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BEFORE THE NATIONAL GREEN TRIBUNAL

EASTERN ZONE BENCH, KOLKATA

IA NO. 30 OF 2025 in Original Application No. 198/2024/EZ

Under Section 19(4) (k) of the National Green Tribunal Act, 2010

In the matter of:

An application seeking intervention in the present OA.

AND

In the matter of:

**Subhas Datta****...Applicant**

Versus

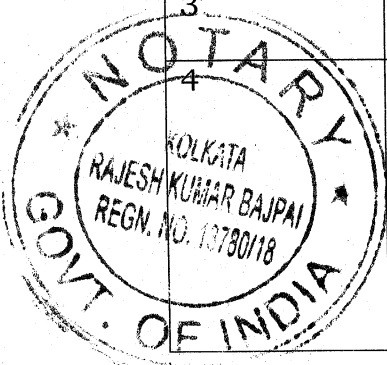
**Department of Environment Government of West Bengal &Ors.****...Respondents**

AND

In the matter of:

**ENVIRONMENTAL SYSTEMS PRODUCTS INDIA PVT. LTD.****....Interlocutory Applicant/Intervenor****Index**

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**Place:** Kolkata

**Date:**

**Filed Through:**

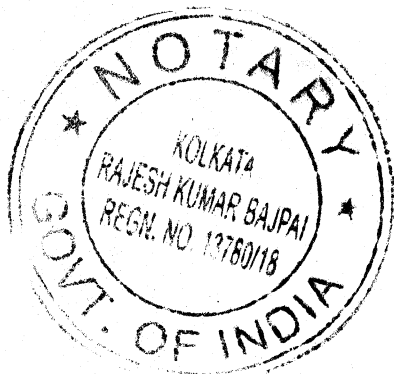
*Arkadeb Sinha*

Arkadeb Sinha  
Advocate

3A Garstin Place  
6<sup>th</sup> Floor, Suite A  
Kolkata- 700001

Email: [support@asaadvocates.com](mailto:support@asaadvocates.com)

Mob: 8777583542



Through  
Arkesha Saha, Adv

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BEFORE THE NATIONAL GREEN TRIBUNAL  
EASTERN ZONE BENCH, KOLKATA

IA NO. \_\_\_\_\_ OF 2025 in Original Application No. 198/2024/EZ

Under Section 19(4) (k) of the National Green Tribunal Act, 2010

**MEMO OF PARTIES**

In the matter of:

An application seeking intervention in the present OA.

AND

In the matter of:

**1. Subhas Datta**

Son of Late Baneswar Datta

25/1, Guitendal Lane,

P.O+P.S+ District- Howrah

Pin- 711101, West Bengal

**...Applicant**

Versus

**1. Department of Environment**

(Notice through the Principal Secretary)

Government of West Bengal

Environment Department

5<sup>th</sup> Floor, Pranisampad Bhawan

Block- LB-II, Salt Lake, Sector III

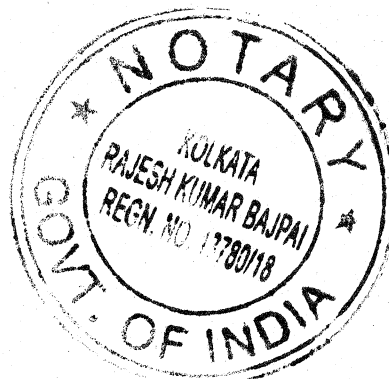
Bidhannagar, Kolkata- 700106

Tel- (033) 23552742

Email: [psecy.env-wb@gov.in](mailto:psecy.env-wb@gov.in)

**2. West Bengal Pollution Control Board**

(Notice through the member secretary)



✕

Paribesh Bhawan, 10A Block L.A., Sector III

Salt Lake, Bidhanagar, Kolkata-700106

Tel- (033) 2335 8213

Email: [wbpceb-wb@bangla.gov.in](mailto:wbpceb-wb@bangla.gov.in)

### **3. Department of Transport**

(Notice through the Secretary),

Paribahan Bhawan,

12 RN Mukherjee Road,

Kolkata-700001

Tel- 9647570010

Email: [sec.transportwb@gmail.com](mailto:sec.transportwb@gmail.com)

### **4. Ministry of Road Transport and Highways**

(Notice through Secretary)

Transport Bhawan, 1, Parliament Street

New Delhi-110001

### **...Respondents**

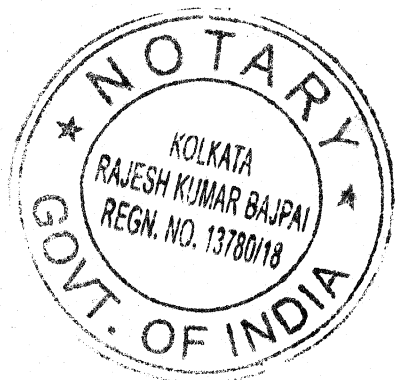
AND

In the matter of:

**ENVIRONMENTAL SYSTEMS PRODUCTS INDIA PVT. LTD**, a company incorporated under the provisions of the Companies Act, 1956 and an existing company within the meaning of the Companies Act, 2013 having its registered office at 307 Galeria, Hiranandani Gardens, Powai, Mumbai-400076.

Through its Director- Nitin Manawat, Email:[nitin@vvaspl.com](mailto:nitin@vvaspl.com).

### **.... Interlocutory Applicant/Intervenor**





**IA WITH AFFIDAVIT**

**To**

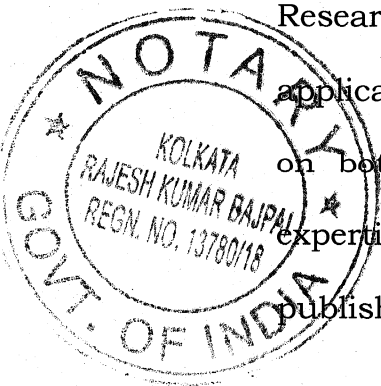
**The Hon'ble National Green Tribunal**

**Eastern Zone Bench, Kolkata**

**MOST RESPECTFULLY SHWETH:**

The present intervention application under section 19 (4) (k) of NGT Act, 2010 is being filed by the Applicant therein in the above captioned matter to assist this Hon'ble Tribunal with relevant facts and concerns related to Remote Sensing Devices, being deployed and operationalized in the State of West Bengal, which is the primary subject matter of the instant case.

1. The Applicant was one of the agencies appointed by the West Bengal Pollution Control Board/ Respondent No.2 (hereinafter referred to as "WBPCB") as successful bidder to deploy and operate 10 RSD Machines in Non-Attainment Cities of West Bengal pursuant to the order of the Hon'ble High Court at Calcutta dated 17<sup>th</sup> June, 2010 passed in connection with W.P.No.4183 (W) of 2005. The Applicant craves leave to refer to the said Order at the time of hearing if necessary and which is part of the Original Application herein.
2. The Applicant is also one of main distributors of Original Equipment Manufacturers ("OEM") of RSD Machines in India having knowledge and expertise in this highly technical and complex field. The Applicant has demonstrated the Technology to India since 2004 and to Automotive Research Association of India ("ARAI") in Pune in 2006 for accuracy and application on Indian Roads and they have issued a confirmatory letter on both the aspects. In fact, due to its specialised knowledge and expertise the West Bengal Transport Department through a tender published by the WBPCB had procured one RSD Machine from the

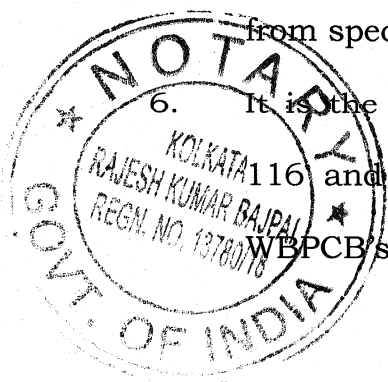


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Applicant in 2009 and deployed the same in West Bengal and which is continuing operation since last 15 years and from time-to-time WBPCB has been verifying the accuracy of RSD with the Transport Department.

3. The Applicant through a tender and bidding process vide Government e-Market Place (GeM) portal was awarded a contract dated 19<sup>th</sup> June 2023 to deploy 10 RSD Machines in Non-Attainment Cities of Kolkata and to that effect the WBPCB and the Applicant later executed a formal Memorandum of Agreement dated 7<sup>th</sup> December 2023 (hereinafter referred to as "Agreement") in respect of deployment and operation of the said 10 RSD devices. Petitioner craves leave to refer to the said Agreement at the time of hearing, if necessary.
4. In terms of the said Agreement, the Applicant duly deployed 4 RSD Machines within 4 months from the date of execution of the said Agreement and operated the same in terms of the said Agreement and as such there were 4 RSD Machines available to the WBPCB by end of March 2024 out of which 2 RSD machines were handed over to the West Bengal Transport Department (hereinafter referred to as the "Transport Department") from 7<sup>th</sup> December 2023 itself. However, for reasons best known to the WBPCB, the other 2 RSD Machines were not handed over to the Transport Department.
5. The Applicant states that upon following up with the WBPCB for deployment of the balance 6 RSDs and handing over of the same to the Transport Department, WBPCB came up with a new requirement of the RSD Machines to have a Type Approval Certificate under Rule 116(3) from specified agencies under Rule 126 of the CMVR Rules, 1989.

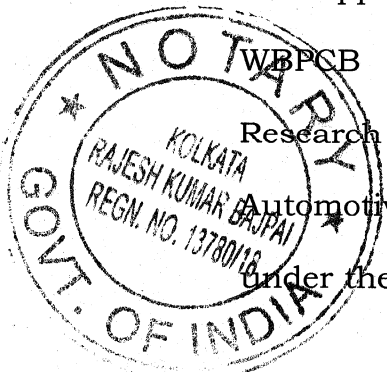
6. It is the Applicant's contention that the said certification under Rules 116 and 126 of the said CMVR Rules, 1989 is beyond the scope of WBPCB's Bid Documents as well as the said Memorandum of Agreement



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dated 7<sup>th</sup> December 2023 executed by WBPCB and which requirement *inter-alia* has been challenged by the Applicant before the Hon'ble High Court at Calcutta being W.P.A No.30622 of 2024 (hereinafter referred to as the "Writ Petition") and the same is pending adjudication. The Applicant craves leave to refer to the said Petition at the time of hearing, if necessary.

7. It is the Applicant's contention that the said condition of certification by WBPCB was only to delay the payment of the Applicant as the said requirement was beyond the scope of the WBPCB's Bid Document, WBPCB's Contract and the said Agreement and only an after-thought by WBPCB to derail the payment of the Applicant after almost 3 to 4 months of deployment and operation of RSD machines.
8. The Applicant states that the Transport Department has also certified the work done by the Applicant and has also clarified that any requirement regarding certification of RSD Machines is between WBPCB and the Applicant vide its letter dated 12<sup>th</sup> July 2024. The Applicant craves leave to refer to the said letter at the time of hearing, if necessary which is also a document forming part of the said Writ Petition.
9. The Applicant states that this new condition of getting the RSD machines certified under the said CMV Rules was beyond the scope of the Bid Document and Memorandum of Agreement and a new condition contrary to the tender process and that the very cause is under challenge before the Hon'ble High Court under the said Writ Petition.
10. The Applicant states even though not being the condition of the said WBPCB Tender, even then the Applicant approached Automotive Research Association of India ("ARAI") and International Centre for Automotive Technology ("ICAT") being the testing agencies specified under the said Rule 126 of CMVR Rules and both of them were unable to

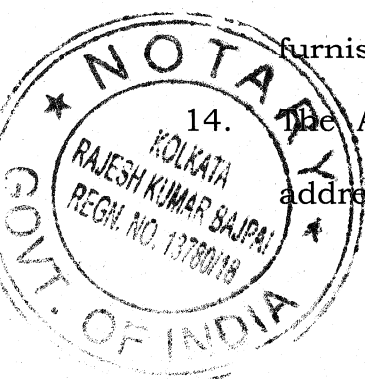




provide the certificate due to lack of necessary Indian Standards to certify RSD Machines and hence the certification conditions mentioned in the Technical Specifications of the Tender documents required certification either as per AIS 170 or certification from abroad. Copies of such interaction with the said agencies is annexed hereto and marked **“ANNEXURE A”**.

11. It is pertinent to mention here that the guidelines specifically for RSD Machines being AIS 170 as prepared by the ARAI under the aegis of Ministry of Road Transport and Highways is still in the draft stage. RSD Machines are manufactured only by a handful of manufacturers in the world and that too outside India.
12. The RSD Machines deployed by the Applicant were of make OPUS and ETC, being two world leaders in manufacturing OEM RSD Machines, being certified by International Agencies being Korea Environment Corporation and Government Logistics Department, North Point, Hong Kong and submitted with the West Pollution Control Board. Copies of the certifications are annexed hereto and marked **“ANNEXURE B”**.
13. The Applicant states that the manufacturer of the said RSD machines being OPUS and ETC are stated to be main Remote Sensing Technologies and Manufacturers in the World and accepted worldwide and in India as will be evinced in the Report No.99 of Environment Pollution (Prevention & Control) Authority (“EPCA”) on implementation plan for use of remote sensing for on-road emissions monitoring per Order of Hon’ble Supreme Court of India dated 8<sup>th</sup> July 2019. Copy of the said extract of such Report is annexed hereto and marked **“ANNEXURE C”** with leave to furnish the entire Report at the time of hearing, if necessary.

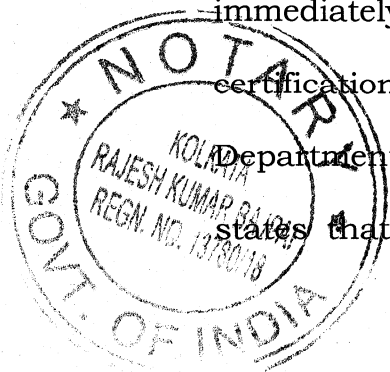
14. The Applicant states that through a letter dated 23<sup>rd</sup> October 2024 addressed to the Transport Department and copy marked to the





Applicant, WBPCB has terminated the said Contract and Agreement with the Applicant and which termination has been challenged by the Applicant vide the said Writ Petition.

15. The Applicant states that the said WBPCB has chosen to terminate the contract with the Applicant (without paying a single farthing for 12 months) wrongfully relying upon an Order dated 26<sup>th</sup> September 2024 of this Hon'ble Tribunal in this matter in stating that this "*Tribunal has directed WBPCB and State Police to adopt and implement RSDs duly certified by ARAI, NPL or ICAT*" which is utterly false and wrongful and have tried to hoodwink this Tribunal's observation of the main Petitioner Mr. Subhas Datta's arguments as an effective Order of this Hon'ble Tribunal and has relied on the same to wrongfully suspend and terminate the contract of the Applicant - thereby terminating the operations of RSD machines. Copy of the said letter dated 23<sup>rd</sup> October 2024 and Order of this Hon'ble Tribunal dated 26<sup>th</sup> September 2024 are annexed hereto and collectively marked "**ANNEXURE D**".
16. The Applicant states that there is no reason to not utilise the currently available 4 RSD machines by WBPCB as same are fully compliant with International Standards and certifications and also given the fact that the some of the said machines had been successfully operating and doing its work identifying gross-polluting vehicles and through which the Government of West Bengal has collected fines and penalties from polluting vehicles thereby generating revenue to the state exchequer.
17. The Applicant states that the said 4 RSD Machines can be deployed immediately without violating any rules and regulations and no further certification is required similar to the manner in which the Transport Department is operating the RSD for last 15 years. In fact, the Applicant states that subject to clearance of pending dues of the Applicant by

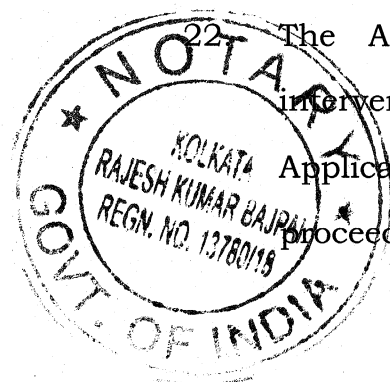


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WBPCB – the Applicant can arrange for deployment of further RSD Machines at the earliest.

18. The Applicant states that upon a perusal of the Order of this Hon'ble Tribunal dated 13.01.2025, it appears that Respondent No.2/WBPCB has not stated in its Affidavit that the Applicant herein has filed the Writ Petition being W.P.A No. 30622 of 2024 before the Hon'ble High Court, Calcutta on 21.12.2024 and pending adjudication. Copy of the case status report of the said matter signifying the filing of the said Writ Petition is annexed hereto and marked "**ANNEXURE E**".
19. In view of the above, it is imperative that the Applicant is allowed to participate in the instant proceedings in order to bring the actual state of affairs and relevant information that may assist this Hon'ble Tribunal in passing appropriate orders.
20. The Applicant respectfully submits that this application for intervention is made in a bona fide manner for larger public interest and to bring into record the actual facts in the instant matter. The Applicant seeks to assist the Hon'ble Tribunal in arriving at a just and fair decision which otherwise is being grossly suppressed by the WBPCB thereby misleading this Hon'ble Tribunal.
21. The Applicant submits that none of the party would be prejudiced if this intervention application is allowed as the applicant seeks to assist the Hon'ble Tribunal with relevant and actual facts and arguments related to the instant case. On the contrary, the intervention will serve the larger public interest by ensuring that all facts are fully and fairly considered, enabling a comprehensive and just determination of the issues involved.

22. The Applicant further submits that the present application for intervention is made in good faith and with bona fide intentions. The Applicant has a legitimate interest in the outcome of the instant proceedings given his direct involvement in the matter.



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**PRAYER**

In view of the aforesaid facts and in light of the issues raised, the Applicant most respectfully prays before this Hon'ble Tribunal to graciously be pleased to pass the following orders:

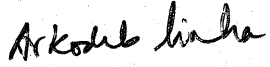
1. Allow the present intervention application and allow the Applicant herein to intervene and be added as a party respondent in the present Original Application bearing OA No. 198/2024/EZ.
2. No Order/Direction be passed in OA No. 198/2024/EZ without hearing the Applicant.
3. Pass any other order/orders as this Hon'ble Tribunal may deem fit and proper in the facts and circumstances of this case.

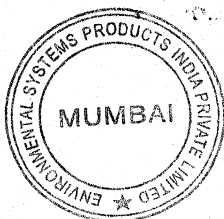
And for such act of kindness The Applicant as in duty bound shall ever pray.

**FOR ENVIRONMENTAL SYSTEMS PRODUCTS  
INDIA PRIVATE LIMITED**

Name of the Applicant

  
**DIRECTOR**

  
Name of the Advocate



~~X~~

BEFORE THE NATIONAL GREEN TRIBUNAL  
EASTERN ZONE BENCH, KOLKATA  
IA NO. \_\_\_\_\_ OF 2025 in Original Application No. 198/2024/EZ  
Under Section 19(4) (k) of the National Green Tribunal Act, 2010

In the matter of:

**Subhas Datta**

...Applicant

VERSUS

**Department of Environment**

....Respondent

AND

**ENVIRONMENTAL SYSTEM PRODUCTS INDIA PVT.LTD**

Through its Director- Nitin Manawat

... Interlocutory Applicant/Intervenor

**AFFIDAVIT**

I, Nitin Manawat, son of Pramod Manawat, aged about 55 years, by occupation-Business, resident of A 602 Brentwood, Hiranandani Gardens, Powai, Mumbai-400076, presently camping at 6<sup>th</sup> Floor, 3A Garstin Place, Kolkata- 700001 do hereby solemnly affirm and state on oath as follows:

1. That I am the Director of the Interlocutory Applicant/Intervenor in this IA and as such I am fully aware of the Facts and Circumstances of the case, I swear on this Affidavit.
2. That the facts stated in this IA and in this Affidavit are true to the best of my knowledge and belief and the submissions made in this IA are my humble submissions before this Hon'ble Tribunal.



~~FOR ENVIRONMENTAL SYSTEMS PRODUCTS INDIA PRIVATE LIMITED~~

Deponent

DIRECTOR

**Verification:**

Verified in Kolkata on this 14th day of February 2025, that the facts stated above are all true to my knowledge and the contents of this IA have been read to me by my Advocate and I verify the same.

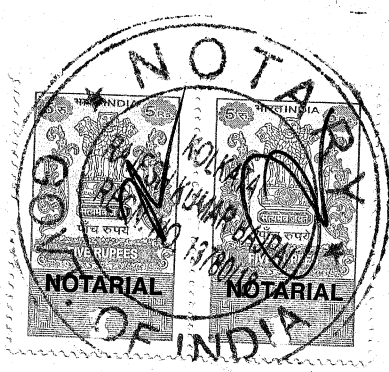
~~FOR ENVIRONMENTAL SYSTEMS PRODUCTS INDIA PRIVATE LIMITED~~

Deponent

DIRECTOR

Solemnly Affirm & Declared Before Me on Identification of Id Advocate

Identified by me  
Askoob Laha  
Advocate  
WB/1034/2004



RAJESH KUMAR BAJPAI  
NOTARY GOVT OF INDIA  
REGN. NO. 13780/18  
JM, Court, Kolkata, W.B.

14 FEB 2025

IX

RE: Verification / validation of accuracy and consistency of vehicular pollution testing device

Sandeep E. Medane <medane.ecl@araiindia.com>

Thu 12/21/2023 9:00 AM

To: Nitin Manawat <nitin@vvaspl.com>

Dear Sir,

I checked with my department engineers but at present they have very limited knowledge about the RSD and its verification procedure. Also we are very busy in BS-VI OBD -II certification.

You may like to approach other test agencies if they can verify the RSD as per your requirement.

Best regards,

S.E.MEDANE

From: Nitin Manawat <nitin@vvaspl.com>

Sent: Wednesday, December 20, 2023 6:50 PM

To: Sandeep E. Medane <medane.ecl@araiindia.com>

Subject: Re: Verification / validation of accuracy and consistency of vehicular pollution testing device

Dear Sir

Hope you were able to review our request.

Please let us know your fees and possible dates of travel to make necessary flight arrangements.

Warm regards

Nitin Manawat

Director

Environmental Systems Products India Pvt Ltd

307 Galleria Hiranandani Gardens Powai Mumbai 400076

Cell: 9892263575

From: Nitin Manawat

Sent: Thursday, November 23, 2023 5:19 PM

To: medane.ecl@araiindia.com <medane.ecl@araiindia.com>

Subject: Verification / validation of accuracy and consistency of vehicular pollution testing device

Dear Sir

This is further to my phone call of yesterday.

In 2006 we had done on road demonstration of vehicular pollution testing Remote Sensing Device.

During that time the reading accuracy & consistency was verified at ARAI with known concentration of calibration gas mixture, as in the attached letter. Because there was a set-up of dynamometer and we could do a second-by-second correlation with a BAR standard high end gas analyzer, so that is also mentioned in the attached letter.

This time we request that your engineer visits Kolkata and verify the accuracy & consistency of our Remote Sensing Device with bottled calibration gas mixture and similar letter can be issued to us.

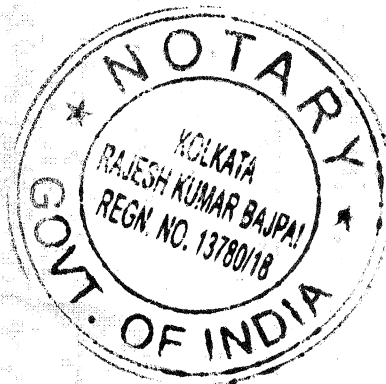




Request you to kindly let us know your fees and possible dates of travel to make necessary flight arrangements.

Warm regards  
Nitin Manawat  
Director  
Environmental Systems Products India Pvt Ltd  
307 Galleria Hiranandani Gardens Powai Mumbai 400076  
Cell: 9892263575

**Disclaimer:** This message contains confidential information and is intended only for the individual named. If you are not the named addressee you should not disseminate, distribute or copy this e-mail. Please notify the sender immediately by e-mail if you have received this e-mail by mistake and delete this e-mail from your system. E-mail transmission cannot be guaranteed to be secure or error-free as information could be intercepted, corrupted, lost, destroyed, arrive late or incomplete, or contain viruses. The sender therefore does not accept liability for any errors or omissions in the contents of this message, which arise as a result of e-mail transmission. If verification is required please request a hard-copy version. Company - The Automotive Research Association of India, Survey No. 102, Vetal Hill, off Paud Road, Kothrud, Pune - 411 038, India, [www.araindia.com](http://www.araindia.com)



 Outlook

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**RE: Verification of accuracy in measurement of Remote Sensing Device (RSD)**

---

**From** umesh saini <umesh.saini@icat.in>

**Date** Tue 5/21/2024 5:59 PM

**To** Nitin Manawat <nitin@vvaspl.com>

**Cc** deepak.joshi <deepak.joshi@icat.in>; madhusudan.joshi <madhusudan.joshi@icat.in>; vikas.sadan <vikas.sadan@icat.in>

Dear Sir,

Greetings !

Thanks, you for your email.

Based on the letter shared by you from West Bengal Pollution Control Board, the requirement pertains to a government tender activity. The letter mentions the need for a verification of accuracy certificate, but it lacks clarity on the scope, test standard & specific tests that required by WBPCB from the test agency.

Since this matter is related to a government tender, we suggest that WBPCB contact us directly to discuss on the scope and testing requirements.

Thanks

Best regards

Umesh

---

**From:** Nitin Manawat <nitin@vvaspl.com>

**Sent:** Tuesday, May 7, 2024 5:10 PM

**To:** umesh saini <umesh.saini@icat.in>

**Cc:** deepak.joshi <deepak.joshi@icat.in>; madhusudan.joshi <madhusudan.joshi@icat.in>; vikas.sadan <vikas.sadan@icat.in>

**Subject:** RE: Verification of accuracy in measurement of Remote Sensing Device

**Importance:** High



Hello Mr Umesh



1. We are okay with two bullet points in your email below which you propose to mention in the development test report to be issued by ICAT.

2. We have already submitted to ICAT and again attach the WBPCB letter of 16 Feb 24 where the mandate is specific to accuracy in measurement by RSD.

Please advise for next steps.

Regards

Nitin Manawat

On May 7, 2024 4:52 PM, umesh saini <[umesh.saini@icat.in](mailto:umesh.saini@icat.in)> wrote:

Dear Sir,

Greetings !

Thank you for your email, we will go through the documents as submitted by you to check the feasibility.

Request you to please clarify the below test requirements as per clause B.2.8 & B.2.9 is related to West Bengal pollution control board (WBPCB) for RSD equipment or not ?

Please note that the below points will be mentioned in development test report issued by ICAT. If, we have the feasibility to do the test :-

- This development test is conducted as per clause B.2.7 of AIS-170 ( as per guidelines of manufacture) as defined / mentioned under clause B.2.8 & B.2.9 of AIS-170.
- This development test report contains test observations as per the test procedure specified under clauses B.2.8 & B.2.9 of AIS-170 which is carried out based on specific request of the customer and shall not be used to establish partial or full compliance as per AIS-170

Thanks

Best regards

Umesh

**From:** Nitin Manawat <[nitin@vvaspl.com](mailto:nitin@vvaspl.com)>

**Sent:** Wednesday, May 1, 2024 5:24 PM

**To:** umesh saini <[umesh.saini@icat.in](mailto:umesh.saini@icat.in)>





## Verification of accuracy in measurement of Remote Sensing Device (RSD)

Nitin Manawat <nitin@waspl.com>

Wed 2/28/2024 4:55 PM

To:madhusudan.joshi@icat.in <madhusudan.joshi@icat.in>

📎 2 attachments (480 KB)

Letter from WBPCB.pdf; Calibration Gas.jpg;

Dear Dr. Madhusudan Joshi,

This is further to my visit to your office and discussions we had regarding third party verification of accuracy in measurement of Remote Sensing Device (RSD) we are operating in Kolkata.

As required, enclosed is the letter from West Bengal Pollution Control Board (WBPCB) and Certificate of Analysis of the Calibration Gas Mixture we have arranged at site.

### Scope of Work:

The calibration gas mixture of known concentration shall be passed through the Remote Sensing Device through equipment tubing mechanism already in-built, to verify the accuracy of measurements. The gas audit to be repeated 3 to 5 times to verify the consistency in measurements by the device.

We request you to kindly advise your fees and possible dates of travel to Kolkata by your engineer.

Regards

Nitin Manawat

9892263575

Director

Environmental Systems Products India Pvt Ltd

307 Galleria Hiranandani Gardens Powai Mumbai 400076

P 022-6699-4628 F 022-6699-8281






42 Hwangyeong-ro Seo-gu Incheon  
2689, Republic of Korea

### TO WHOM IT MAY CONCERN

This is to confirm that CHANG-HWI IM () has tested Opus Remote Sensing Devices 5000 series for the remote measurement of vehicle emissions following industry standard guidelines. The tests were performed on 3. 23. 2023 in South Korea.

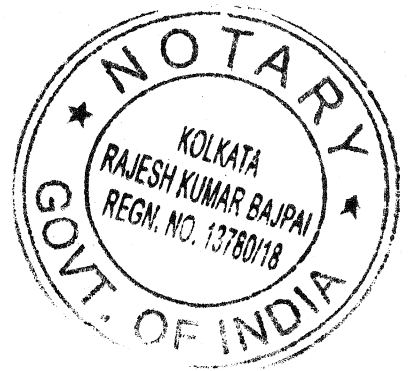
The tests show that the device meet gas measurement specifications when verified with known concentrations of dry-gas mixtures.

CHANG-HWI IM.  , March 19, 2024

K-eco, on-road Vehicle Management Division, General manager

T 82.32.590.5191

E enenept@keco.or.kr



26-FEB-2013 15:54

GOVERNMENT LOGISTICS DEPT

+852 2116 0105 P.001

電話 Telephone : (852) 2231 5282  
 圖文傳真 Fax : (852) 2116 0105  
 電郵地址 E-mail :  
 互聯網網址 Internet Home Page :  
<http://www.gld.gov.hk>  
 本署傳真 Our Ref. : A6901022012  
 來函傳真 Your Ref. :



政府物流服務署  
 香港北角渣甸道 333 號  
 北角政府合署 10 樓

GOVERNMENT LOGISTICS DEPARTMENT

10th Floor, North Point Government Offices  
 333 Java Road, North Point, Hong Kong

26 February 2013  
 By Registered Mail & Fax  
 Fax No.: 2264 2227

Environmental Technology Consultants Ltd.  
 G/F., No. 92 Sung Wong Toi Road  
 Tokwawan  
 Kowloon  
 (Attn.: Mr Denis CHAN)

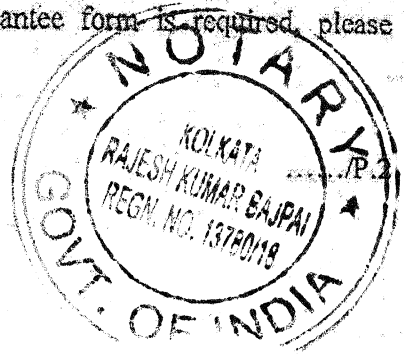
Dear Mr CHAN,

2231 5277  
 Monica NG

Contract No. C0378/2012  
 Tender Ref. A6901022012  
 Supply of Remote Sensing Devices  
to the Environmental Protection Department

We refer to your tender dated 13.12.2012 and your letter dated 23.1.2013 ("your Tender"). We are pleased to advise you that your Tender for the supply of remote sensing devices as per Technical Specifications and summarised at Appendix at a total contract value of HK\$~~xx,xxx,xxx~~ FIS/HK is hereby accepted. In accordance with Paragraph 26 of the Terms of Tender (GLD-TERMS-1 (July 2012)), this letter of acceptance (together with your Tender) shall constitute a binding contract between the Government and you.

In accordance with Clause 16 of the General Conditions of Contract, you are required to pay a Contract Deposit of HK\$~~xx,xxx.xx~~, being two percent (2%) of the Contract Value by way of a Banker's Guarantee in the form attached set out in Attachment B of the Tender Document (copies attached) duly executed by a bank that holds a valid banking licence granted under the Banking Ordinance (Cap. 155). The duly executed Banker's Guarantee must be delivered to the Accounts Section of Government Logistics Department on 10/F., North Point Government Offices, 333 Java Road, North Point, Hong Kong within 21 days from the date of this letter. When the Banker's Guarantee is executed under power of attorney, a photocopy of the power of attorney certified on each page by a Hong Kong solicitor that it is a true and complete copy of the original must be submitted together with the Banker's Guarantee. If a soft copy of the Banker's Guarantee form is required, please contact the undersigned on 2231 5282.



26-FEB-2013 15:54

GOVERNMENT LOGISTICS DEPT

+852 2116 0105

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- P.2 -

Your attention is drawn to Clause 16 of the General Conditions of Contract that if the Contractor fails to pay the Contract Deposit by the stipulated deadline, the Government may terminate the Contract immediately or withhold from any sum due or payable by the Government to the Contractor from time to time, such amount which is in aggregate does not exceed the amount of Contract Deposit payable to the Government.

The duplicate copy of the contract document including the "Memorandum of Acceptance" duly completed will be delivered to you in due course.

Please note that Mr YIP Man-chung, Controller (Procurement), is the Government Representative for the purposes of the Contract. In case of general enquiries, please contact the undersigned on 2231 5282.

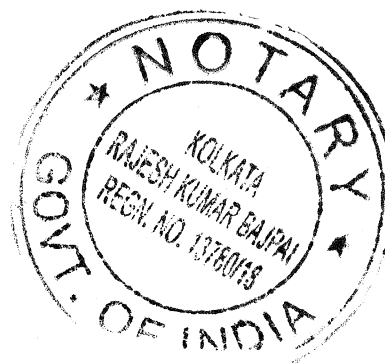
Please acknowledge receipt of this letter by return fax.

Yours sincerely,



(Miss Emma SHIU)  
for Director of Government Logistics

Encl. : Appendix, Form of Banker's Guarantee



X1



Gaztambide 45, 28015

Madrid, Spain

www.opusrse.com

info@opusrse.com

Madrid

20-March-2023

To Whom It May Concern

M/s. Environmental Systems Products India Pvt Ltd  
 307, Galleria, Hiranandani Gardens, Powai  
 Mumbai 400076 Maharashtra India

Subject: Accuracy in measurement of Remote Sensing Device

Dear Sir,

This is to confirm that our Remote Sensing Device (RSD) to measure pollutant emissions from moving vehicles on the road has been found accurate in measurement & consistent by Indian testing agency(s) ARAI, Pune, & ICAT, Gurgaon.

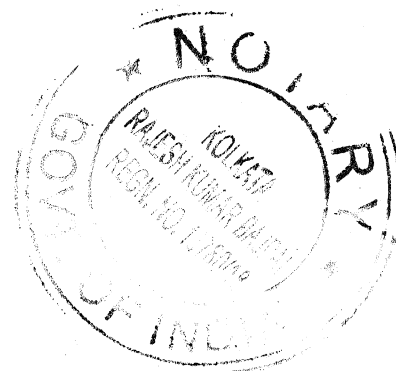
ARAI letter dated 14 Feb 2006 and detailed report "Real world emissions study (NDRWES) using remote sensing technology" 2019 by ICAT is enclosed.

Our manufactured products with series 4000, 5000, and 6000 follow the same principles of accuracy and consistency of pollution measurement as verified by ARAI & ICAT and they are ready for use in enforcement for identifying gross polluting vehicles on the road.

We also enclose copy of letter from Korea Environment Corporation (KECO) under the Ministry of Environment, Republic of Korea, confirming the verification done on 23.03.2023 for the accuracy of recent units of RSD.

Sincerely yours,

*[Faint signature and stamp area]*



ANNEXURE - 'C'

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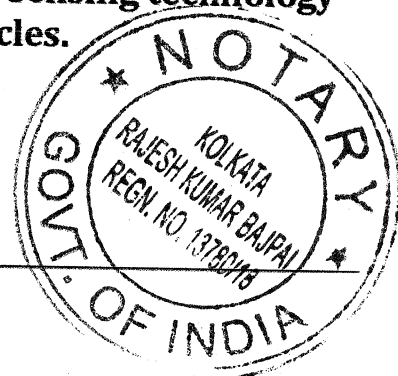
**EPCA Report No 99****Recommendation for an implementation plan for use of remote sensing for on-road emissions monitoring as per directions of the Hon'ble Court on 8.7.2019****July 26, 2019**

In the context of the on-going deliberations on the potential application of remote sensing technology for monitoring on-road vehicular emissions, the Hon'ble Supreme Court has directed Environment Pollution (Prevention and Control) Authority (EPCA) as follow:

“With respect to remote sensing technology a report has been filed by International Centre for Automotive Technology (ICAT). It is pointed out by Amicus Curiae that remote sensing technology has been found to be helpful in reducing the pollution level and it is a finding of the ICAT that it is effective method to check pollution. As to put it into operation, time prayed on behalf of the EPCA to consider and submit a report. As the matter is urgent and is in connection with the reduction of pollution, we grant only fifteen days time to the EPCA to submit a proposal after consulting various stakeholders.”

In view of this direction from the Hon'ble Supreme Court, EPCA convened a meeting on July 16, 2019 with all concerned agencies including the Union Ministry of Road Transport and Highways (MoRTH) and Transport Department of National Capital Territory of Delhi to identify the key steps needed for implementation.

EPCA has detailed out the steps that are required for implementation and identified the agencies and schedule for action. **The Hon'ble Supreme Court is requested to direct the agencies as detailed in the plan (page 9) to undertake the outlined work so that remote sensing technology can be deployed for checking pollution from vehicles.**



threshold (e.g. 95<sup>th</sup> percentile of values in ICAT report) should be classified as “high emitters” as shown in table 1 and table 2.

**Table 1: Cut-points for Extreme Polluters**

Vehicle Type	CO Percent	HC ppm	NO ppm	UV Smoke
HDV	3.637	2258	3966	1.517
LDV	2.752	1356	2223	0.608

**Table 2; Cut-points for High Emitters**

Vehicle Type/Fuel/Bharat Stage	CO Percent	HC ppm	NO ppm	UV Smoke
HDV/Diesel/Bharat St IV	1.377	1104	2685	0.766
LDV/Diesel/Bharat St IV	0.617	385	1508	0.335
LDV/CNG-Petrol/Bharat St IV	1.259	631	1399	0.099
LDV/Petrol/Bharat St IV	0.92	561	766	0.083

Note: ICAT needs to work out similar cut-points for BSI, BSII, BSIII vehicles based on their RSD testing.

Source: ICAT Report, 2019

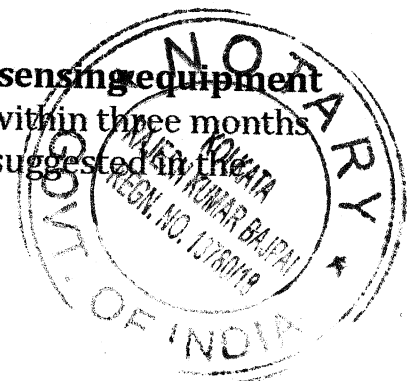
The suggested cut-points can be adopted at the start of the programme and revised after 12 months based on collected data (see Annexure 1 for details)

**1.3 Issue guidance on industry standard on remote sensing:** Ministry of Road transport and Highways would need to provide a technical guidance on remote sensing equipment, remote sensing data reporting which specifies design, construction, networking and data sharing of motor vehicle. Remote sensing monitoring platform will have to developed to allow broader adoption of remote sensing beyond Delhi. The standard should also include technical requirements related to remote sensing location selection, construction, operation and maintenance.

## **2. Steps to be taken by the Department of Transport, NCT Delhi**

Department of Transport, NCT Delhi should be responsible for implementation of the programme in the city. Once successful, transport departments of other NCR districts can be directed to implement similar programmes. The Department of Transport, NCT Delhi needs to do the following:

**2.1 Issue global tender for procurement of remote sensing equipment and its operations:** A global tender should be issued within three months to procure five remote sensing setups immediately as suggested in the



ICAT report. Ten additional setups should be procured after the first five units have been operational for a full year. The systems should be capable of measuring NO, NO<sub>2</sub>, HC, CO, CO<sub>2</sub>, and opacity at a minimum. The operator of equipment should be asked to procure data processing hardware and necessary software needed to operationalize the remote sensing equipment and linking it with the centralized database.

**Availability of equipment:** According to data sourced from the International Council on Clean Transportation<sup>3</sup>, there are at least half a dozen manufacturers of remote sensing equipment globally. US companies first manufactured and commercialized this equipment. But currently, Chinese authorities test far more vehicles using remote sensing than US or Europe. Chinese companies are also manufacturing this equipment (see table on equipment).

**Table 1:** Main remote sensing technologies and manufacturers.

Type	Position	Provider / Inventor	Equipment name	Measurement	Measures
Open path	Cross-road	University of Denver	FEAT	Arc lamp light beam with mirror reflector	CO, HC, CO <sub>2</sub> , NO, NO <sub>2</sub> , NH <sub>3</sub> , SO <sub>2</sub> , opacity
	Cross-road	Opus	RSD 4600 and older	Arc lamp light beam with mirror reflector	CO, HC, CO <sub>2</sub> , NO, opacity
			RSD 5000	Arc lamp light beam with mirror reflector	CO, HC, CO <sub>2</sub> , NO, NO <sub>2</sub> , NH <sub>3</sub> , opacity
	Cross-road	Environmental Technology Consultants	R-series S650	Arc lamp light beam with mirror reflector	CO, CO <sub>2</sub> , HC, NO, NO <sub>2</sub>
	Cross-road; Overhead	Dopler Eco Technologies	DPL7000 Series	Laser light beam with mirror reflector	CO, CO <sub>2</sub> , HC, NO, opacity
	Overhead	HEAT LLC	EDAR	Laser curtain with strip reflector	CO, total and speciated HC, CO <sub>2</sub> , NO, NO <sub>2</sub> , opacity
Overhead	Anhui Baolong		Arc lamp light beam with mirror reflector	CO, CO <sub>2</sub> , HC, NO, opacity	
Extractive	Overhead sampling	University of California, Berkeley		Exhaust plume sample	CH <sub>4</sub> , NO, NO <sub>2</sub> , NH <sub>3</sub> , BC, PM, PN, PN size
	Overhead sampling	CARB	Portable Emissions Acquisition System (PEAGS)	Exhaust plume sample	Black carbon and NO <sub>2</sub>
	Overhead sampling in Shed	University of Denver	CHMS	Exhaust plume sample	CO, CO <sub>2</sub> , HC, NO, NO <sub>2</sub> , N <sub>2</sub> O, PM, PN, Black Carbon
	Roadside sampling	Czech Technical University		Exhaust plume sample	CO, CO <sub>2</sub> , NO <sub>2</sub> , PM, PN
	Roadside sampling	University of Munster		Exhaust plume sample	NO <sub>2</sub> , CO <sub>2</sub> , PN
	Plume chaser	University of Heidelberg	ICAD	Exhaust plume sample	NO, NO <sub>2</sub> , CO <sub>2</sub>
	Plume chaser	University of Birmingham	SNIFFER	Exhaust plume sample	NO, NO <sub>2</sub> , CO <sub>2</sub>
	Plume chaser	CARB	Mobile Measurement Platform (MMP)	Exhaust plume sample	CO, CO <sub>2</sub> , HC, NO <sub>2</sub> , PM, PN, Black Carbon

Source: ICCT 2019, Worldwide use of remote sensing to measure motor vehicle emissions



<sup>3</sup> <https://theicct.org/publications/worldwide-use-remote-sensing-measure-motor-vehicle-emissions>

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### 3. Key manufacturers of remote sensing equipment and expected cost of equipment

At least half a dozen manufacturers of remote sensing equipment exist globally as shown in Table below.<sup>5</sup> Chinese companies are also manufacturing this equipment.

Table 1: Main remote sensing technologies and manufacturers.

Type	Position	Provider / Inventor	Equipment name	Measurement	Measures
Open path	Cross-road	University of Denver	FEAT	Arc lamp light beam with mirror reflector	CO, HC, CO <sub>2</sub> , NO, NO <sub>2</sub> , NH <sub>3</sub> , SO <sub>2</sub> , opacity
	Cross-road	Opus	RSD 4600 and older	Arc lamp light beam with mirror reflector	CO, HC, CO <sub>2</sub> , NO, opacity
			RSD 5000		CO, HC, CO <sub>2</sub> , NO, NO <sub>2</sub> , NH <sub>3</sub> , opacity
	Cross-road	Environmental Technology Consultants	R-series S650	Arc lamp light beam with mirror reflector	CO, CO <sub>2</sub> , HC, NO, NO <sub>2</sub>
	Cross-road; Overhead	Dopler Eco Technologies	DPL7000 Series	Laser light beam with mirror reflector	CO, CO <sub>2</sub> , HC, NO, opacity
	Overhead	HEAT LLC	EDAR	Laser curtain with strip reflector	CO, total and speciated HC, CO <sub>2</sub> , NO, NO <sub>2</sub> , opacity
Overhead	Anhui Baolong		Arc lamp light beam with mirror reflector	CO, CO <sub>2</sub> , HC, NO, opacity	
Extractive	Overhead sampling	University of California, Berkeley		Exhaust plume sample	CH <sub>4</sub> , NO, NO <sub>2</sub> , NH <sub>3</sub> , BC, PM, PN, PN size
	Overhead sampling	CARB	Portable Emissions Acquisition System (PEAQs)	Exhaust plume sample	Black carbon and NO <sub>x</sub>
	Overhead sampling in Shed	University of Denver	OHMS	Exhaust plume sample	CO, CO <sub>2</sub> , HC, NO, NO <sub>2</sub> , N <sub>2</sub> O, PM, PN, Black Carbon
	Roadside sampling	Czech Technical University		Exhaust plume sample	CO, CO <sub>2</sub> , NO <sub>x</sub> , PM, PN
	Roadside sampling	University of Münster		Exhaust plume sample	NO <sub>x</sub> , CO <sub>2</sub> , PN
	Plume chaser	University of Heidelberg	ICAD	Exhaust plume sample	NO, NO <sub>2</sub> , CO <sub>2</sub>
	Plume chaser	University of Birmingham	SNIFFER	Exhaust plume sample	NO, NO <sub>2</sub> , CO <sub>2</sub>
	Plume chaser	CARB	Mobile Measurement Platform (MMP)	Exhaust plume sample	CO, CO <sub>2</sub> , HC, NO <sub>x</sub> , PM, PN, Black Carbon

### 4. Site selection

Vehicle emissions are dependent on driving conditions (speed, acceleration, gradient of the road, time since the engine was started, traffic, etc.). Therefore, the selection of sites for remote sensing should take into account variability of driving conditions, while ensuring that measurement of emissions can take place accurately<sup>6</sup>. Key considerations for site selection include:

- Single lane roads to prevent interference from nontarget vehicle exhaust plumes

<sup>5</sup> [Ibid](#)

<sup>6</sup> <https://theicct.org/publications/true-london-dec2018>



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- Steady traffic flow to provide sufficient sampling rates and to avoid sampling disruptions during periods of congestion
- Slight upward slope or locations where vehicles are under acceleration in order to provide engine load
- Sufficient distance from residential areas to limit measurements of cold engines
- Adequate space to set up instrumentation and ensure operator safety without disrupting traffic flows

### 5. Number of remote sensing set ups required

Vehicle emissions are currently being monitored in Hong Kong with the help of 14 sets of equipment, which are rotated around between 158 sites<sup>7</sup>. Each city in Jing-Jin-Ji area of China is required to install at least 10 stationary and 2 mobile sets of remote sensing equipment<sup>8</sup>. The NCT may therefore require between 12-15 setups to adequately cover the entire area. At least five setups should be procured initially, with the rest added after gaining experience with the initial setups for one year. A detailed sampling plan should be developed to include a number of sites around the NCT that meet the site selection criteria.

### 6. Data management

All data from the remote sensing measurements should be stored in centralized database owned by Delhi Transport Department. A version of the emissions data without the license plate and vehicle owner details, but identifying the make, model, and year of vehicle should be released to the public so that researchers may be analyze the data for trends in vehicle emissions, and/or identify systemic problems with vehicles of certain make or type.

### 7. Identification of individual high emitters

As suggested in ICAT report, the first phase of the program should focus on identifying the gross polluters, with a particular emphasis on heavy-duty vehicles. This can be done by setting a single pollutant-specific cut point per fuel-type, technology group, and Bharat emission norms. The threshold should be lowered every two to three years to go after other high emitters. All vehicles identified as high emitters should be sent a letter warning the vehicle owner to immediately repair their vehicle, and/or pass a confirmatory test at I/M facility. The confirmatory test should be a loaded

<sup>7</sup> <https://www.ncbi.nlm.nih.gov/pubmed/29482019>

<sup>8</sup> 2017 Jing-jin-ji Air Pollution Prevention and Control Plan



mode test to ascertain that repairs have been carried out, and that the vehicles are no longer gross polluters. In absence of a test certificate obtained within 30 days, the insurance and/or registration of vehicles should be cancelled. Delhi traffic police would be responsible for enforcement of this provision in NCT. Delhi government may also double the ECC for vehicles found as gross polluters.

According to the Chinese remote sensing standard, a vehicle is considered as a non-compliant if it exceeds the limits for the same pollutant in two or more consecutive remote sensing tests in 6 months. Adopting a similar approach, insurance certificate for a vehicle which is found to fail twice in remote sensing measurements should be voided with immediate consequence, and a fiscal penalty be assessed.



ANNEXURE - "D"

28



**WEST BENGAL POLLUTION CONTROL BOARD**  
**(Department of Environment, Government of West Bengal)**

Paribesh Bhawan, 10A, Block - LA, Sector III, Bidhannagar

Kolkata - 700 106, Ph.: (033) 2202-3000, DID Nos : (033) 2202-3001 to 3139.

Website: [www.wbpcb.gov.in](http://www.wbpcb.gov.in), Email: [net.wbpcb-wb@bangla.gov.in](mailto:net.wbpcb-wb@bangla.gov.in)

Memo No. 2637/1K-5/2007 (Part-I)

Date: 23.10.2024

To,  
 Director,  
 Transport Directorate,  
 Paribahan Bhawan-II, Kasba,  
 Kolkata-700 107.

**Sub: Suspension and Cancellation for hiring of Remote Sensing Devices (RSD) Services-reg.**

Dear Sir,

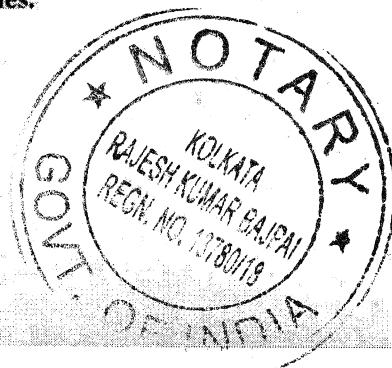
West Bengal Pollution Control Board (WBPCB), in collaboration with Transport Department took an initiative to monitor and control Air pollution contributed from transport sector by deploying more Remote Sensing Devices (RSDs) for on road emission monitoring of in-use vehicles plying in Kolkata, Howrah and other Non-attainment Cities (NACs) in West Bengal as a part of National Clean Air Programme (NCAP).

To convene the same, 2 nos. of bids were floated in the Government e-Market (GeM) portal, of which two agencies namely, M/s. Environmental Systems Products India Pvt. Ltd. and M/s. Ground 2 Skye Solutions LLP were awarded to provide the necessary services, enlisting a contract of 10 nos. of RSD machines from each Agency.

Initially, 2 nos. of RSD machines, one from each Agency, were hired for the purpose of trial run and handed over to the Transport Department. 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). One of the agencies, M/s. Ground 2 Skye Solutions LLP understood the need of the Transport Department regarding submission of Type Approval Certificate of the RSD machine and sent a communication to the State Board ensuring to provide the Type Approval Certificate prior to processing bills for the service rendered.

It is noteworthy to mention that, the delivery date for the awaited machines from M/s. Ground 2 Skye Solutions LLP has expired on 31.05.2024 and M/s. Environmental Systems Products India Pvt. Ltd on 28.09.2024 even after repetitive extension.

Meanwhile, a case was registered before the Hon'ble National Green Tribunal (NGT) Eastern Zone Bench, Kolkata, Original Application No. 198/2024/EZ, between Mr. Subhas Datta (applicant) vs. Department of Environment, Government of West Bengal & Ors. (responded) and an order was passed by the Hon'ble NGT on 26.09.2024, stating therein in the serial no.7, that **The West Bengal Pollution Control Board and the State Police be directed to adopt and implement the usage of Remote Sensing Device (RSD) duly certified by the Automotive Research Association of India (ARAI) or the National Physical Laboratory (NPL) or the International Centre for Automotive Technology (ICAT) to monitor and control pollution emission by moving vehicles.**



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Both the contract orders for deployment of RSD machines were generated through the GeM portal in the Product Category and not for the Service Category. Consequently, GeM has automatically cancelled the contract orders due to non-supply of the machines within the stipulated and extended timelines.

In view of the cancellation of contract orders by the GeM, the State Board has also decided to cancel the Memorandum of Agreement (MoA) for both the Agencies.

I am further directed to inform that in view of the formal discussion, the MoA between WBPCB and the Transport Department has been kept under suspension until further order. However, the matter will be reviewed after the pronouncement of final order of the Hon'ble NGT in O.A. No. 198/2024/EZ.

You are, therefore, requested to immediately stop utilising RSD machines provided under MoA and take further necessary action at your end accordingly.

Thanking you,

Yours faithfully,

  
(Dr. Debashis Chakrabarty)

Senior Scientist

&

In-charge, Air Quality Monitoring Cell  
West Bengal Pollution Control Board.



-3-

Memo No. 2637/1K-5/2007 (Part-I)

Date: 23.10.2024

Copy forwarded for kind information to:

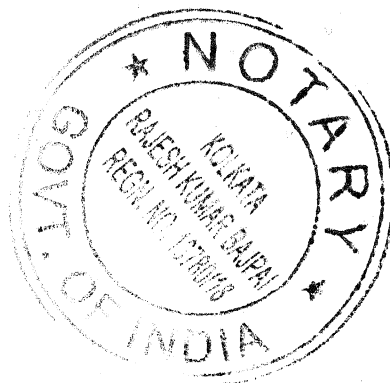
1. PS to Principal Secretary, Environment Department, Pranisampad Bhawan, 5<sup>th</sup> Floor, Sector-3, Salt Lake, Kolkata- 700 106.
2. Sr. PS to Principal Secretary, Transport Department, Paribahan Bhawan-I, 12, R. N. Mukherjee Road, Kolkata- 700 001.
3. PS to Hon'ble MIC, Transport Department, Paribahan Bhawan-I, 12, R. N. Mukherjee Road, Kolkata- 700 001.
4. Adll. Director (Tech.), Transport Directorate, Paribahan Bhawan-II, Kasba, Kolkata-700 107.
5. Director, M/s Environmental System Products Pvt. Ltd., 307 Galeria, Hiranandani Gardens, Powai, Mumbai-400 006.
6. Director, M/s Ground 2 Skye Solutions LLP, 1/425, Gariahat Road, 7<sup>th</sup> Floor, Jodhpur Park, Kolkata-700 068.
7. PA to Chairman, WBPCB.
8. PA to Member Secretary, WBPCB.

*[Signature]* 23.10.2024  
 (Dr. Debashis Chakrabarty)

Senior Scientist

&amp;

In-charge, Air Quality Monitoring Cell  
 West Bengal Pollution Control Board.





Item No.03

Court No.1

**BEFORE THE NATIONAL GREEN TRIBUNAL  
EASTERN ZONE BENCH, KOLKATA  
(THROUGH PHYSICAL HEARING WITH HYBRID MODE)**

Original Application No.198/2024/EZ

Subhas Datta

Applicant(s)

‘Versus

Department of Environment,  
Govt. Of W.B & Ors.

Respondent(s)

Date of hearing: 26.09.2024

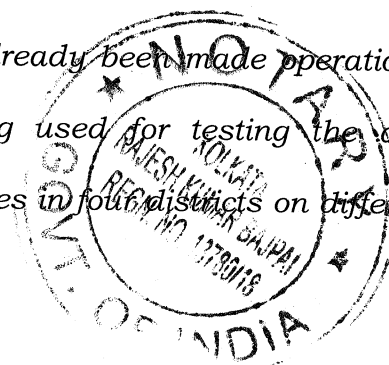
**CORAM: HON’BLE MR. JUSTICE B. AMIT STHALEKAR, JUDICIAL MEMBER  
HON’BLE DR. ARUN KUMAR VERMA, EXPERT MEMBER**

For Applicant(s) : Mr. Subhas Datta, in person

**ORDER**

1. Heard Mr. Subhas Datta, the Applicant, who is present in person.
2. The Applicant, appearing in person, has filed this Original Application states that in W.P. No. 4183(W) of 2005 (*Subhas Datta vs. State of West Bengal & Ors.*), the Hon’ble High Court at Calcutta had vide order dated 17.06.2010 directed the State to procure three Remote Sensing Devices (RSD) and the State Government had submitted before the Court that they had already made operational one Remote Sensing Device (RSD) and the device is being used for testing Auto Emission Level at different places in four districts on four different weekdays. Order of the High Court reads as under:

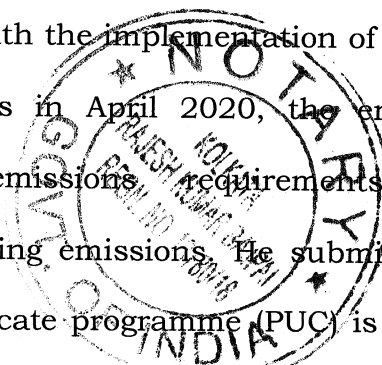
*“The learned Advocate General states that Mobile Remote Sensing Device (R.S.D.) has already been made operational and that the device is being used for testing the auto emission level at different places in four districts on different week days.*



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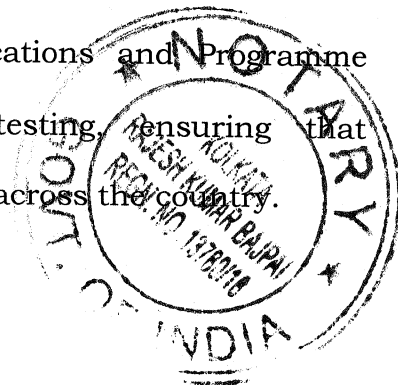
*In the meantime, the respondent-authorities shall continue to operate the Mobile Remit Sensing Device already available for all the four districts as indicated in the aforesaid order dated 3<sup>rd</sup> June, 2010 of the Additional Chief Secretary of the Transport Department, Government of West Bengal. It is clarified that the above direction is providing for minimum one Mobile Remit Sensing Device for each district and it would obviously not preclude the authorities from employing more than one Mobile Remit Sensing Device in one district."*

3. It is stated that the newspaper, 'The Telegraph' in its online news article dated 08.12.2023 reported that there was one Remote Sensing Device (RSD) and two more devices were handed over to the Transport Department by the State Pollution Control Board, West Bengal.
4. The Applicant further submits that subsequently, the next report was published on 06.04.2024 in the newspaper 'The Times of India' alleging that the Remote Sensing Devices (RSD) are lying defunct in the State. The Applicant submits that this presents a very sorry state of affairs in the city of Calcutta which is one of the sixth non attainment cities in the State and he further submits that the air quality of the city remains very poor or extremely poor during winter months.
5. The Applicant also submits that with the implementation of Bharat Stage VI (BSVI) norms and fuels in April 2020, the emission standards need real-world emissions requirements and management to ensure low polluting emissions. He submits that the Pollution Under Control certificate programme (PUC) is an old system which is not effective for Bharat Stage VI (BSVI) norms.





6. Mr. Subhas Datta, submits that the remote sensing device includes a light source and a detector that is placed on the side of the road or at a height to transmit a laser beam to measure exhaust emissions remotely via spectroscopy as vehicles pass by and cross the light path. He submits that the remote sensing device can measure exhaust plume, and detect a range of pollutants including opacity, nitric oxide, carbon monoxide, hydrocarbons, and carbon monoxide in 0.5 seconds in the exhaust plumes of passing vehicles which facilitates emission measurements of large number of vehicles when they are driven on the road and thus, do not require physical tests.
7. Mr. Datta, further submits that the West Bengal Pollution Control Board (WBPCB), and the State Police be directed to adopt and implement the use of Remote Sensing Devices (RSD) duly certified by the Automotive Research Association of India (ARAI) or the National Physical Laboratory (NPL) or the International Centre for Automotive Technology (ICAT) to monitor and control pollution emissions by moving vehicles. A direction has also been sought for amendment of the Central Motor Vehicle Rules to incorporate the mandatory testing of running vehicles through Remote Sensing Devices (RSD) machines.
8. The Applicant further submits that the Ministry of Road Transport and Highways (MORTH) be directed to standardize Automotive Industry Standard (AIS) 170/Remote Sensing Devices for on-road Emissions Monitoring - Product Specifications and Programme Guidelines to enable comprehensive testing, ensuring that vehicular pollution is addressed effectively across the country.



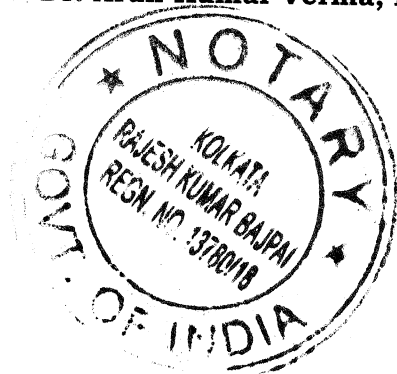
3A

9. Matter requires consideration.
10. Issue notice to the Respondents, returnable within four weeks.
11. Mr. Sudip Kumar Dutta, learned Counsel appearing (in Virtual Mode) accepts notice on behalf of the State Respondents.
12. Mr. Dipanjan Ghosh, learned Counsel who is present in Court accepts notice on behalf of the Respondent No.2, West Bengal Pollution Control Board.
13. We are of the view that Ministry of Road Transport and Highways (MORTH), through its Member Secretary, Government of India be impleaded in the array of Respondents as Respondent No.4.
14. Mr. Ashok Prasad, learned Counsel who is present in Court accepts notice on behalf of the newly added Respondent No.4, Ministry of Road Transport and Highways (MORTH).
15. All the Respondents shall file their counter-affidavits within four weeks.
16. The Applicant shall serve e-copy/soft copy of the Original Application along with all its annexures upon Mr. Sudip Kumar Datta, Mr. Dipanjan Ghosh and Mr. Ashok Prasad, learned Counsel for the Respondents, within 24 hours.
17. **List on 18.11.2024.**

.....  
**B. Amit Sthalekar, JM**

.....  
**Dr. Arun Kumar Verma, EM**

September 26, 2024,  
Original Application No.198/2024/EZ  
OM



## Calcutta High Court - Appellate side

Appellate side  
Case Details

Case Type	: WPA		
Filing Number	: 30730/2024	Filing Date:	19-12-2024
Registration Number	: 30622/2024	Registration Date:	21-12-2024
CNR Number	: WBCHCA-061137-2024		

## Case Status

First Hearing Date	: 09th January 2025		
Next Hearing Date	: 05th February 2025		
Stage of Case	: NEW MOTION		
Coram	: 265721HON'BLE JUSTICE AMRITA SINHA		
Bench	: Single Bench		
State	: West Bengal		
District	: 24 PARAGANAS NORTH		
Judicial	: MANDAMUS SECTION		
Causelist Name	: Daily List		
Not Before Me	:		

## Petitioner and Advocate

1) NITIN MANAWAT AND ANR. Advocate- ARKODEB SINHA
--

## Respondent and Advocate

1) WEST BENGAL POLLUTION CONTROL BOARD
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## Acts

Under Act(s)	Under Section(s)
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## Subordinate Court Information

Court Number and Name	: --
Case Number and Year	: 0
Case Decision Date	: --
state	:
District	:

## History of Case Hearing

Cause List Type	Judge	Business On Date	Hearing Date	Purpose of hearing
Daily List	HON'BLE JUSTICE AMRITA SINHA		09-01-2025	NEW MOTION
Daily List	HON'BLE JUSTICE AMRITA SINHA		10-01-2025	NEW MOTION
Daily List	HON'BLE JUSTICE AMRITA SINHA		13-01-2025	NEW MOTION
Daily List	HON'BLE JUSTICE AMRITA SINHA		14-01-2025	NEW MOTION
Daily List	HON'BLE JUSTICE AMRITA SINHA		15-01-2025	NEW MOTION
Daily List	HON'BLE JUSTICE AMRITA SINHA		16-01-2025	NEW MOTION
Daily List	HON'BLE JUSTICE AMRITA SINHA		17-01-2025	NEW MOTION
Daily List	HON'BLE JUSTICE AMRITA SINHA		20-01-2025	NEW MOTION
Daily List	HON'BLE JUSTICE AMRITA SINHA		21-01-2025	NEW MOTION
Daily List	HON'BLE JUSTICE AMRITA SINHA		22-01-2025	NEW MOTION
Daily List	HON'BLE JUSTICE AMRITA SINHA		24-01-2025	NEW MOTION
Daily List	HON'BLE JUSTICE AMRITA SINHA		27-01-2025	NEW MOTION

## Orders

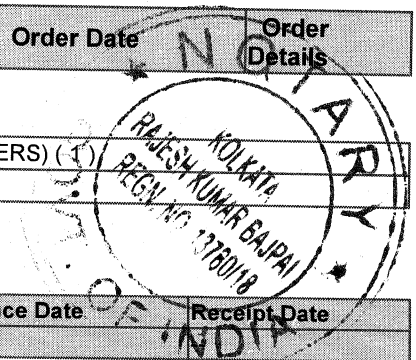
Order Number	Order on	Judge	Order Date	Order Details
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## Category Details

Category	GROUP A (WRIT MATTERS) (1)
Sub Category	Residuary ( 26 )

## OBJECTION

Sr.No.	Scrutiny Date	OBJECTION	Compliance Date	Receipt Date
1	21-12-2024	All Objections are Complied	--	



FOR ENVIRONMENTAL SYSTEMS PRODUCTS INDIA PRIVATE LIMITED

DIRECTOR

### "VAKALATNAMA"

In the NATIONAL GREEN TRIBUNAL at  
Before Ld EASTERN ZONE BENCH, KOLKATA Judge  
O.A. Suit/Case No. 198/2024/EZ at 200

Signature

I.A NO. OF 2025

Plaintiff  
Application  
Application

Subhas Datta  
Department of Environment Government of West Bengal & Ors.

Defendant  
Opp. Party  
Respondent

AND  
Environmental Systems Products India Pvt. Ltd.

KNOW ALL MEN by these *Intervention* Presents that I/We  
Environmental Systems Products India Pvt. Ltd. through its Director Nitin Manawat

hereby in my / our name and my / (our behalf constitute and appoint Sri  
Arkadeb Sinha Advocate of 3A, Garsin Place 6th floor, Suite-A, Kolkata-700001  
true and lawful Pleader / Advocate & Attorneys to appear and act for me / us in the  
matter noted above to the suit written statement, conduct suit, appeal from original  
suit order etc. and for that purpose to do all acts and things, whatsoever in that  
connection including compromise of the above matter disposing in or withdrawing  
money from filling or taking out of appear, document and payment order from Court  
referring matters in dispute between the parties here to arbitration, withdrawing  
the above matters with liberty title fresh suit, sending properties released from  
attachment filling execution or Miscellaneous cases and other petitions, bidding at  
execution sale, obtaining payment from us our Court. Withdrawing custody and  
other fees and doing on my / our behalf such other acts in the above matters as are  
necessary and proper

I / We hereby agreeing to ratify and confirm all acts  
so done by the said Advocate or Attorneys as my / our own acts and as it done by  
me / us to all intents and purposes.

Date 10/02/2025

ADVOCATES—

ARKODEB SINHA  
ADVOCATE  
3A, GARSIN PLACE  
6th FLOOR, SUITE-A  
KOLKATA - 700001  
MOB - 9831504308  
EMAIL - support@asaadvocates.com  
REGN. NO - WB/1034/2004

DIRECCION

DEPARTAMENTO DE  
RECURSOS HUMANOS

Received Vokalahuma from  
Client & accepted.  
Akotelo Sinda,  
Assoc. Adv.  
WB/1037/2007

**Environmental Systems Products India Private Limited**

307, Galleria, Hiranandani Gardens, Powai, Mumbai 400076 P 91-22-6699-4628 F 91-22-6699-8281 email@espipl.com

**BOARD RESOLUTION**

Certified True Copy of the resolution passed in the duly convened meeting on **06<sup>th</sup> February 2025** of the Board of Directors of **Environmental Systems Products India Pvt Ltd** ("Company") CIN **U29219MH2006PTC163523 2006-07** having its Registered Office address 307, Galleria, Hiranandani Gardens Powai Mumbai 400076 at 1100 Hrs.

**"RESOLVED** that the Company Environmental Systems Products India Private Limited do and hereby nominate, constitute, appoint and authorize Mr. Nitin Manawat Director bearing DIN 00387357 to be the true and lawful Attorney and authorized representative in our name and on our behalf and to file, sign, affirm, declare, verify all documents and pleadings as may be necessary by the Company and also to initiate and/or defend on behalf of the Company proceedings under Writ Applications, Company Petitions, Interlocutory Applications, Civil Suits, Appeal, Review, Revision, Reference including Vakalatnamas, Caveats, Petitions, Written Objection, Affidavits, Settlement Agreement and any petition/application of whatsoever nature before any Court and/or Tribunal including National Company Law Tribunal or Other Authorities, Appellate Authorities, Appellate Tribunals, High Court, Supreme Court of India and represent the Company and to sign, verify, affirm, execute and file Petitions, Applications, Affidavits and any other pleadings as may be necessary from time to time and also to appoint Advocates, Legal Counsels, Lawyers, Solicitors, Senior Advocates as may be necessary and to do all such acts and deeds and things as may be necessary from time to time for and on behalf of the Company."

**Certified True Copy**

**For and on behalf of Environmental Systems Products India Pvt. Ltd.**

**FOR ENVIRONMENTAL SYSTEMS PRODUCTS  
INDIA PRIVATE LIMITED**



**DIRECTOR** Director  
**(Mr. Nitin Manawat)**  
**DIN: 00387357**