

BEFORE THE NATIONAL GREEN TRIBUNAL
EASTERN ZONE BENCH, KOLKATA

ORIGINAL APPLICATION NO. 201/2024/EZ

SAJIBUR RAHAMAN

.....APPLICANT(S)

VERSUS

THE STATE OF WEST BENGAL & ORS.

.....RESPONDENT(S)

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

INDEX

SL No	PARTICULARS	ANNEXURE	PAGE
1.	Affidavit		1-6
2.	Copy of the Action taken report of the State Board.	'R'	7-17

Filed by
Sibojyoti Chakrabarti
SIBOJYOTI CHAKRABORTI
ADVOCATE

SL. NO. 52 Dt. 12 MAR 2025

BEFORE THE NATIONAL GREEN TRIBUNAL
EASTERN ZONE BENCH, KOLKATA

ORIGINAL APPLICATION NO. 201/2024/EZ



SAJIBUR RAHAMAN

.....APPLICANT(S)

VERSUS

THE STATE OF WEST BENGAL & ORS.

.....RESPONDENT(S)

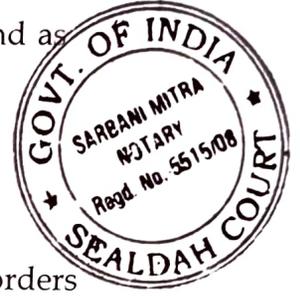
REPORT ON AFFIDAVIT FILED BY THE WEST
BENGAL POLLUTION CONTROL BOARD.

Most Respectfully Sheweth

I, Sri Subrata Ghosh, son of Shri Biswanath Ghosh, aged about 60 years, by faith-Hindu, Occupation- Service, residing at Narkelbagan, Gorosthan, Chinsurah, District - Hooghly, do hereby solemnly declare and say as follows:-

12 MAR 2025

01. That, I am the Officer on Special Duty (OSD), 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. 03; to affirm this Affidavit on its behalf and as such, I am competent to do so.



02. That, this affidavit is being affirmed in pursuant to the orders passed by this Hon'ble Tribunal dated 12.02.2025 and 19.02.2025.

03. That, in compliance to the order of the National Green Tribunal (NGT), Eastern Zone Bench, dated 12.02.2025, the State Board official visited the alleged unit, namely, M/s. Bhai Bhai Metal, located at Vill.- Kapsadanga, P.O.- Kapsadanga, P.S.-Beldanga, Dist.- Murshidabad, Pin- 742133, on 17.02.2025 between 05.55 PM to 06.35 PM.

03. That, during inspection on 17.02.2025, it has been found that the unit has stopped the noise polluting activities of manufacturing metal boxes by hammering in open varandah of the house of

12 MAR 2025

the owners. Complainant was not at home during this visit. However, his wife Jahanara Khatun and the other residents also reported that the unit has stopped the noise polluting manufacturing activities on site since the last joint inspection conducted by the State Board and Additional District Magistrate, Murshidabad on 27.11.2024. The unit is engaged in preprocessing activities at the site, without causing any annoyance to neighbours.



05. That, the following remark was made by the inspecting official of the State Board:

No noise polluting activities are being continued at the site. This has been stated by the local residents. The unit has been verbally directed never to resume the noise polluting activities again on site and also to inform the State Board if any white category is started in the said location.

Further, a formal letter has also been issued in compliance to order dated 12.02.2025 of the Hon'ble Tribunal.

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

12 MAR 2025

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.



Identified by me
Sibojyoti Chakrabarti
Advocate
12.03.2025

Sibojyoti Chakrabarti
DEPONENT

12 MAR 2025

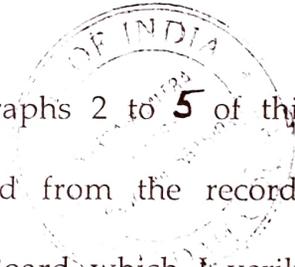
VERIFICATION

I, Sri Subrata Ghosh, son of Shri Biswanath Ghosh, aged about 60 years, by Religion - Hindu, by Occupation- Service, residing at Narkelbagan, Gorosthan, Chinsurah, District-Hooghly, do hereby solemnly declare and say as follows:-

1. That, I am the Officer on Special Duty (OSD), West Bengal Pollution Control Board and I am well acquainted with the facts and circumstances of the instant Original Application.

That, the statements made in paragraph 1 of this affidavit is true to my knowledge and belief.

2. 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.



Sibojati Chakrabarti

Identified and corrected by me
Advocate
WBPCB

Subrata Ghosh
DEPONENT

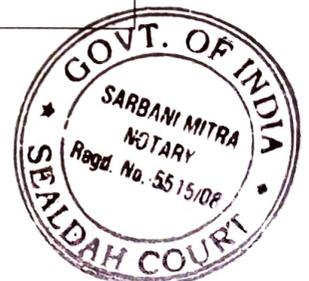
Solemnly Affirmed &
Declared Before Me
On Identification By

SARBANI MITRA
NOTARY
Regd. No. 5515/08

12 MAR 2015

8.02 Follow up Action Taken Report in connection to Order passed by Hon'ble National Green Tribunal (EZA) in case OA 201/2024 (EZ) on 12.02.2025

Name & Address of the unit	M/s Bhai Bhai Metal Prop: Janab Humayun Kabir and Janab Matibur Rahman Vill-Kapasdanga, P.O- Kapasdanga, P.S.- Beldanga, Dist: Murshidabad, PIN-742133
Name of the Inspecting Officer(s)	Dr. Dipanjana Maulik, Senior Environmental Engineer and In-Charge Malda RO, West Bengal Pollution Control Board
Date and time of inspection	17/02/2025, 05:55 PM to 06:35 PM
Electricity supply authority	WBSEDCL
Name of the local body	Kapasdanga Gram Panchayat, Beldanga Block 1
Person met during inspection	Jahanara Khatun (wife of complainant Janab Sajibur Rahaman) Janab Humayun Kabir (Owners of the unit) Asgar Ali who lives in the house just opposite of the road to the unit, whose family earlier stated that they were experiencing difficulty due to this noise pollution, and this was also included in the previous inspection report dated 27.11.2024, The house was referred as marked as "I" in Figure I. Photocopy of the previous inspection report is attached as Annexure 1.
Nature of complaint	Sound pollution.
Nature of the area	Predominantly Residential
Status of Consent to Establish/Consent to Operate	During inspection on 17.02.2025, the unit reported that they have stopped the noise polluting activities on site. Earlier unit used to manufacture metal trunk. As per the present industry categorisation followed in state of West Bengal this type of manufacturing activity falls in "white" category. This is a dry mechanical process without painting and, therefore, this unit is not required to obtain Consent to Establish/ Consent to Operate from WBPCB. However, the unit is required to submit an intimation to the WBPCB about their activities.
Reference of inspection	Order passed by Hon'ble National Green Tribunal (EZ) on 12.02.2025 in connection to OA 201/2024/EZ



About the Unit: This unit used to be engaged in manufacturing of boxes/ trunks by using Aluminium/Tin metal sheet (approx. Lat 23.912558 E, 88.275158 N). Metal boxes used to be manufactured manually by hammering. The number of boxes produced per day used to vary as per the orders received by the owners of the unit. This unit is in residential area. There is residential house of the complainant adjacent to this place of metal box manufacturing. There is also residential house just at the opposite side of the road where metal boxes were manufactured (Figure 1).

Observation: During inspection on 17.02.2025, it has been found that the unit has stopped the noise polluting activities of the manufacturing metal boxes by hammering in open varandah of the house of the owners. Complainant was not at home during this visit. **However, his wife Jahanara Khatun and the other residents also reported that the unit has stopped the noise polluting manufacturing activities on site since the last joint inspection conducted by WBPCB and ADM, Murshidabad on 27.11.2024.** This house of the complainant is marked as "I" in Figure 1. The unit is engaged in preprocessing activities at the site, without causing any annoyance to neighbours.

This house in opposite side of road to unit is marked as "II" in the Figure 1. Asgar Ali and other residents of this house "II" also stated that the unit has stopped the noise polluting activities since the last joint inspection by WBPCB and ADM, Murshidabad on 27.11.2024

Remark:

No noise polluting activities are being continued at the site. This has been stated by the local residents. Ms. Jahanara Khatun (wife of the complainant) and Janab Asgar Ali have also shared their proof of identity (annexed to this to this report as Annexure II & III). The copy of the notice in Form II has been served by the inspecting officer to the unit as per the norms and is also attached as they have confirmed their statement in body of this notice dated 17.02.2025 (Annexure IV).

During previous inspection on 27.11.2024 following remarks were provided in the inspection report:

- 1) This activity should not be allowed to continue in this open Varandah. Following options are available:
 - Option 1:** the unit should shift its activity as early as possible from current location. However, unit shall be required to also abide by permissible standard for sound in the new location.
 - Option 2:** The Unit should run its business within an enclosed room with proper sound insulation. The unit shall have to ensure that the ambient noise level neither exceeds the permissible standard due to its manufacturing nor cause annoyance in the neighbourhood.

These options and the legal implications proposed by the committee were also verbally clarified to the unit owners and the neighbouring residents as well on 27.11.2024 because the case is subjudice. During visit on 17.02.2025, it was learnt from the residents that Shri Rathindra Nath Adhikari, BDO (Block Development Officer), Beldanga has also visited the site on 03.01.2025 and 06.02.2025 to see the status of activities. This has also been verbally



corroborated by BDO Beldanga. His confirmatory e-mail shall be forwarded on receipt of the same .

The unit has been verbally directed never to resume the noise polluting activities again on site and also to inform WBPCB if any white category is started in the said location and it has been mentioned in the body of the notice of inspection in Form II (The copy of the notice served to the unit is annexed as Annexure IV). Further, a formal letter has also been issued and the copy of the said letter is annexed as Annexure V in compliance to order dated 12.02.2025 by Hon'ble NGT (EZ).



Figure 1: Varandah, where Tin Boxes are manufactured is shown with mark “X” and the complainant’s house is shown with mark “I” and the house on opposite to open Verendah, where noise level was monitored is shown with mark “II”:

Dr. Dipanjana Maulik
18/02/2025

Dr. Dipanjana Maulik
Senior Environmental Engineer
In-charge, Malda Regional Office
West Bengal Pollution Control Board
Senior Environmental Engineer
West Bengal Pollution Control Board
Malda Regional Office



**Report of the committee constituted by Hon'ble National Green Tribunal in connection to case OA
201/2024 (EZ) through order passed on 03.10.2024**

Name & Address of the unit	M/s Bhal Bhal Metal Prop: Janab Humayun Kabir and Janab Matibur Rahman Vill-Kapasdanga, P.O- Kapasdanga, P.S.- Beldanga, Dist: Murshidabad, PIN-742133
Name of the Inspecting Officer(s)	Dr. Dipanjana Maulik, Senior Environmental Engineer and In-Charge Malda RO, West Bengal Pollution Control Board Md Samsur Rahman Additional District Magistrate (Zilla Parishad) Murshidabad
Accompanying Officer with the investigating team	Block Development Officer, Beldanga-I and Inspector-in-Charge Beldanga Police Station were present at the time of inspection.
Date and time of inspection	27/11/2024, 13:15 hrs to 14:10 hrs
Electricity supply authority	WBSEDCL
Name of the local body	Kapasdanga Gram Panchayat, Beldanga Block 1
Person met during inspection	Jahanara Khatun (wife of complainant Janab Sajibur Rahaman) Janab Humayun Kabir and Janab Matibur Rahman (Owners of the unit) A group of local residents (Name of each individual was not mentioned)
Nature of complaint	Sound pollution.
Nature of the area	Predominantly Residential
Status of Consent to Establish/Consent to Operate	As per the present industry categorisation followed in state of West Bengal this type of activity falls in "white" category. This is a dry mechanical process without painting and, therefore, this unit is not required to obtain Consent to Establish/ Consent to Operate from WBPCB. However, the unit is required to submit an intimation to the WBPCB about their activities. In present case no such intimation could be found back at Malda Regional Office of WBPCB.
Reference of inspection	Order passed by Hon'ble National Green Tribunal (EZ) on 03.10.2024 in connection to OA 201/2024/EZ

About the Unit: This unit is engaged in manufacturing of boxes/ trunks by using Aluminium/Tin metal sheet (approx. Lat 23.912558 E, 88.275158 N). Metal boxes are manufactured manually by hammering. The number of boxes produced per day vary as per the orders received by the owners of the unit. This unit is in residential area. There is residential house adjacent to this place of metal box manufacturing. There is also residential house just at the opposite side of the road where metal boxes are manufactured (Figure 1).

Observation: During inspection, it has been found that the unit manufactures the boxes in open varandah of the house of the owners (Photo 2). Complainant was not at home during this visit.



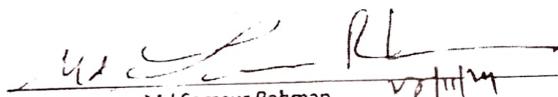
Ms. S. Mitra

However, his wife and the other residents complained about the annoyance caused by this manufacturing unit to the committee members from morning to evening.

The owners of the said unit were asked to produce one box from the scratch for monitoring the sound level during manufacturing. Average sound level produced during such operation was 109 dB(A) at the location of metal Box Manufacturing, which clearly surpasses the permissible limit set for residential area 55 dB(A) (Photo 1). The ambient noise level was in range of 46 dB(A) – 74.93 dB(A), when everyone was quite for a minute to when vehicles is passing through the road (Photo 2). The noise level was monitored in operating conditions near the open window of the house in opposite site of the road which is approximately 5 meters from the source of noise generation. Average reading in the sound limiter was 82.51 dB (A) during the monitoring. This house is marked as "II" in the Figure 1. The sound was also monitored at the house of complainant, which is adjacent to this metal Box manufacturing, and here sound level was 79.24 dB (A). This house is marked as "I". The current sound level monitoring device provides the latitude and longitude in open atmosphere only and the location is accordingly provided in this report. Noise level during hammering marginally changed when the jute sacks were used for during manufacturing (Photo 3) because this is not a sufficient measure for noise control in an open area.

Remarks:

- 1) This activity should not be allowed to continue in this open Varandah. Following options are available:
Option 1: the unit should shift its activity as early as possible from current location. However, unit shall be required to also abide by permissible standard for sound in the new location.
Option 2: The Unit should run its business within an enclosed room with proper sound insulation. The unit shall have to ensure that the ambient noise level neither exceeds the permissible standard due to its manufacturing nor cause annoyance in the neighbourhood.
- 2) Action may be taken as deemed fit and proper.


 Md Samsur Rahman
 Additional District Magistrate (Zilla Parishad)
 Murshidabad District

Additional District Magistrate
 &
 Executive Officer
 Murshidabad District

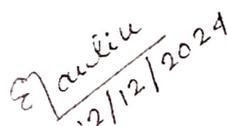

 Dr. Dipanjana Maulik
 Senior Environmental Engineer
 In-charge, Malda Regional Office
 West Bengal Pollution Control Board
 Senior Environmental Engineer
 West Bengal Pollution Control Board
 Malda Regional Office





Figure 1: Verandah, where Tin Boxes are manufactured is shown with mark "X" and the complainant's house is shown with mark "I" and the house on opposite to open Verandah, where noise level was monitored is shown with mark "II":



Photo 1: Noise level monitoring at the open verandah during manufacturing of Tin Box



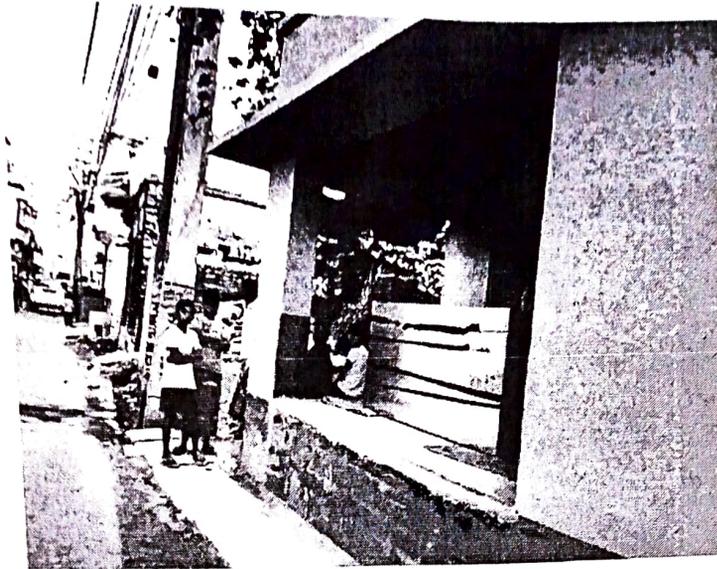
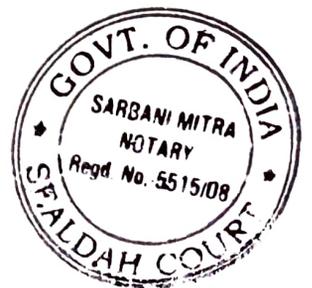


Photo 2: Tin Box at the open verandah



Photo 4: The complainant is using jute sack to reduce noise pollution




 ভারতের নির্বাচন কমিশন
 পরিচয় পত্র
 ELECTION COMMISSION OF INDIA
 IDENTITY CARD

DTN1520147



নির্বাচকের নাম : জাহানারা খাতুন
 Elector's Name : Jahanara Khatun
 স্বামীর নাম : সাজিবুর রহমান
 Husband's Name : Sajibur Rehman
 লিঙ্গ/Sex : স্ত্রী/F
 জন্ম তারিখ : 02/04/1966
 Date of Birth :

DTN1520147

ঠিকানা:

পাড়া, মহল্লা-কাপাসডাঙ্গা মাথপাড়া দক্ষিণ, কাপাসডাঙ্গা,
বেলডাঙ্গা, মুরশিদাবাদ-742133

Address:

PARAMAHALLA-KAPASDANGA
MAJHPARA DAKSHIN, KAPASDANGA,
BELDANGA, MURSHIDABAD-742133

Date: 02/01/2015

70-রোজিনাগর নির্বাচন কেন্দ্রের নির্বাচক নিবন্ধন

আধিকারিকের স্বাক্ষরের অনুলিপি

Facsimile Signature of the Electoral
Registration Officer for

70-Rejinagar Constituency

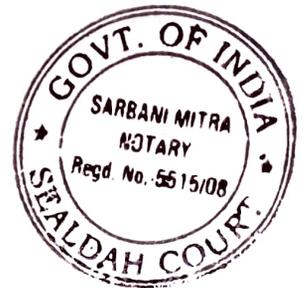
ঠিকানা পরিবর্তন হলে নতুন ঠিকনার জেটার সিন্ট্র নাম যোগ্য ও একই
নম্বরের নতুন সঠিক পরিচয়পত্র পাওয়ার জন্য নির্দিষ্ট করে এই
পরিচয়পত্রের নম্বরটি উল্লেখ করুন।

In case of change in address mention this Card No.
in the relevant Form for including your name in the
roll at the changed address and to obtain the card
with same number.

0640284

Jahanara Khatun

17/02/25.




 ভারতের নির্বাচন কমিশন
 পরিচয় পত্র
 ELECTION COMMISSION OF INDIA
 IDENTITY CARD

DTN1518125




নির্বাচকের নাম : আসগর আলী
 Elector's Name : Asgar Ali
 পিতার নাম : দেবেছতুল্লা সৈখ
 Father's Name : Derechatulla Sk
 লিঙ্গ/Sex : পুং M
 জন্ম তারিখ
 Date of Birth : XX/XX/1979

DTN1518125

ঠিকানা:

পাড়া, মহল্লা- কাপাসডাঙ্গা মাঝপাড়া উত্তর এবং
 কাছারীপাড়া, কাপাসডাঙ্গা, বেলদাঙ্গা, মুরশিদাবাদ- 742133

Address:

PARA MAHALLA- KAPASDANGA
 MAJHPARA UTTAR KACHARIPARA,
 KAPASDANGA, BELDANGA,
 MURSHIDABAD- 742133

Date: 26/11/2015

70-রোজিনগর নির্বাচন কেন্দ্রের নির্বাচক নিবন্ধন

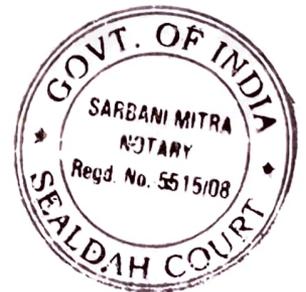
আধিকারিকের স্বাক্ষরের অনুলিপি

Facsimile Signature of the Electoral
Registration Officer for

70-Rejlinagar Constituency

ঠিকানা পরিবর্তন হলে মতুল ঠিকনার ভেটোর পিঠে নাম তোলার ও একই
 নামের মতুল পিঠে পরিচয়পত্র পাতায় নাম পরিবর্তন করে এই
 পরিচয়পত্রের নম্বরটি উল্লেখ করুন।
 In case of change in address mention this Card No.
 in the relevant Form for including your name in the
 roll at the changed address and to obtain the card
 with same number.

0030002



FORM - II

WEST BENGAL POLLUTION CONTROL BOARD

Notice of Inspection
[See rule 11(2)]

No.

Dated.....

To
M/s. Bhairu Bhairu Metal
Village Kaptan,

TAKE NOTICE that for the purpose of enquiry under section 21 of the Air (Prevention and Control) Act, 1981, the following officers of the State Board, namely :

i) Dr. D. Manik W.B.P.C.B.

and the persons authorised by the Board to assist them shall inspect any systems of your industrial plant; any other parts thereof or pertaining there to; under management control of date 06.11.2025

between hours when all facilities requested by them for such inspection should be made available to them on the site. Take notice that refusal or denial to above stated demand made under the functions of this Board shall amount to obstruction punished under Section 37(1) of the Air (Prevention and Control) Act, 1981.

Unit has been directed never to resume the noise polluting activities again and also to inform W.B.P.C.B. if any white noisy work started at the location in future.

By Order of the Board
Member Secretary,
W.B.P.C.B.

To
.....
.....

TAKE NOTICE that it is intended to have analysed the sample of air emission from your premises which is being taken today the day 2015 from



Here specify the stack, chimney or any other emission outlets

① Jakamara Khatun, wife of of complainant was met by undersigned, she has confirmed that the noise polluting activities have been stopped by the unit since the last date of visit by committee constituted by H.W.B. NGT on 27.11.2025. Asgar Ali, neighbor residing in house opposite to complainant's house also confirmed that noise polluting activities has been stopped by the unit M/s Bhairu Bhairu Metal.

7/10/25 52120/1
Prof.
Team
Jahanara Khatun
AS



LIFE
Lifestyle for
Environment

West Bengal Pollution Control Board

Department of Environment,

Govt. Of West Bengal

Malda Regional Office

"Paribesh Bhaban" (Near Food Park)

Abhirampur, P.O. Mokdumpur Malda - 732 103

Website: www.wbpcb.gov.in, email: wbpcbmro@gmail.com

Tele Phone: (03512)223449

Memo No. S02 / WPB/MRO/N.G.T./N. P/MSD/06/24

Date: 18/02/2025

To,
M/s. Bhai Bhai Metal,
Vill. & P.O.-Kapasdanga, P.S.- Beldanga,
Dist.- Murshidabad. Pin-742133

Sub: - Ensuring Compliance with Orders of Hon'ble NGT (EZ) in in OA 201/2024/EZ

Ref: - Order passed by Hon'ble NGT (EZ) in OA 201/2024/EZ dated 12.02.2025

Sir,

You are directed never to resume any noise polluting activity at the site in question. You are also directed to submit the correspondence about your white category activities to the Malda, RO of WBPCB immediately.

Thanking You.

Yours faithfully,

Maulik
18/02/2025

(D.Maulik)

Senior Environmental Engineer & In-charge
Malda Regional Office

Senior Environmental Engineer
West Bengal Pollution Control Board
Malda Regional Office



BEFORE THE NATIONAL GREEN TRIBUNAL
EASTERN ZONE BENCH, KOLKATA

ORIGINAL APPLICATION NO. 201/2024/EZ

SAJIBUR RAHAMAN

.....APPLICANT(S)

VERSUS

THE STATE OF WEST BENGAL & ORS.

.....RESPONDENT(S)

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

SIBOJYOTI CHAKRABORTI
ADVOCATE