

Truly
Yours
Sajibur
Rahaman

Before the National Green Tribunal, Eastern Zone Bench,

Kolkata

Original Application No - 201/2024/EZ

Tribunal on its own motion

Sajibur Rahaman

...Applicant

Versus

The State of West Bengal and
others.

....Respondents

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SERIAL 213

04 JAN 2025

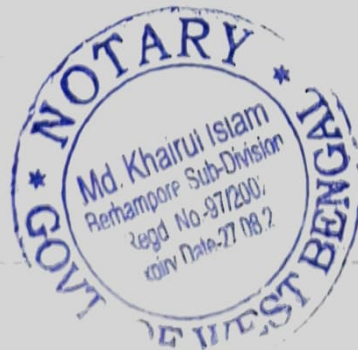
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**AFFIDAVIT IN COMPLIANCE ON BEHALF OF THE RESPONDENT
NO. 5 i.e. DISTRICT MAGISTRATE AND COLLECTOR,
MURSHIDABAD IN COMPLIANCE WITH THE DIRECTION OF THE
HON'BLE NATIONAL GREEN TRIBUNAL, EASTERN ZONE BENCH,
KOLKATA, DATED 03.10.2024.**

I, Rajarshi Mitra, son of Sri Manotosh Mitra, aged about 41 years, by faith-Hindu, by Nationality-Indian, by occupation-Service, presently working for gain as the District Magistrate and Collector, Murshidabad, PIN-742101, do hereby soleranly verify and say as follows :-

1. That I had made myself acquainted with the facts and circumstances of the instant case.
2. That this affidavit is being affirmed in compliance to the Solemn Order passed by the Hon'ble Tribunal on 03.10.2024.
3. That in accordance with the Solemn Order passed by the Hon'ble Tribunal on 03.10.2024, The Additional District Magistrate (Zilla Parishad) of Murshidabad along with Senior Environmental Engineer , West Bengal Pollution Control Board, Malda Regional Office accompanying by the Block Development Officer , Beldanga -I and Inspector - In - Charge Beldanga Police Station made an inspection on 27.11.2024 at 13:15 hrs. to 14:10 hrs at M/s Bhai Bhai Metal, Prop: Janab Humayun Kabir and Janab Matibur Rahaman, Vill. Kapasdanga, P.O Kapasdanga, P.S Beldanga, Dist. Murshidabad, PIN 742133.

04 JAN 2025
MD. KHAIROL ISLAM
Notary Public
Govt. of West Bengal
Regd. No.- 97/2002
Berhampore, Murshidabad

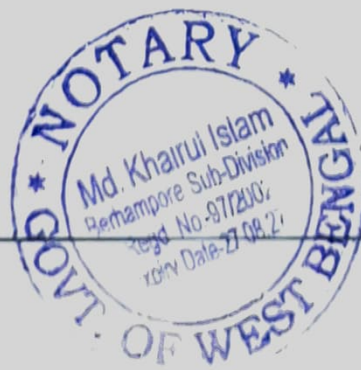


4. That the Investing Team met the persons during inspection viz namely Jahanara Khatun (wife of complaint Janab Sajibur Rahaman) Janab Humayun Kabir and Janab Matibur Rahaman(Owners of the unit) A group of local residents.

5. That on the basis of materials placed on record it is found that this unit is engaged in manufacturing of boxes/ trunks by using Aluminium/Tin metal sheet (approx. Lat 23.912558 E, 88.275158 N). Metal boxes are manufactured manually by hammering. The number of boxes produced per day vary as per the orders received by the owners of the unit. This unit is in residential area. There is residential house adjacent to this place of metal box manufacturing. There is also residential house just at the opposite side of the road where metal boxes are manufactured.

6. That During inspection, it has been found that the unit manufactures the boxes in open varandah of the house of the owners. Complainant was not at home during this visit. However, his wife and the other residents complained about the annoyance caused by this manufacturing unit to the committee members from morning to evening.

7. That the owners of the said unit were asked to produce one box from the scratch for monitoring the sound level during manufacturing. Average sound level produced during such operation was 109 dB(A) at the location of metal Box Manufacturing, which clearly surpasses the permissible limit set for residential area 55 dB(A) . The ambient noise level was in range of 46 dB(A) – 74.93 dB(A), when everyone was quite for a minute to when vehicles is



04 JAN 2025

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passing through the road. The noise level was monitored in operating conditions near the open window of the house in opposite site of the road which is approximately 5 meters from the source of noise generation. Average reading in the sound limiter was 82.51 dB (A) during the monitoring. The sound was also monitored at the house of complainant, which is adjacent to this metal Box manufacturing, and here sound level was 79.24 dB (A). The current sound level monitoring device provides the latitude and longitude in open atmosphere only and the location is accordingly provided in this report. Noise level during hammering marginally changed when the jute sacks were used for during manufacturing (Photo 3) because this is not a sufficient measure for noise control in an open area.

8. That after conducting the investigation in accordance with the Solemn Order of the Hon'ble National Green Tribunal, Eastern Zone Bench, Kolkata mentioned supra the Investigating Team resolved that this activity should not be allowed to continue in this open Varandah.

9. That the Investigating Team furnished suggestion regarding alternative way to continue the activities of the Unit.

- a) The Unit should shift its activity as early as possible from current location. However, unit shall be required to also abide by permissible standard for sound in the new location.
- b) The Unit should run its business within an enclosed room with proper sound insulation. The unit shall have to ensure that the ambient noise level neither exceeds the permissible standard due to its manufacturing nor cause annoyance in the neighbourhood.

(Copy of joint report is marked as annexure R-1)

04 MBL 2025
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10. That in compliance with order dated 03.10.2024 of the Hon'ble Tribunal, inspection has been done and the Report has been signed by Additional District Magistrate,(Zilla Parishad) Murshidabad District and the Senior Environmental Engineer, West Bengal Pollution Control Board , Malda Regional Office, and Committee has suggested some option to carry on the business of the Unit mentioned in under heading "Remarks" of the report.

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

12. The statements made herein above in paragraph 01 to 10 are based on information derived from the record and which I believe to be true and rest thereof are my humble submission before this Hon'ble Tribunal.

Identified by me
Manjur Ali Khan
Advocate

Rajarsi Khatra
Deponent



04 JAN 2025
MD. KHAIROL ISLAM
Notary Public
Govt. of West Bengal
Regd. No. 97/2007
Berhampore, Murshidabad

Before the National Green Tribunal, Eastern None Bench, Kolkata

Original Application No. 201/2024/EZ

In the matter of:

Sajibur Rahaman

...Applicant

Versus

The State of West Bengal & Ors

...Respondent(s)

Verification

I, Rajarshi Mitra, son of Sri Manotosh Mitra, aged about 41 years, by faith-Hindu, by Nationality-Indian, by occupation-Service, presently working for gain as the District Magistrate and Collector, Murshidabad, PIN-742101, being the District Magistrate and Collector, Murshidabad, presently working for gain in Collectorate, Murshidabad, do hereby verify that the statement made in paragraphs no. 01 to 10 are based on information derived from the record and which I belief to be true and rest thereof are my humble submission before this Hon'ble Tribunal. I sign this Verification this the.....day of 04 JAN 2025.

Rajarshi Mitra

Verifier

Place: Bentampore

Date: 04/01/2025



04 JAN 2025

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Govt. of West Bengal
Regd. No.-97/2002
Bentampore, Murshidabad

Enclosure-I

Photographs of unit in dispute showing ambience of production.



04 JAN 2025
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Notary Public
Govt. of West Bengal
Regd. No. - 97/2002
Behampore, Murshidabad

Report of the committee constituted by Hon'ble National Green Tribunal in connection to case OA 201/2024 (EZ) through order passed on 03.10.2024

Name & Address of the unit	M/s Bhai Bhai Metal Prop: Janab Humayun Kabir and Janab Matibur Rahman Vill-Kapasdanga, P.O- Kapasdanga, P.S.- Beldanga, Dist: Murshidabad, PIN-742133
Name of the Inspecting Officer(s)	Dr. Dipanjana Maulik, Senior Environmental Engineer and In-Charge Malda RO, West Bengal Pollution Control Board Md Samsur Rahman Additional District Magistrate (Zilla Parishad) Murshidabad
Accompanying Officer with the investigating team	Block Development Officer, Beldanga-I and Inspector-in-Charge Beldanga Police Station were present at the time of inspection.
Date and time of inspection	27/11/2024, 13:15 hrs to 14:10 hrs
Electricity supply authority	WBSEDCL
Name of the local body	Kapasdanga Gram Panchayat, Beldanga Block 1
Person met during inspection	Jahanara Khatun (wife of complainant Janab Sajibur Rahaman) Janab Humayun Kabir and Janab Matibur Rahman (Owners of the unit) A group of local residents (Name of each individual was not mentioned)
Nature of complaint	Sound pollution.
Nature of the area	Predominantly Residential
Status of Consent to Establish/Consent to Operate	As per the present industry categorisation followed in state of West Bengal this type of activity falls in "white" category. This is a dry mechanical process without painting and, therefore, this unit is not required to obtain Consent to Establish/ Consent to Operate from WBPCB. However, the unit is required to submit an intimation to the WBPCB about their activities. In present case no such intimation could be found back at Malda Regional Office of WBPCB.
Reference of inspection	Order passed by Hon'ble National Green Tribunal (EZ) on 03.10.2024 in connection to OA 201/2024/EZ

About the Unit: This unit is engaged in manufacturing of boxes/ trunks by using Aluminium/Tin metal sheet (approx. Lat 23.912558 E, 88.275158 N). Metal boxes are manufactured manually by hammering. The number of boxes produced per day vary as per the orders received by the owners of the unit. This unit is in residential area. There is residential house adjacent to this place of metal box manufacturing. There is also residential house just at the opposite side of the road where metal boxes are manufactured (Figure 1).

Observation: During inspection, it has been found that the unit manufactures the boxes in open verandah of the house of the owners (Photo 2). Complainant was not at home during this visit.

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Murshidabad



However, his wife and the other residents complained about the annoyance caused by this manufacturing unit to the committee members from morning to evening.

The owners of the said unit were asked to produce one box from the scratch for monitoring the sound level during manufacturing. Average sound level produced during such operation was 109 dB(A) at the location of metal Box Manufacturing, which clearly surpasses the permissible limit set for residential area 55 dB(A) (Photo 1). The ambient noise level was in range of 46 dB(A) – 74.93 dB(A), when everyone was quite for a minute to when vehicles is passing through the road (Photo 2). The noise level was monitored in operating conditions near the open window of the house in opposite site of the road which is approximately 5 meters from the source of noise generation. Average reading in the sound limiter was 82.51 dB (A) during the monitoring. This house is marked as "II" in the Figure 1. The sound was also monitored at the house of complainant, which is adjacent to this metal Box manufacturing, and here sound level was 79.24 dB (A). This house is marked as "I". The current sound level monitoring device provides the latitude and longitude in open atmosphere only and the location is accordingly provided in this report. Noise level during hammering marginally changed when the jute sacks were used for during manufacturing (Photo 3) because this is not a sufficient measure for noise control in an open area.

Remarks:

- 1) This activity should not be allowed to continue in this open Varandah. Following options are available:
 - Option 1:** the unit should shift its activity as early as possible from current location. However, unit shall be required to also abide by permissible standard for sound in the new location.
 - Option 2:** The Unit should run its business within an enclosed room with proper sound insulation. The unit shall have to ensure that the ambient noise level neither exceeds the permissible standard due to its manufacturing nor cause annoyance in the neighbourhood.
- 2) Action may be taken as deemed fit and proper.

Md. Samsur Rahman
 Md Samsur Rahman
 Additional District Magistrate (Zilla Parishad)
 Murshidabad District
 Additional District Magistrate (ZP)
 &
 Additional Executive Officer
 Murshidabad Zilla Parishad

Dipanjana Maulik
 12/12/2024
 Dr. Dipanjana Maulik
 Senior Environmental Engineer
 In-charge, Malda Regional Office
 West Bengal Pollution Control Board
 Senior Environmental Engineer
 West Bengal Pollution Control Board
 Malda Regional Office

Solemnly affirm before me on
 the.....day of 04 JAN 2025
 by the deponent.....Rajanshi
Mitra
 Identified by.....M.A.Khan.....
Advocate/Self

PTO

Md. Khairul Islam
 04 JAN 2025
 MD. KHAIRUL ISLAM
 Notary Public
 Govt. of West Bengal
 Regd. No.- 577002
 Berhampore, Murshidabad





Figure 1: Varandah, where Tin Boxes are manufactured is shown with mark "X" and the complainant's house is shown with mark "I" and the house on opposite to open Verendah, where noise level was monitored is shown with mark "II":



Photo 1: Noise level monitoring at the open verandah during manufacturing of Tin Box





Photo 2: Tin Box at the open verandah



Photo 4: The complainant is using jute sack to reduce noise pollution



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.....Respondents

Advocate

Mr. Rajib Ray

National Green Tribunal,

Eastern Zone Bench, Kolkata