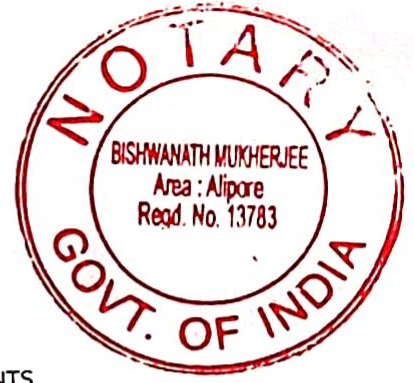


BEFORE THE HON'BLE NATIONAL GREEN TRIBUNAL
EASTERN ZONE BENCH AT KOLKATA
ORIGINAL APPLICATION NO. 195 OF 2024

**IN THE MATTER OF:**

PRAMEYA FOUNDATION

.... APPLICANT

VERSUS

STATE OF WEST BENGAL AND ORS.

.... RESPONDENTS

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THROUGH



RITWICK DUTTA

KAUSTAV DHAR

ADVOCATES
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PLACE: KOLKATA/DELHI

DATE: 29.01.2025

28 JAN 2025

BEFORE THE HON'BLE NATIONAL GREEN TRIBUNAL
EASTERN ZONE BENCH AT KOLKATA
ORIGINAL APPLICATION NO. ____ OF 2024



IN THE MATTER OF:

PRAMEYA FOUNDATION

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STATE OF WEST BENGAL AND ORS.

.... RESPONDENTS

ADDITIONAL AFFIDAVIT ON BEHALF OF THE APPLICANT

I, Sabyasachi Chowdhury, S/o Somnath Chowdhury, aged about 31 years, office at 5, A.P.C Avenue, Ground Floor, Purba Sinthee (E), Dum Dum, Kolkata – 700030, do hereby solemnly affirm and declare on oath as under:

1. That I am the person authorised by the Applicant Organisation and is conversant with the facts and circumstances of the case and competent to swear this Additional Affidavit.
2. That I have read and understood the order dated 25.11.2024 passed by this Hon'ble Tribunal in the above captioned matter and hence filing this affidavit in light of the liberty granted by this Hon'ble Tribunal *vide* order dated 25.11.2024 to bring on record available information regarding the present status of the case and hence, the same shall be placed on record for perusal of this Hon'ble Tribunal which are necessary for proper adjudication of the above-mentioned Application.
3. The Application was filed under Section 14 read with Section 20 of the National Green Tribunal Act, 2010 raising a 'substantial question relating to the environment' as defined under Section 2(m) of the Act, regarding the increase in the illegal use of polystyrene and expanded polystyrene (thermocool) commodities (also known as 'Styrofoam') during the festive season and celebrations across West Bengal in complete violation of Rule 4(2) of the Plastic Waste Management Rules, 2016 which categorically prohibits/bans the manufacture, import, stocking, distribution, sale and use of various polystyrene and expanded polystyrene (thermocool) commodities across the country from 1st July, 2022.

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4. The Applicant herein submit that this Hon'ble Tribunal vide order dated 01.10.2024 directed the Director General of Police, West Bengal to file an affidavit thereby addressing the issues raised by the Applicant and the necessary action taken to curb the same within the entire State of West Bengal. The Director General of Police, West Bengal, submitted an affidavit dated November 22.11.2024, providing a detailed account of the actions undertaken in connection with the case. The affidavit specifically outlined the steps taken regarding the FIR filed against the alleged violators. Additionally, it also highlighted the measures implemented for the seizure of thermocol, which are being illegally sold.
5. The Applicant in this regard has undertaken an extensive field survey on 19.10.2024 and 21.10.2024, which involved visiting a diverse range of wholesale and retail markets throughout Kolkata namely - Dumdum Bazar, Baranagar Bazar, Natun Bazar, Bara Bazar, Belur Math, Howrah and Kumartuli. That the comprehensive findings of the survey are outlined below, accompanied by photographic evidence that captures the current status. This combination of detailed observations and photographic documentation provides a clear and accurate representation of the situation as it stands:

VIOLATIONS FOUND IN BELUR MATH, HOWRAH DURING FIELD SURVEY BY APPLICANT ON 19.10.2024:

- i. That on 19.10.2024, the Applicant conducted a visit to Howrah, specifically to the area around Belur Math. During the visit, it was observed that numerous roadside food stalls in the vicinity were selling fast food served on thermocol cutlery like plates and bowls. The Applicant further noted that used thermocol plates were discarded in a dustbin located directly in front of the Belur Math Mandir, in close proximity to the Ganga Ghat.
- ii. Upon inquiry, the shopkeepers operating the food stalls near Belur Math revealed that the demand for thermocol cutlery remains considerably high. They explained that thermocol cutlery, made from polystyrene and expandable polystyrene, is preferred due to its lower purchase cost, higher availability, and greater demand compared to biodegradable alternatives. The shopkeepers also disclosed that they procure these thermocol items from the Howrah Market,



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indicating a consistent supply chain for such materials despite their restricted usage under the Plastic Waste Management Rules, 2016. The photographic documentation captured during the visit vividly illustrates the widespread use and improper disposal of thermocol cutlery in the area. These images serve as clear evidence that large-scale violations of the rules persist in various parts of West Bengal, undermining efforts to regulate the use of non-biodegradable materials and mitigate their environmental impact.

Copy of the Images taken by the Applicant at Belur Math, Howrah on 19.10.2024 depicting the use of thermocol cutlery for serving food and its subsequent disposal in front of the mandir are annexed herewith as **ANNEXURE A/1**.

MASSIVE VIOLATIONS PERSISTING IN KUMARTOLI WITNESSED DURING THE FIELD SURVEY ON 21.10.2024 BY THE APPLICANT:

- iii. The Applicant submits that the idols of Gods and Goddesses are made in Kumartoli, located in North Kolkata. That when the matter was first brought before this Hon'ble Tribunal on 11.09.2024, the Applicant vide photographic evidences taken on 04.09.2024 clearly showed the large scale violation by illegally using and selling of polystyrene and expanded polystyrene (thermocol) decorative commodities in violation of Rule 4(2) of the PWM Rules, 2016.
- iv. That this Hon'ble Tribunal vide order dated 25.11.2024 when directed the State Respondents to initiate action against the violators. However, the State Respondents submitted that due to the ongoing Durga Puja festivities, it was challenging for the police to access the markets and enforce compliance:

"4.....However, we find that nothing has been said with regard to the paragraphs at page no.83 onwards which referred to the Banamali Sarani, Sovabazar.

5.The submissions of the learned Counsel for the State Respondents is that it is difficult for the public to enter into the market because Puja is starting from next week.

6. Question is when the circulars have been issued by the Government to be implemented from 01.07.2022 why have they not been implemented and why is an excuse being given that the police administration is now facing difficulties due to Puja Festival which has commenced. This confirms that the Government is slack in



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implementing its own circulars and the circulars are being implemented more in breach than in letter and spirit".

- v. It is to noted that both the Counter Affidavit dated 30.09.2024 filed by the Deputy Commissioner of Police, Central Division, Kolkata as well as the Affidavit dated 22.11.2024 filed by the Director General of West Bengal has only given the findings on the illegal widespread stocking, distribution, and sale of polystyrene and expandable polystyrene (thermocool) products, such as plates, cups, glasses, bowls, and the actions taken thereafter. It is absolutely crucial to highlight that the issue with regard to the illegal stocking / distributing / selling / using polystyrene and expandable polystyrene (thermocool) commodities like thermocol sheets, balls, cut-outs, shapes, letters and numbers and beads used for decoration purposes during the festive seasons in West Bengal like Durga Puja, Ganesh Puja, Kali Puja and so on has neither been dealt in the Affidavit of Deputy Commissioner of Police, Central Division, Kolkata nor in the Affidavit of Director General of West Bengal. That both the Affidavits are completely silent about this crucial aspect.
- vi. In this regard, the Applicant visited Kumartuli on 21.10.2024 after the festival of Durga Puja was over. It is pertinent to note that the massive violation still persists as all shops were still selling various thermocol decorative items in absolute disregard to Rule 4(2) of the PWM Rules, 2016 and orders passed by this Hon'ble Tribunal. That till date no action has been initiated in this regard. It is concerning that, to date, no tangible action has been taken to address this ongoing breach of the provisions of PWM Rules, 2016. The inaction suggests a systemic failure to implement the orders of this Hon'ble Tribunal effectively, raising serious questions upon the functioning of the State Respondents.
- vii. The Applicant observed various shops selling huge crowns absolutely made of thermocol for decoration of gods and goddesses. Further, there were shops which were selling large scale readymade decorative items balls, cut-outs, shapes, letters and numbers and beads used for decoration purposes. Upon asking, the shopkeepers informed that various retail markets buy such decorative items from them and sell across different places throughout Kolkata.



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The images captured by the Applicant serve as visual evidence of the extensive sale and use of such decorative products despite the ban.

Copy of the images taken by the Applicant of thermocol crowns, cut-outs, shapes, which are used for decorative purposes during the festive seasons in West Bengal like Durga Puja, Ganesh Puja, Kali Puja, Saraswati Puja and so on are annexed herewith as **ANNEXURE A/2.**

- viii. The Applicant herein submits that various workshops were observed where workmen were cutting out and found making crowns and other decorative items from large thermocol sheets. It is pertinent to note that the Kumartuli is located across the Hooghly riverside. The wastes generated from these are mainly tiny pieces of thermocol which were found unscientifically discarded across side road which is just adjacent to the Ghats, whereby it unfortunately seen that since these thermocol are very light in weight, they are seen scattered and floating on the river Ganga thereby posing a serious threat to the marine ecology.
- ix. During the Applicant's visit, it was observed that discarded small pieces of thermocol were being collected and accumulated in large plastic bags. These bags, filled with hundreds of tiny thermocol cut-outs, were transported using rickshaw vans. The Applicant witnessed that these bulk quantities of thermocol waste being directly discarded along the Ganga Ghats in broad daylight, with no apparent intervention or oversight by local authorities. That over time, these thermocol fragments into smaller particles known as microplastics, which are very harmful when ingested by aquatic fauna. This microplastic pollution adversely affects both marine and terrestrial ecosystems, posing risks to various forms of fauna and disrupting the ecology at large posing serious marine threat. The Applicant also witnessed birds feeding on the tiny pieces of thermocol.

Copy of the images taken by the Applicant showing the unscientifically discarded thermocol wastes across roadside which is just adjacent to the Ganga Ghats, and are being carried and discarded along the Ganga Ghats are annexed as **ANNEXURE A/3.**

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6. The above-mentioned facts and documents are filed in compliance to the order dated 25.11.2024 passed by this Hon'ble Tribunal in the above captioned matter and hence are necessary for proper adjudication of the matter.

PRAMEYA FOUNDATION
abhishek mukherjee
Treasurer
DEPONENT

VERIFICATION

Verified on this 28th day of January, 2025 at Kolkata that the contents of the above-mentioned Additional affidavit are true and correct to my knowledge and no part of it is false and nothing material has been concealed therefrom.

PRAMEYA FOUNDATION
abhishek mukherjee
Treasurer
DEPONENT



[Handwritten Signature]
BISHWANATH MUKHERJEE
NOTARY
Govt. of India
Regd. No. 13783

28 JAN 2025

ANNEXURE A/1

COPY OF THE IMAGES TAKEN BY THE APPLICANT AT BELUR MATH, HOWRAH ON 19.10.2024 DEPICTING THE USE OF THERMOCOL CUTLERY FOR SERVING FOOD AND ITS SUBSEQUENT DISPOSAL IN FRONT OF THE MANDIR:



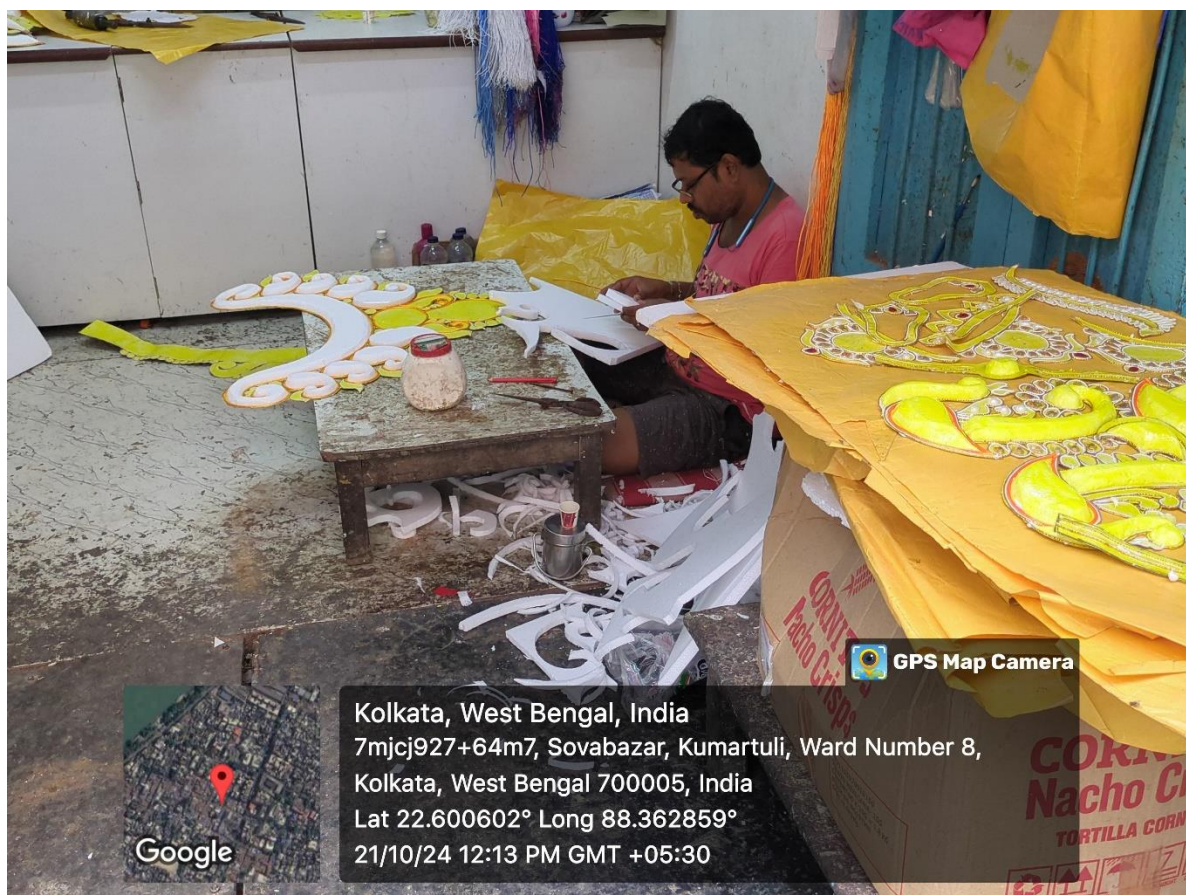


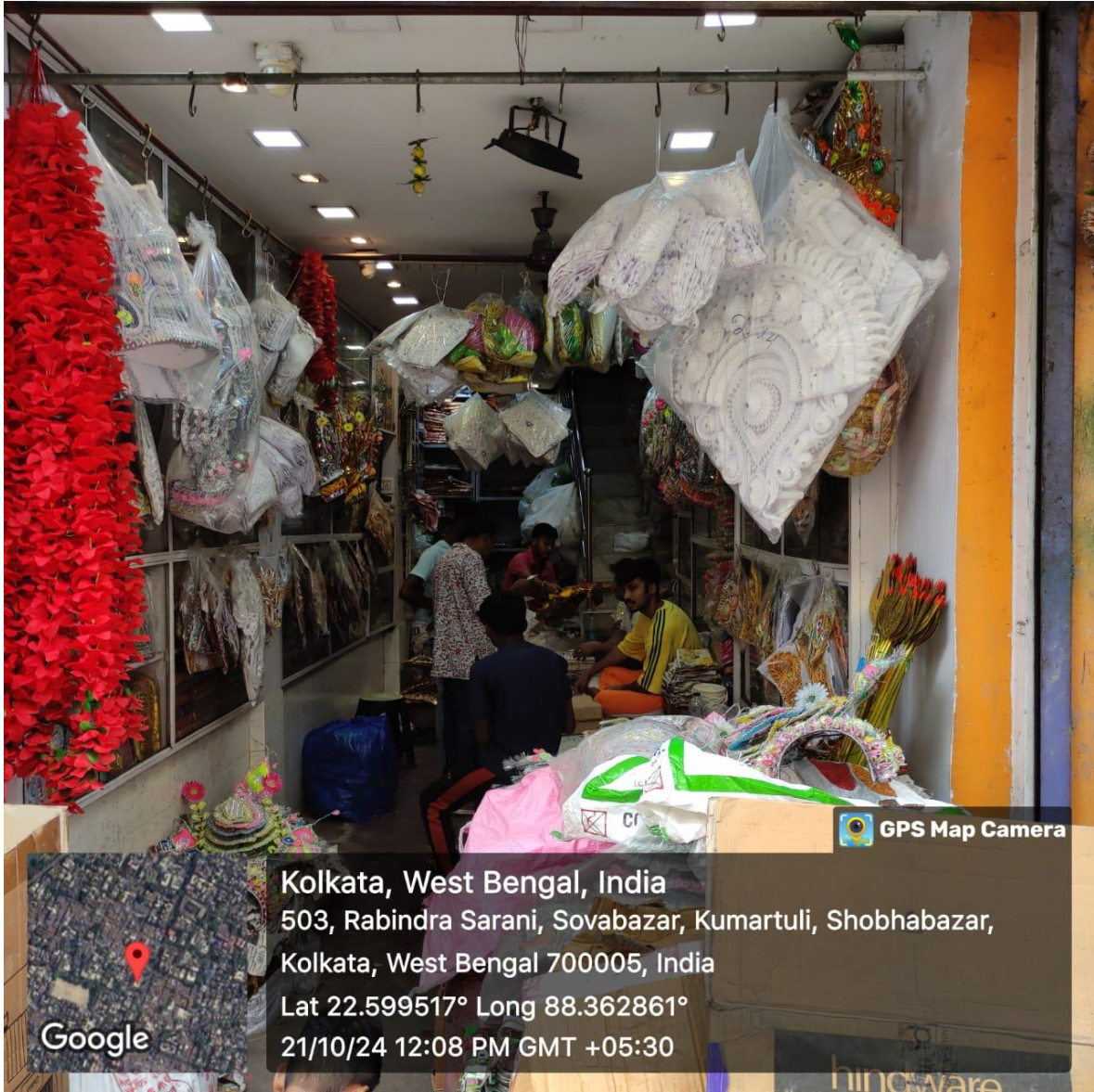
t.c.

Kaustav Dhar

ANNEXURE A/2

COPY OF THE IMAGES TAKEN BY THE APPLICANT OF THERMOCOL CROWNS, CUT-OUTS, SHAPES, WHICH ARE USED FOR DECORATIVE PURPOSES DURING THE FESTIVE SEASONS IN WEST BENGAL LIKE DURGA PUJA, GANESH PUJA, KALI PUJA, SARASWATI PUJA:





t.c.

Kaustav Dhar

ANNEXURE A/3

COPY OF THE IMAGES TAKEN BY THE APPLICANT SHOWING THE UNSCIENTIFICALLY DISCARDED THERMOCOL WASTES ACROSS ROADSIDE WHICH IS JUST ADJACENT TO THE GHATS, AND ARE BEING CARRIED AND DISCARDED ALONG THE GANGA GHATS:

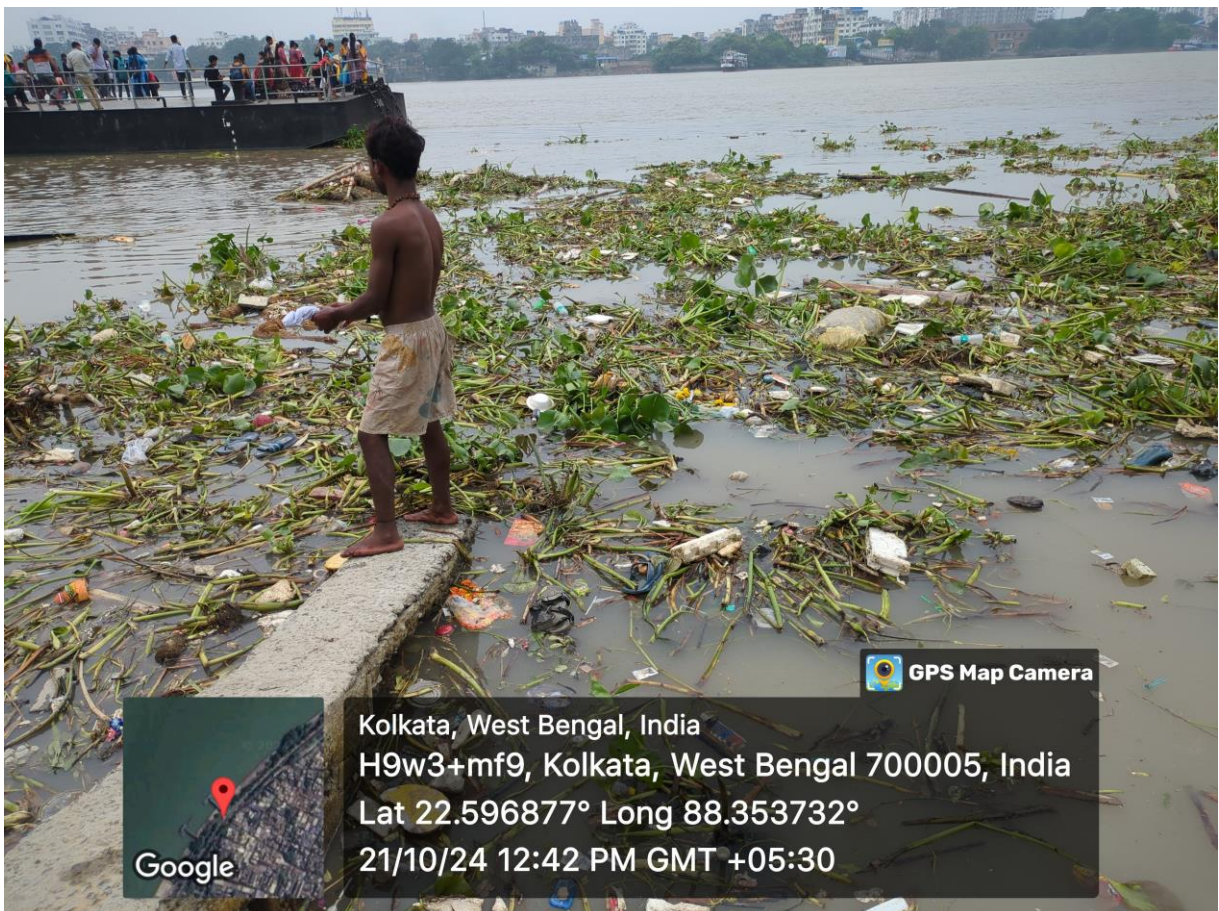
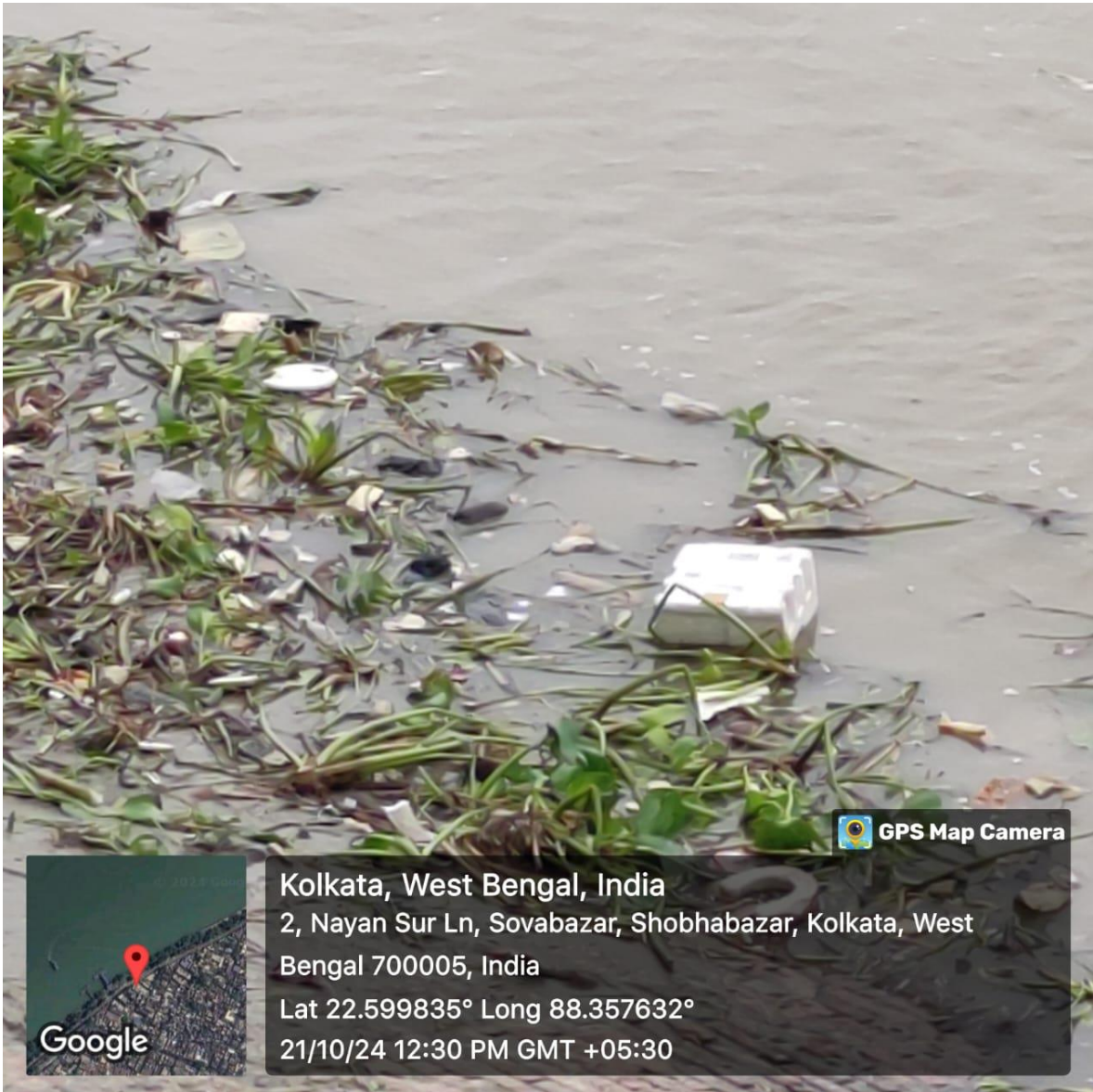


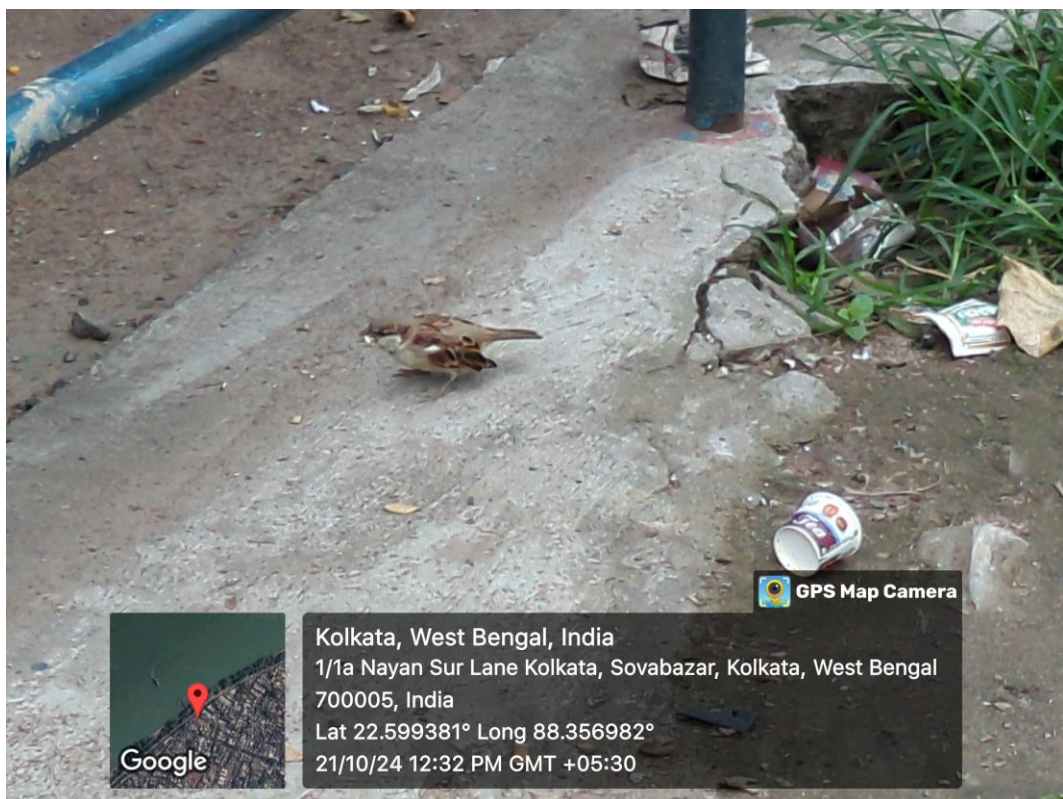
GPS Map Camera

Google

Kolkata, West Bengal, India
2, Nayan Sur Ln, Sovabazar, Shobhabazar, Kolkata, West
Bengal 700005, India
Lat 22.599805° Long 88.357674°
21/10/24 12:29 PM GMT +05:30







t.c.

Kaustav Dhor



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Litigation . <litigation@dclawchambers.com>

**Copy of Additional Affidavit on behalf of the Applicant in OA No. 195 of 2024
Prameya Foundation Vs State of West Bengal & Ors**

1 message

Litigation . <litigation@dclawchambers.com>

Wed, Jan 29, 2025 at 12:01 PM

To: Anamika Pandey <legumjure@gmail.com>, ASHOK PRASAD <ashokadvhc@gmail.com>, Sibojyoti Chakrabarti <subho.advocate@gmail.com>, Sudip Kumar Dutta <adv.skdutta@gmail.com>

Cc: Kol Office <kol_office@dclawchambers.com>

Dear Sir/madam,

Please find attached- Copy of Additional Affidavit on behalf of the Applicant in OA No. 195 of 2024 Prameya Foundation Vs State of West Bengal & Ors
Thanks & Regards

Counsel for the Applicant

**ADDITIONAL AFFIDAVIT.pdf**

6540K