

BEFORE THE NATIONAL GREEN TRIBUNAL
EASTERN ZONE BENCH, KOLKATA

ORIGINAL APPLICATION NO. 239/2024/EZ

SUBHAS DATTA

.....APPLICANT(S)

VERSUS

THE STATE OF WEST BENGAL & ORS.

.....RESPONDENT(S) .

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

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Filed by

DIPANJAN GHOSH
ADVOCATE
HIGH COURT AT CALCUTTA

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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- LA, Sector- III, Bidhannagar, Kolkata - 700
106, do hereby solemnly declare and say as follows:-

18 FEB 2025

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. 5 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 02.01.2025.



03. That, in pursuance to the order of the Hon'ble Tribunal dated 02.01.2025, an inspection was carried on at the alleged hospital on 29.01.2025 by the officials of the State Board.

04. That, the findings of the inspecting team are as follows:-

Mal S.D. Hospital had been merged with Mal Super Speciality Hospital with a total bed capacity of 400 Nos. beds. Mal S.D. Hospital has 100 Nos. Beds & Mal Super Speciality Hospital has 300 Nos. Beds. The merged entity is named as Mal Sub Divisional & Super Speciality Hospital. Total no. of Wards is 10. Both the 'Consent to Operate' and 'Bio-Medical Waste Authorization' are valid up to 31.12.2029. The complaint of the petitioner has been

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verified. During inspection, it was observed that the Bio-Medical Waste (BMW) is stored in a closed room in category wise colour coded bags. Bio Hazard symbol is marked on the room. Common Biomedical Waste Treatment Facility (CBWTF) picks up BMW from here.

In the backyard of the hospital there is open to sky concrete platform where municipal solid waste is stored. The area is not closed, as a result municipal solid waste are scattered open. Bio-Medical Waste is also mixed with the municipal waste. Stray animals are found littering the waste.



05. That, Status of compliance with the other provisions of the Bio-Medical Waste Management Rules 2016:

(a) Segregation of BMW: During inspection in random wards of Mal Sub Divisional & Super Speciality Hospital, it has been observed that source segregation of Bio-Medical Waste (BMW) is not done as per Schedule-I of BMW rules, 2016. In some wards general waste such as wrapper of syringes, medical boxes are mixed with BMW.

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(b) Mutilation & disinfection: During inspection in random wards of Mal Sub Divisional & Super Speciality Hospital, it is observed that needle cutters are defunct. Also, it is found that the Saline bottles are not properly mutilated before disposal.

(c) Bar code system: No Bar Code system is present from the occupier's end for disposal of BMW to CBMWTF.

(d) Pre-treatment of laboratory waste/microbiological waste: No Pre-treatment is done for disinfecting the laboratory, blood samples & blood bags before handling over to CBMWTF.



(e) Record maintenance: Bio-medical waste generation register has been maintained. It is observed that usually CBWTF collects BMW on regular interval.

(f) Bio-Medical Waste Management Committee: Committee for monitoring the activities related to the management of BMW exists.

(g) Awareness about BMW management among staffs: Persons handling BMW are found aware about the methodology of BMW management. Session regarding the BMW

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management methodology is done once in every month.

(h) Development of website, displaying of monthly report & annual report in website: Website is not yet developed.

(i) Submission of Annual Report: Annual Report for the calendar year, 2023 is not uploaded in the State Board's online portal. The representative of the unit has informed that they had submitted the hard copy of the Annual report for the calendar year, 2023 to the State Board on 16.07.2024.

(j) Effluent and Liquid biomedical waste: Sewage Treatment Plant (STP) is found. The STP consists of Equalization Tank → Aeration Chamber → Sedimentation Tank → Chlorination Tank → Filter Media → Discharge. During inspection, STP is found operational.



Copy of the inspection report of the State Board is annexed herewith and marked with letter "R".

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06. 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 Mansel

DEPONENT



18 FEB 2025

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 5 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

D. B. Ghosh
Identified and corrected by me
Advocate
WBPCB

Solemnly Affirmed &
Declared Before Me
for Identification By

SARDANI MITRA
NOTARY
Regd. No. 4515/2018

18 FEB 2025

Inspection Report w.r.t. the NGT case in O.A. No. 239/2024/EZ (Subhas

Datta Vs State of West Bengal & Ors): -

A petition was registered before hon'ble National Green Tribunal (NGT) vides O.A. No. 239/2024/EZ by Sri Subhas Datta.

The petitioner alleged that Bio-Medical Waste and other general wastes were dumped together in the backyard of Malbazar Super Speciality Hospital. The petitioner also referred to the Annual Report on Bio-Medical Wastes Management for the year 2023 submitted by the West Bengal Pollution Control Board on 24.07.2024 to the Central Pollution Control Board.

The Hon'ble NGT has taken the cognizance of the complaint and served notices to the concerned departments including West Bengal Pollution Control Board (WBPCB) to file their counter affidavits. Accordingly, an inspection has been carried out on 29/01/2025 at the alleged hospital by the following officials of WBPCB:

1. Biswajit Pan, Asst. Env. Engineer, Siliguri Regional Office
2. Rintu Karmakar, Jr. Env. Engineer, Siliguri Regional Office

The findings of the inspecting team are as follows: -

Mal S.D. Hospital had been merged with Mal Super Speciality Hospital with a total bed capacity of 400 Nos. Mal S.D. Hospital has- 100 Nos. Beds & Mal Super Speciality Hospital has 300 Nos. Beds. The merged entity is named as Mal Sub Divisional & Super Speciality Hospital. Total no. of Wards is 10. Both the 'Consent to Operate' and 'Bio-Medical Waste Authorization' are valid up to 31.12.2029. The complaint of the petitioner has been verified. During inspection it is observed that the Bio-Medical Waste (BMW) is stored in a closed room in category wise colour coded bags (Pic. - 3). Bio Hazard symbol is marked on the room. Common Biomedical Waste Treatment Facility (CBWTF) picks up BMW from here.

In the backyard of the hospital there is open to sky concrete platform where municipal solid waste is stored. The area is not closed, as a result municipal solid waste are scattered open. Bio-Medical Waste is also mixed with the municipal waste. Stray animals are found littering the waste. (Pic. - 5)



Status of compliance with the other provisions of the Bio-Medical Waste Management Rules

2016:

- a) Segregation of BMW: During inspection in random wards of Mal Sub Divisional & Super Speciality Hospital, it has been observed that source segregation of Bio-Medical Waste (BMW) is not done as per Schedule-I of BMW rules, 2016. In some wards general waste such as wrapper of syringes, medical boxes are mixed with BMW. (Pic. - 1, 2)

- b) Mutilation & disinfection: During inspection in random wards of Mal Sub Divisional & Super Speciality Hospital, it is observed that needle cutters are defunct. Also, it is found that the Saline bottles are not properly mutilated before disposal.
- c) Bar code system: No Bar Code system is present from the occupier's end for disposal of BMW to CBMWTF.
- d) Pre-treatment of laboratory waste/microbiological waste: No Pre-treatment is done for disinfecting the laboratory, blood samples & blood bags before handing over to CBMWTF.
- e) Record maintenance: Bio-medical waste generation register has been maintained. It is observed that usually CBWTF collects BMW on regular interval. (Pic. – 4)
- f) Bio Medical Waste Management Committee: Committee for monitoring the activities related to the management of BMW exists.
- g) Awareness about BMW management among staffs: Persons handling BMW are found aware about the methodology of BMW management. Session regarding the BMW management methodology is done once in every month.
- h) Development of website, displaying of monthly report & annual report in website: Website is not yet developed.
- i) Submission of Annual Report: Annual Report for the calendar year, 2023 is not uploaded in the State Board's online portal. The representative of the unit has informed that they had submitted the hard copy of the Annual report for the calendar year, 2023 to the State Board on 16.07.2024.
- j) Effluent and Liquid biomedical waste: Sewage Treatment Plant (STP) is found. The STP consists of Equilization Tank → Aeration Chamber → Sedimentation Tank → Chlorination Tank → Filter Media → Discharge. During inspection, STP is found operational.



[R. KARMAKAR]
Jr. Environmental Engineer
Siliguri Regional Office



[B. PAN]
Asst. Environmental Engineer
Siliguri Regional Office



Photographs taken during inspection on 29/01/2025



Pic. - 1



Pic. - 2



Pic. - 3



2023					
Sr	Date	Yield (kg)	Area (sq m)	Rate (Rs/m ²)	Total (Rs)
1	02/01/2023	72/100 kg	10/70 sq	2/100	1400
2	04/01/2023	72/100 kg	10/70 sq	2/100	1400
3	10/01/23	72/100	10/70	2/100	1400
4	14/01/23	72/100	10/70	2/100	1400
5	15/01/23	72/100 kg	24/100 sq	2/100	3360

Pic. - 4



Pic. - 5



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