

BEFORE THE NATIONAL GREEN TRIBUNAL
EASTERN ZONE BENCH, KOLKATA

M.A. NO. 44/2024/EZ

IN

ORIGINAL APPLICATION NO. 120/2015/EZ

SUBRATO MUKHERJEE

.....APPLICANT(S)

VERSUS

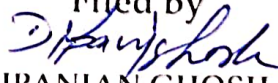
WEST BENGAL POLLUTION CONTROL BOARD &
ORS.

.....RESPONDENT(S)

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

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Filed by

DIPANJAN GHOSH
ADVOCATE

SL. NO. 58. Dt.-² 30 JAN 2025

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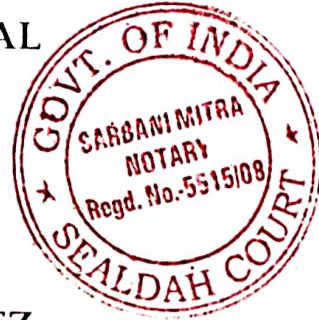
.....RESPONDENT(S)

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

Most Respectfully Sheweth

I, Sri Swarup Kumar Mandal, son of Shri Barendra Mandal, aged about 55 years, by Religion - Hindu, by Occupation-Service, working for gain at West Bengal Pollution Control Board, having office at 10A, Block- 1A, Sector- III, Bidhannagar, Kolkata - 700 106, do hereby solemnly declare and say as follows:-

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01. That, I am the Chief Engineer, 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 05.12.2024.

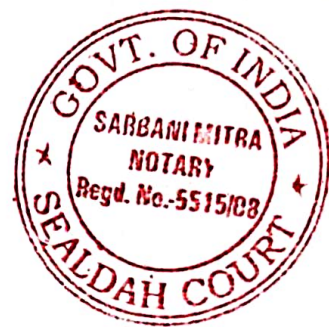
03. That, in connection with Suo Motu Order issued by Hon'ble National Green Tribunal, Eastern Zone Bench, Kolkata dated 05.12.2024, the Tribunal has directed West Bengal Pollution Control Board (hereinafter referred to as the 'State Board') to submit a Compliance Report in connection with its earlier directions in Original Application No. 120/2015/EZ in M.A NO. 1187/2016/EZ dated 22.07.2021.

04. That a meeting was held by the State Board officials and the Central Pollution Control Board on 06.01.2025 wherein a detailed

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discussion was held and decisions taken on the six Government hospitals namely, -

- (i) R.G. Kar Medical College & Hospitals,
- (ii) Lady Dufferin Victoria Hospital,
- (iii) Nil Ratan Sarkar Medical College & Hospital,
- (iv) Medical College & Hospital, Kolkata,
- (v) SSKM Medical College & Hospital,
- (vi) Belegghata I.D Hospital.



The CPCB has prepared and submitted the Guidelines for imposition of Environmental Compensation Charges against Healthcare Facilities (HCU) and Common Biomedical Waste Treatment Facilities (CBMWT) to the Hon'ble National Green Tribunal, Principal Bench on 15.07.2019 in connection with the O.A. NO. 710 of 2017 filed by Shailesh Singh vide its order dated 12.03.2019.

05. That, the period of assessment may be considered from 15.07.2019 to 22.07.2021 for calculation of Environmental Compensation against the six Government run hospitals mentioned for their past violations.

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There is no record on past non - compliances by the above mentioned six Government run hospitals during the period 15.07.2019 to 22.07.2021 except installation of ETP.

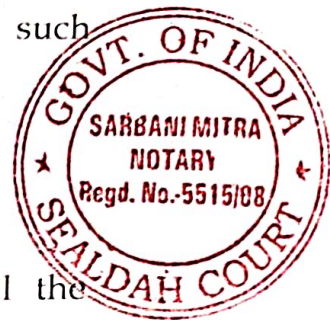


06. That, Central Pollution Control Board has informed (vide letter no.-B-31011/BMW(58.11)/2020/WMD-I/14785 dated 29.12.2020) SPCBs/PCCs that health care facilities (HCF's) need not install ETP, in case discharge from HCF connected with City's/Town public sewerage networking leading to Terminal STP. However, as per the submissions received from six Government run hospitals it appears that process of installation of ETPs has been initiated. Hence, assessment of Environmental Compensation could not be done against the six Government run hospitals.

07. That the State Board inspected all the above-mentioned hospitals to verify the compliance status with respect to installation of ETP as well as in-house bio medical waste management.

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Further, during the visit, the State Board has also observed that plastic wastes generated from the ICUs are not properly disposed of and there are possibilities of unauthorized recycling of these wastes. Necessary directions were issued to ICUs for such violations.



08. That, the State Board has issued specific directions to all the Healthcare facilities for installation of EIPs and is monitoring the progress of work in all these six Govt. run Hospitals periodically. Directions were issued to non-complying Health Care Establishments as and when it comes into the notice during periodic inspections.

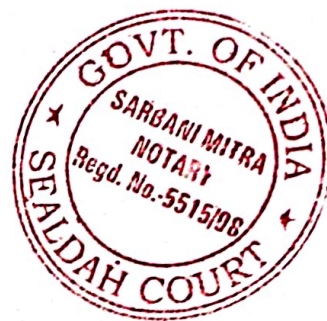
Copy of the minutes of the meeting is annexed herewith and marked with the letter "R".

09. 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.

Swarup Kumar Mandal

DEPONENT

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VERIFICATION

I, Sri Swarup Kumar Mandal, son of Shri Barendra Mandal, aged about 55 years, by Religion - Hindu, by Occupation-Service, working for gain at West Bengal Pollution Control Board, having office at 10A, Block- LA, Sector- III, Bidhannagar, Kolkata - 700 106, do hereby solemnly declare and say as follows:-

1. That, I am the Chief Engineer, 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 8 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.

Swarup Kumar Mandal

DEPONENT

Dipak Ghosh
Identified and corrected by me
Advocate
WBPCB

Solemnly Affirmed &
Declared Before Me
On Identification By

[Signature]
SARBANI MITRA
NOTARY
Regd. No. 5515/08

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Minutes of the meeting held on 06-01-2025 in connection with M. A No. 44/2024/EZ in Original Application No. 120/2015/EZ at West Bengal Pollution Control Board, Paribesh Bhawan, 10A, Block LA, Sector III, Bidhanagar, Kolkata- 700106

In connection with Suo Motu Order issued by Hon'ble National Green Tribunal Eastern Zone Bench, Kolkata dated 05.12.2024, the Tribunal has directed West Pollution Control Board (WBPCB) as well as Central Pollution Control Board (CPCB) to submit a Compliance Report in connection with its earlier directions in Original Application No. 120/2015/EZ in (M.A. No. 1187/2016/EZ) dated 22.07.2021 wherein it was directed that " *the Central Pollution Control Board and the State Pollution Control Board shall assess the Environmental Compensation of following 6(six) Government run hospitals for their past violations and take steps to recover the same*". The names of the hospitals are as follows: (i) R.G. Kar Medical College & Hospitals, ii) Lady Dufferin Victoria Hospital iii) Nil Ratan Sarkar Medical College & Hospital iv) Medical College & Hospital- Kolkata v) SSKM Medical College & Hospital and vi) Belegghata Hospital.

It may be noted that the CPCB has prepared and submitted the Guidelines for Imposition of Environmental Compensation Charges against Healthcare Facilities(HCU) and Common Biomedical Waste Treatment Facilities(CBMWTF) to the Hon'ble National Green Tribunal, Principal Bench on 15.07.2019 in connection with the O.A. No. 710 of 2017 filed by Shailesh Singh *vide* its order dated 12.03.2019.

Considering above, the period of assessment may be considered from 15-07-2019 to 22-07-2021 for calculation of Environmental Compensation against the six Government run hospitals mentioned for their past violations.

There is no record on past non-compliances by the above-mentioned six Government run hospitals during the period 15-07-2019 to 22-07-2021 except installation of ETP.

Central Pollution Control Board has informed (vide letter no-B-31011/BMW(58.11)/2020/WMD-I/14785 dated 29.12.2020) SPCBs/PCCs that Health care facilities (HCFs) need not install ETP, in case discharge from HCF connected with City's/Town public sewerage networking leading to Terminal STP. However, as per the submissions received from six Government run hospitals it appears that process of installation of ETPs has been initiated.

Hence, assessment of Environmental Compensation could not be done against the six Government run hospitals.

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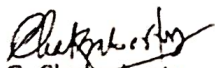



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WBPCB inspected all the above-mentioned hospitals to verify the compliance status with respect to installation of ETP as well as in-house bio medical waste management.

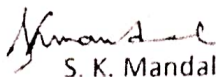
Further, during the visit, the WBPCB has also observed that plastic wastes generated from the HCUs are not properly disposed of and there are possibilities of unauthorized recycling of these wastes. Necessary directions were issued to HCUs for such violations.

WBPCB has issued specific directions to all the Healthcare facilities for installation of ETPs and is monitoring the progress of work in all these six Govt. run Hospitals periodically. Directions were issued to non-complying Health Care Establishments as and when it comes into the notice during periodic inspections.


G. G. Chakraborty
Asst. Env. Engineer, WBPCB


S. Roy
Scientist- D, CPCB


A. Fouzdar
Env. Engineer, WBPCB


S. K. Mandal
Chief Engineer, WBPCB



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