

S.L. No. 22/25

BEFORE THE NATIONAL GREEN TRIBUNAL  
EASTERN ZONE BENCH, KOLKATA

ORIGINAL APPLICATION NO. 198/2024/EZ

SUBHAS DATTA

.....APPLICANT(S)

VERSUS

DEPARTMENT OF ENVIRONMENT, GOVERNMENT  
OF WEST BENGAL & ORS.

.....RESPONDENT(S)

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

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Filed by

*Dipanjana Ghosh*

DIPANJAN GHOSH  
ADVOCATE

11 0 JAN 2025

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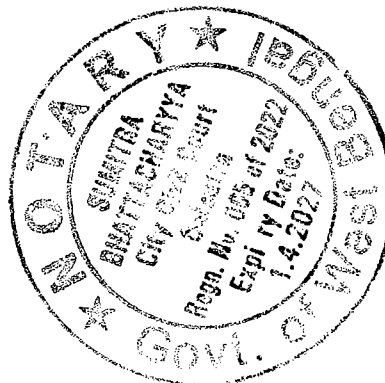
**DEPARTMENT OF ENVIRONMENT, GOVERNMENT  
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.....RESPONDENT(S)

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**Most Respectfully Sheweth**

I, Sri Debashis Chakrabarty, son of Late Amaresh Chandra Chakrabarty, aged about 60 years, by faith - Hindu, by Occupation- Service, working for gain at West Bengal Pollution Control Board, Paribesh Bhawan, 10A, Block LA, Sector III, Salt Lake, Kolkata-700106, do hereby solemnly declare and say as follows:-



01. That, I am the Senior Scientific Officer, 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. 02, 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 26.09.2024 and 18.11.2024.

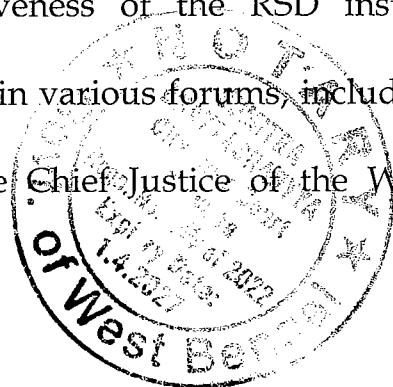
03. That, in compliance to the aforesaid directions passed by this Hon'ble Tribunal dated 26.09.2024, it is humbly submitted that in November 2009, the Transport Department of the Government of West Bengal installed a Remote Sensing Device (RSD) for vehicular emissions testing in Kolkata and its adjoining areas. It was procured and installed with the intention of revolutionizing the way vehicular emissions are monitored in the city. However, it is important to note that the State Board has no direct role in the monitoring of vehicular emissions under the Central Motor Vehicles Rules, 1989 (CMVR), but showed interest to collaborate



with the Transport Department in this matter to monitor and control Air pollution contributed from the transport sector which sources a substantial amount of contribution in degrading the quality of Air.

Traditionally, vehicular pollution has been checked through on-ground methods such as the use of the Gas Analyzers for petrol, CNG, and LPG-driven vehicles and Smoke Density Metres for diesel-driven vehicles. These methods involve physically stopping the vehicles and conducting tailpipe emission tests, which cause public inconvenience. Moreover, the Ministry of Road Transport and Highways (MoRTH), Government of India, through its Gazette Notification No. G.S.R. 111(E), dated 10<sup>th</sup> February 2004, introduced stringent Pollution Under Control (PUC) norms, in which Remote Sensing Device (RSD) technology fits into this framework as an important tool for identifying polluting vehicles.

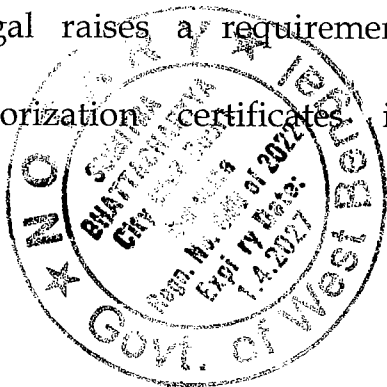
The effectiveness of the RSD installed in Kolkata has been recognized in various forums, including a 17<sup>th</sup> June 2010 order by the Hon'ble Chief Justice of the West Bengal High Court that



directed the State government to continue operating the existing RSD and to procure three additional devices to cover the districts of Kolkata, North 24 Parganas, South 24 Parganas, and Howrah. The court also emphasized that the authorities could deploy more than one RSD per district if necessary.

As a part of National Clean Air Programme, State Board took the initiative to deploy RSDs for on road emission monitoring of in-use vehicles plying in Kolkata, Howrah and other Non-attainment Cities (NACs) in West Bengal through the Government e-Market (GeM) portal enlisting a contract of 10 nos. of RSD machines from two different agencies. Initially, 2 nos. of RSD machines were hired for the purpose of trial run from the two agencies and handed over to the Transport Department after signing of Memorandum of Agreement (MoA) between State Board and Transport Department, Government of West Bengal on 7<sup>th</sup> December 2023. Consequently, MoA was signed between State Board and the two selected agencies separately.

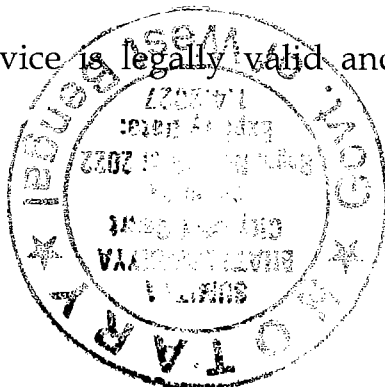
Meanwhile, the Transport Department, Government of West Bengal raises a requirement for the agencies to provide authorization certificates including the Type Approval



Certificate approved by Government of India (GoI), where both the nominated agencies failed to provide, which led to Suspension and Cancellation for hiring of Remote Sensing Devices (RSD) Services.

While the RSD in Kolkata has been operational for more than a decade, it raises critical questions about its certification and compliance with national standards Rule 126 of the CMVR mandates that all such emission testing devices, including Gas Analyzers, Smoke Density Metres, and Remote Sensing Devices, must be approved by a government-authorized testing agency, such as the Automotive Research Association of India (ARAI), Pune or the National Physical Laboratory (NPL) or the International Centre for Automotive Technology (ICAT) to monitor and control pollution emission by moving vehicles. These agencies are responsible for ensuring that the devices comply with the technical and operational standards laid out by the Motor Vehicle Act and related rules.

This is essential for ensuring that the data generated by the device is legally valid and can be used to enforce vehicular



emission norms. Furthermore, the certification status of the RSD machine in Kolkata must be verified.

Moreover, if the RSD has proven to be effective in Kolkata, it is necessary to outline the gaps in the operational efficacy of the device or challenges in replicating its success on a national scale. The responsibility for addressing those gaps lies with the Ministry of Road Transport & Highways (MoRTH), which must take proactive steps to develop AIS 170 fully and ensure its widespread adoption across the country.

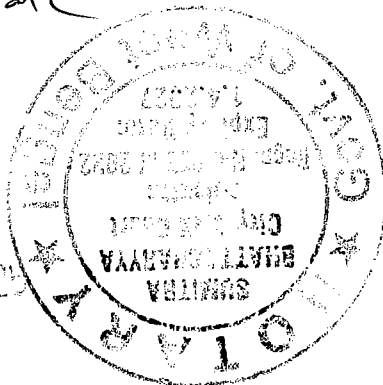
In conclusion, the RSD represents a promising technology for addressing vehicular emissions, but its success will depend on comprehensive oversight, certification, and nationwide implementation.

04. 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.

*Identified by me  
Dipankar Ghosh  
Advocate*

NBPCB  
F/1154/2007

19 0 JAN 2022



*Debadris Chakrabarty*

DEPONENT

Solely Affirmed and  
Declared before me U/S 139  
CPC, (C)

*Sumitra Bhattacharya*  
Notary

**Sumitra Bhattacharya**  
Notary, Govt. of W.B.  
Regd. No. 445 of 2022  
City Civil Court, Calcutta

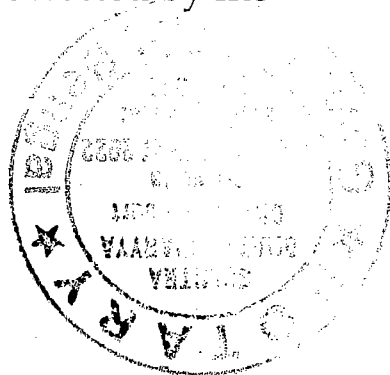
## VERIFICATION

I, Sri Debashis Chakrabarty, son of Late Amaresh Chandra Chakrabarty, aged about 60 years, by faith - Hindu, by Occupation- Service, working for gain at West Bengal Pollution Control Board, Paribesh Bhawan, 10A, Block LA, Sector III, Salt Lake, Kolkata-700106, do hereby solemnly declare and say as follows:-

1. That, I am the Senior Scientific Officer, 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 4 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.

*Debashis Chakrabarty*  
DEPONENT

Identified and corrected by me  
*Dipankar Ghosh*  
Advocate  
WBPCB  
F/1154/2007



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