four sides of the shed are brick walled for about 2 feet only beyond which there is tin corrugated sheet. It was informed that the brick dust produced by the unit is meant for coating on fresh potatoes so as to make the potatoes more appealing to the customers and hide scars, if any.

The process involves crushing the brick chunks in a grinding mill and collecting the brick dust from the bottom hopper of the cyclone attached to the mill. Fine brick dust which escapes top of the cyclone passes thereafter through a horizontal duct-line connected with tubular plastic woven fabric spout to discharge brick dust followed by an open cage dust filter (bag), from the bottom of which the remaining brick dust is further collected. The mill as a whole is fabricated as a non-conventional / non-standard one and is not devised considering the environmental aspect. It is having potential to spread brick dust.

X^o

(2)

No pollution control system for control of fugitive dust emission was noted and layers of brick dust was observed all around the unit. The duct of the grinding mill was also noted to be covered in cloth/jute in some places so as to manage the leakage of brick dust in the ambient environment.

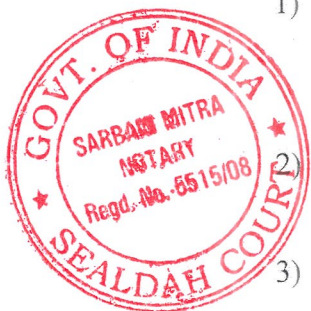
The unit was not in operation at the time of inspection but physical observation suggests that the unit is in regular operation. The workers at the unit informed that the unit operates from about 7.00 AM to 1.30 PM and that there 15(fifteen) of them who work at the unit.

The complainant's residence situated on the eastern side of the unit at a distance of about 25 feet from the unit was visited and presence of brick dust was observed in some window grills and sides of windows.

The unit was asked to operate the grinding mill for some time for measurement of noise values. Noise inside the unit was measured to be 82.2 dB(A) Leq whereas noise at the complainant's residence was found to be 60.08 dB(A) Leq. The noise level outside the gate of the unit was found to be 51.49 dB(A) Leq., when the grinding mill was not in operation. The area was observed to be predominantly residential. *The noise level measured at the complainant's residence thus exceeds the permissible limit {55 dB (A) Leq} for a residential area.*

Remarks:

- 1) The unit does not have valid consent to establish (CTE) of the West Bengal Pollution Control Board. The unit had applied for CTE online but has not replied to the queries raised by the State Board.
- 2) The unit is presently operating without obtaining consent to operate (CTO) of the State Board.
- 3) The unit does not have pollution control system to control the fugitive dust emissions generated from the brick crushing activity and avoid dispersion of dust in the ambient environment. That apart, there are number of small holes existing in the shed and a gap exists between roof and wall.



✕

(✕)

- 4) As the noise value of 60.08 dB(A) Leq recorded from the complainant's residence exceeds the permissible limit for a residential area, proper noise control steps are to be taken so that sound does not travel outside the unit beyond the permissible limit.;

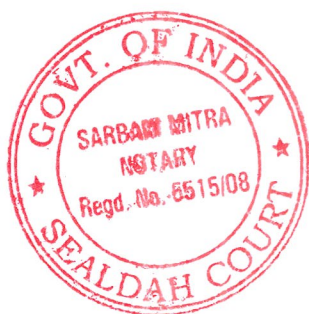
This committee recommends that the unit may either explore the possibility of shifting to a non-residential area and operate maintaining the environmental statutes, or install adequate air and noise control measures so that the neighbourhood is not affected by the activities of the unit due to dispersion of dust & noise pollution and operate only after obtaining Consent to Operate of the State Board.

[Handwritten signature]
30/10/24

Ms. Tamil Oviya, IAS, ADM (LR), Hooghly
Additional District Magistrate (LR)
Dist - Hooghly

[Handwritten signature]
30/10/24

Mr B. K Majumdar
Environmental Engineer
West Bengal Pollution Control Board

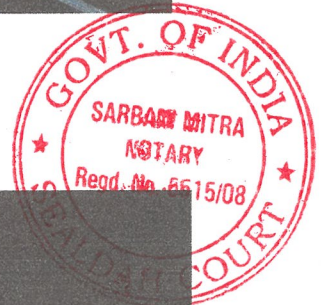




(4)



Grinding mill with no pollution control system



Grinding mill with no pollution control system

✂

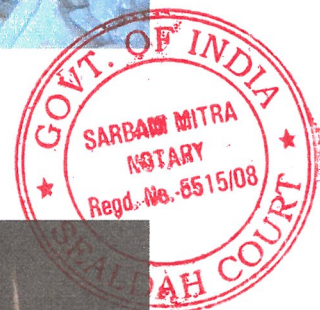
(5)



Layer of brick dust inside the unit



Grinding mill with no pollution control system





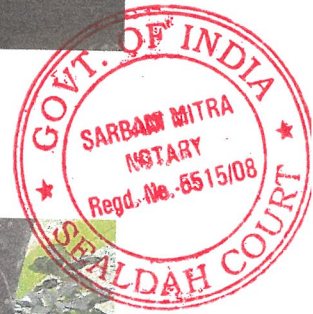
(6)



Holes in the shed observed which serve as dust leakage points



View of the tin roofed unit from the complainants residence



X

BEFORE THE NATIONAL GREEN TRIBUNAL
EASTERN ZONE BENCH, KOLKATA

ORIGINAL APPLICATION NO. 178/2024/EZ

DR. PAPITA GHOSH & ORS.

.....APPLICANT(S)

VERSUS

THE STATE OF WEST BENGAL & ORS.

.....RESPONDENT(S)

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

AYUSH KUMAR DADHICH
ADVOCATE