

Before the Hon'ble National Green Tribunal, Eastern Zone
Bench at Kolkata

MEMORANDUM OF APPLICATION

[Under Section 18(1) read with sections 14 & 15 and under
Section 18 (2) of the National Green Tribunal Act, 2010]

Original Application No.43 /2025/EZ

Ankur Sharma

..... Applicant

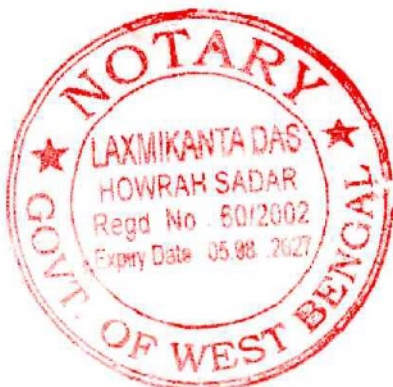
-Versus-

The State of West Bengal & Ors.

..... Respondents

Compilation – I

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Ankur Sharma

Ankur Sharma (In person)
Mobile No. 9433883322
Email: adv.ankursharma9@gmail.com

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Section 18 (2) of the National Green Tribunal Act, 2010]**

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Ankur Sharma

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-Versus-

The State of West Bengal & Ors.

.....Respondents

Compilation – II

Sl.	Particulars	Annexure
1.	Copy of the industrial siting/location policy in West Bengal.	'P-1' (28-35)
2.	Photocopy of complaint vide email dated 25.04.2023.	'P-2' (36)
3.	Photocopy of Application u/s 6 of the RTI Act, 2005.	'P-3' (37-39)
4.	Photocopy of the reply of the SPIO, WBPCB.	'P-4' (40-42)
5.	Photocopy of Record of Proceedings issued by WBPCB.	'P-5' (43-44)
6.	Photocopy of complaint dated 31.05.2024.	'P-6' (45-47)
7.	Photocopy of complaint dated 24.06.2024.	'P-7' (48)
8.	Photographs of the unit.	'P-8' (49-52)
9.	Photocopy of Consent to Establish and email dated 31.12.2024	'P-9' (53-56)

Ankur Sharma

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Before the Hon'ble National Green Tribunal, Eastern Zone
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MEMORANDUM OF APPLICATION

[Under Section 18(1) read with sections 14 & 15 and under
Section 18 (2) of the National Green Tribunal Act, 2010]

Original Application No. /2025/EZ

IN THE MATTER OF :

Ankur Sharma son of Shri
Ambooj Sharma, resident of
13/3, Dr. P. K. Banerjee Road,
P.O., P.S. & District – Howrah,
West Bengal, PIN – 711101.

.....Applicant

-VERSUS -

1. The State of West Bengal
service through the Chief
Secretary, Government of
West Bengal having office at
NABANNA (13th Floor), 325,
Sarat Chatterjee Road,
Shibpur, Howrah - 711102.
Email : cs-westbengal@nic.in

2. Department of
Environment, Government of



West Bengal service through its Additional Chief Secretary, having office at PRANISAMPAD BHAWAN, Block (5th Floor), LB-II, Salt Lake, Sector-III, Bidhannagar, Kolkata – 700 106.

Email: acsenvwb@gmail.com

3. West Bengal Pollution Control Board service through its Member Secretary having office at PARIBESH BHAVAN, 10A, Block - L.A., Sector - III, Salt Lake City, Kolkata - 700 106. Email : ms.wbpcb-wb@bangla.gov.in

4. District Magistrate, Howrah having office at New Collectorate Building, 6, Rishi Bankim Chandra Road, Howrah - 711101. Email : dmhowrahwb@gmail.com

5. Howrah Municipal Corporation service through its Commissioner having office at 4, Mahatma Gandhi Road, Howrah – 711101. Email : commissioner.howrah@gmail.com

6. The Divisional Fire Officer, West Bengal Fire & Emergency Services, Howrah Divisional Office having office at 430, G. T. Road (North), Howrah – 711101. Email :

howrahswestzone@gmail.com

7. The Inspector-in-Charge, Howrah Police Station having office at 15, Nityadhan Mukherjee Road, Howrah – 711101. Email :

howrahpshwh@gmail.com

8. M/s. R. K. Associates & Hoteliers Private Limited through one of its Directors Mr. Deepak Ranjan Sundaray having office opposite Railway Station, Station Road, Durg, Chattisgarh, PIN - 491001. Email:

secretarialrkgroup@gmail.com

.....Respondents



TO

THE HON'BLE CHAIRMAN AND HIS COMPANION
MEMBERS OF THE NATIONAL GREEN TRIBUNAL.

Synopsis

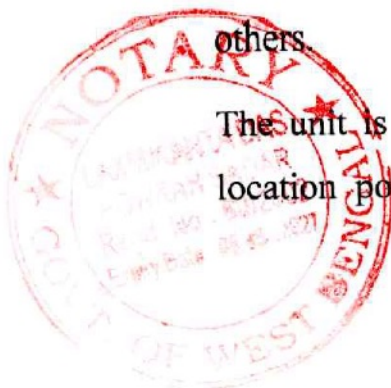
HUMBLE APPLICATION SUBMITTED BY THE
APPLICANT ABOVENAMED

The Applicant is an Advocate by profession and has been working, amongst others, for the protection of the environment and water bodies in the state of West Bengal.

The instant Application has been filed by the Applicant against illegal operation of a food factory/food processing unit in the name of M/s. R. K. Associates & Hoteliers Private Limited engaged in processing fruits and vegetables into cooked food packets for supplying to railways for consumption by railway passengers in various running trains.

Presently the unit is (i) operating without any Consent to Operate from WBPCB, (ii) having an invalid Consent to Establish, (iii) not having adequate fire safety equipment/measures, (iv) not possessing any Effluent Treatment Plant (ETP), (v) not having chimney with adequate stack height, (vi) dumping refuse in its vicinity, (vii) operating as a factory in a residential building that too without obtaining licence under the Factories Act, 1948 (viii) causing traffic congestion due to lack of parking facility, (ix) storing vegetables, food trays on public pavement, amongst others

The unit is also operating in violation of the industrial siting / location policy of West Bengal Pollution Control Board. The

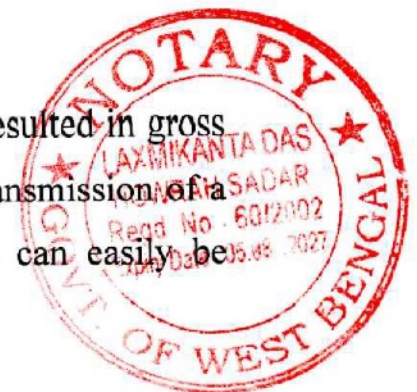


Respondent No. 8 herein, being the project proponent is running its unit not just by polluting the environment but also by putting lives of numerous residents of the impugned residential building and residents of the area including your Applicant.

The Applicant lodged a complaint against pollution and flouting of environmental norms by the abovenamed factory unit vide email dated 25.04.2023, and the West Bengal Pollution Control Board upon a hearing and site inspection was, inter alia, pleased to direct the unit on 11.12.2023 not to operate till it installs effluent treatment plant and obtains Consent to Establish and Consent to Operate from the WBPCB. The Inspector-in-Charge, Howrah Police Station was given the responsibility of ensuring compliance of the said order. However, in spite of the order the unit continued operations and is operating rampantly till date thereby setting example of encouraging others to flout such norms at their whims and will.

It is submitted that the present Application has been made seeking for closure order by the WBPCB, and calculation and imposition of hefty environmental compensation upon the polluters/perpetrators, and a direction for carrying out remedial measures for recovering damages already caused to the environment and the area. Operation of a food factory/food processing unit without necessary pollution abatement system in violation of the industrial siting policy are glaring examples of continuous violation of environmental laws.

Sheer failure of the Respondent Authorities has resulted in gross violation of environmental and other laws and transmission of a message how environmental norms in the state can easily be



flouted particularly in the city of Howrah infamous as the “Dirtiest City of India”. In spite of directions by the West Bengal Pollution Control Board and complaints to the authorities, no effective steps were taken by the Respondent Authorities, and finding no alternative the Applicant was compelled to approach this Hon’ble Tribunal for justice.

List of Dates

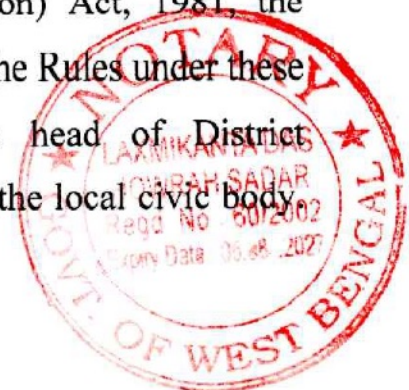
25/04/2023	Complaint vide email lodged with the Chairman, West Bengal Pollution Control Board, and the Member Secretary, West Bengal Pollution Control Board.
18/08/2023	The Applicant made an Application u/s 6 of the RTI Act, 2005 with the SPIO, WBPCB.
19/09/2023	Inspection was conducted by WBPCB at the said unit.
11/12/2023	Directions through Record of Proceedings were issued by the WBPCB.
31/05/2024	The Applicant lodged a complaint with the Inspector-in-Charge, Howrah Police Station.
24/06/2024	The Applicant lodged a complaint with the Deputy Director, West Bengal Fire & Emergency Services, Howrah Divisional Office.
31/12/2024	Complaint vide email lodged with (i) the Chairman, West Bengal Pollution Control Board, (ii) the Member Secretary, West Bengal Pollution Control Board, (iii) the Commissioner, Howrah Municipal Corporation, (iv) the Deputy Director, West Bengal Fire & Emergency Services, Howrah Divisional Office, and (v) the Inspector-in-Charge, Howrah Police Station.



FACTS IN BRIEF

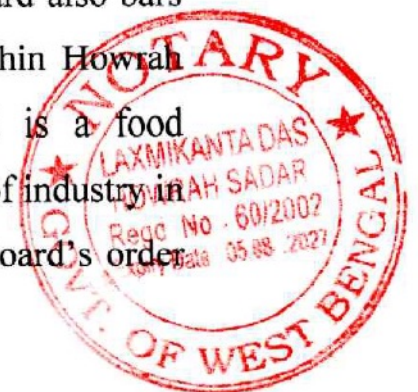
MOST RESPECTFULLY SHEWETH :

1. That the Applicant is an Advocate by profession. The Applicant is working for the protection of the environment and water bodies and protection of the right to a clean environment for every citizen guaranteed under Article 21 of the Constitution of India, 1950 and in discharge of his duty under Article 51A he has raised his voice in past against many other illegalities throughout State of West Bengal, particularly against air pollution, filling of water bodies, pollution by fish markets, conversion of the cities into concrete jungles, pollution by industrial complexes, pollution of river Hooghly, devastation of East Kolkata Wetlands, pollution by Kolkata Leather Complex, devastation of Dankuni Wetlands, pollution by crematoriums, etc. The Applicant is filing the instant application under Section 14 and 15 read with section 18 of the National Green Tribunal Act, 2010. The Applicant is filing the instant Application under Section 14 and 15 read with section 18 of the National Green Tribunal Act, 2010.
2. That the Respondent no. 1 is the State of West Bengal. The Respondent no. 2 herein is responsible for preservation of environment and ecology in State. The Respondent no. 3 herein is the regulatory authority for implementation of the Water (Prevention and Control of Pollution) Act, 1974, the Air (Prevention and Control of Pollution) Act, 1981, the Environment (Protection) Act, 1986 and the Rules under these Acts. The Respondent no. 4 is the head of District Administration. The Respondent no. 5 is the local civic body



The Respondent no. 6 is the authority which grants Fire Safety Recommendations and takes actions against violation of West Bengal Fire Services Act, 1950 and rules made thereunder by units located in Howrah city area. The Respondent no. 7 is the local police station. The Respondent no. 8 is the project proponent/unit owner.

3. That the Respondent No. 8 i.e. M/s. R. K. Associates & Hoteliers Private Limited is running its food factory/food processing unit in the name and style of "Rail Ahar/IRCTC Base Kitchen" without having valid Consent to Operate from the WBPCB and in violation of the industrial siting / location policy in West Bengal, amongst others.
4. That the Applicant is filing this Application against illegal operation of the industrial unit of M/s. R. K. Associates & Hoteliers Private Limited located on the ground floor of H.M.C. holding no. 41/1, Dr. P. K. Banerjee Road, P.S. & District - Howrah, PIN - 711101 (hereinafter for the sake of brevity referred to as the 'said unit') violating the industrial siting / location policy in West Bengal, and other environmental norms and laws. The said unit is discharging industrial effluents into municipal drain, dumping refuse in its vicinity in gross violation of environmental laws and norms.
5. That the industrial siting / location policy in West Bengal issued by the West Bengal Pollution Control Board also bars setting up of any Orange Category industry within Howrah Municipal Corporation area. The subject unit is a food processing unit and falls under Orange Category of industry in serial no. 7 of West Bengal Pollution Control Board's order



dated 14.06.2022 under the heading - Food and food processing including fruits and vegetable processing.

A copy of the industrial siting / location policy in West Bengal issued by the West Bengal Pollution Control Board is annexed herewith and marked by the letter and figure 'P-1'.

6. That the area surrounding the said unit is a densely populated residential area without much greenery. For excessive pollution due to the said factory/unit the environment around the unit is under threat.
7. That the said unit is situated at a stone throw distance from the home of the Applicant. The Applicant lodged a complaint on 25.04.2023 with the West Bengal Pollution Control Board, inter alia, reporting to them about gross pollution by the said unit and requested to cause an inspection at site and take stern actions against the polluter.

A photocopy of the said complaint is annexed herewith and marked by the letter and figure 'P-2'.

8. That the Applicant vide letter dated 18.08.2023 made an application under section 6 of the Right to Information Act, 2005 before the SPIO, West Bengal Pollution Control Board, inter alia, requesting to provide the (i) Action taken report in connection with the Applicant's complaint dated 25.04.2023, (ii) inspection report in connection with the complaint, (iii) details of Consent to Establish and Consent to Operate of the said unit, (iv) details of Effluent Treatment Plant installed at the said unit, and (v) details of solid waste management by the said unit.



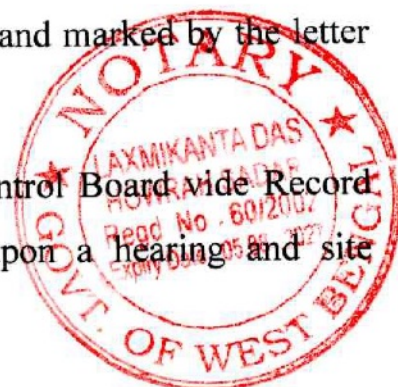
A photocopy of the said Application is annexed herewith and marked by the letter and figure 'P-3'.

9. That the Applicant on 01.12.2023 received information in connection with the RTI Application. The memo of the SPIO, West Bengal Pollution Control Board was purported only to forward a copy of the inspection report of the Environmental Engineer & In-Charge as countersigned by the Assistant Environmental Engineer. It is gathered from the said inspection report dated 19.09.2023 that the subject unit has no (i) Consent to Establish and (ii) Consent to Operate, nor there was any Effluent Treatment Plant, etc. and/or proper solid waste disposal mechanism.

Most alarming part of the purported inspection report was that its signatories themselves are confused if the unit falls under Green or Orange Category. The fact of operating the unit in two shifts of 04 hours and 12 hours thereby canvassing that the unit does not operate round the clock is recorded only on the basis of verbal information derived from the paid representative of the unit. The inspecting staff of the Board neither has gathered any personal knowledge nor they inclined to indicate that they made any enquiry whatsoever from the densely populated area to ascertain the truth as regard hours of operation of the unit.

A photocopy of the said reply of the SPIO, WBPCB and the said report are annexed herewith and marked by the letter and figure 'P-4'.

10. That the West Bengal Pollution Control Board wide Record of Proceedings dated 11.12.2023 upon a hearing and site



inspection was, inter alia, pleased to direct the unit to carry out manufacturing activity only after obtaining Consent to Operate from the WBPCB and after taking pollution control measures viz. adequate effluent treatment measures and proper disposal of solid wastes. Seeking of any comment from the Chief Inspector of Factories, West Bengal was, however, dispensed with. The Inspector-in-Charge, Howrah Police Station was given the responsibility to ensure compliance of the said order. However, in spite of the order the unit continued operations.

A photocopy of the said Record of Proceedings is annexed herewith and marked by the letter and figure 'P-5'.

11. That the Petitioner lodged a complaint with the Inspector-in-Charge, Howrah Police Station vide letter dated 31.05.2024 against overruling / flouting the said solemn order of WBPCB. No steps were, however, taken. The unit, thereafter, started operating secretly inside a closed shutter to camouflage that the unit is closed, maybe, after the police passed on the information to the polluters/violators.

A photocopy of the said complaint is annexed herewith and marked by the letter and figure 'P-6'

12. That the Applicant lodged the other complaint with the Deputy Director, West Bengal Fire & Emergency Services, Howrah Divisional Office vide letter dated 24.06.2024 against violation of fire safety norms by the unit.

A photocopy of the said complaint is annexed herewith and marked by the letter and figure 'P-7'



13. That again since December, 2024 the unit started its operations conspicuously in full swing and is stacking vegetables and food trays at the pavement. Loading and unloading food parcels on and from their trucks in busy office hours has been resulting in traffic congestion in the narrow road. Effluents and waste are dumped in the municipal drain running along Dr. P. K. Banerjee Road. The unit has stored numerous gas cylinders openly outside its building posing a serious threat to the passerby along Dr. P. K. Banerjee Road including the Applicant.

Some photographs of the unit are attached herewith and collectively marked by the letter and figure 'P-8'.

14. That the Applicant further gathered information from the website of WBPCB that the unit has obtained Consent to Establish under Green Category on 25.09.2024 by making a false declaration in their application that it falls under 'Industry Type' - Hotels (up to 20 rooms and without boilers). However, in reality the unit is a food processing unit engaged in processing fruits and vegetables into cooked food for supplying to railways for consumption by railway passengers in various running trains. The unit is not at all a hotel or restaurant as exempted under Factories Act, 1948. It is purely a food processing unit falling under the scope of Factories Act, 1948 though without a license thereunder and falls under serial no. 7 of the Orange Category of Consent mechanism of the WBPCB. The Applicant lodged another complaint with the WBPCB vide email dated 31.12.2024.

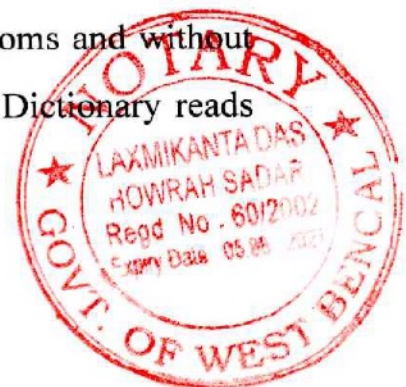
Photocopy of the said Consent and email are annexed herewith and collectively marked by letter and figure 'P-9'.



15. The following are the list of violations amongst others :

- i. The unit is carrying its manufacturing activities by flouting orders of the WBPCB vide Record of Proceedings dated 11.12.2023 ;
- ii. The unit is operating without any Consent to Operate from WBPCB ;
- iii. The unit is possessing an invalid Consent to Establish ;
- iv. The unit is not having adequate fire safety measures
- v. The unit has not installed any effluent treatment plant ;
- vi. The unit does not have chimney with adequate stack height ;
- vii. The unit dumps refuse in its vicinity ;
- viii. The unit is a factory yet carrying its manufacturing activities in a residential building that too without obtaining licence under the Factories Act, 1948 ;
- ix. The unit is causing traffic congestion due to lack of parking facility ;
- x. The unit stores/stacks vegetables, food trays on public pavement.

16. That it is also very alarming how WBPCB granted consent to establish in the category - Hotels upto 20 rooms and without boilers. The definition of Hotel in Oxford's Dictionary reads as under :



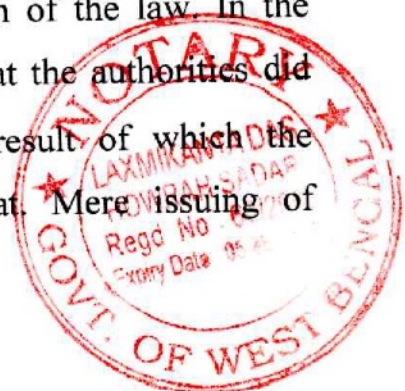
Hotel – an establishment providing accommodation and meals for travellers and tourists.

17. That it is clear from the inspection report of the WBPCB that the unit is not a hotel nor a restaurant. Hence, the act of WBPCB in granting Consent to the said unit under the heading - Hotels upto 20 rooms and without boilers canvasses their hand in gloves approach with the flouters of environmental laws.
18. That a hotel is a place where people stay for a short while and may or may not consume meals thereat. Similarly, a restaurant is a place where people come and have meals not necessarily with short or long stay. But the subject unit is not a restaurant because no one comes there to eat or sit or to eat food thereat nor it is a hotel because it does not have any rooms to accommodate any tourists. It is clearly a food processing unit. Food processing unit is a type of unit wherein raw food viz. rice, wheat, grains, etc. and fruits are processed to make ready to eat food.
19. The Private Respondent by obtaining consent under the wrong category and by flouting directions of the WBPCB is showing thumb to the rule of law thereby committed offence under the Water (Prevention & Control of Pollution) Act, 1974 and the Air (Prevention & Control of Pollution) Act, 1981 and the Environment Protection Act, 1986, amongst others.
20. That the said unit is not just causing gross pollution by operating its unit without complying with environmental norms and laws but also is setting glaring example for others



to flout environmental norms by showing its high handed behaviour towards the West Bengal Pollution Control Board.

21. That the unit owner is desperately carrying their polluting industrial activities by showing thumb to the rule of law.
22. That not just the unit is flouting environmental norms and laws but also the unit is candidly flouting other laws and putting the lives of the dwellers of the impugned building and its surrounding buildings in serious risk since the unit is stacking numerous commercial gas cylinders outside the building hazardously and is operating without necessary fire safety equipment in a 7 storied 40 years old (approx.) residential building.
23. That the inspection report and directions of West Bengal Pollution Control Board reveal how the unit is flamboyantly flouting environmental norms and laws as if they are above the law.
24. It appears that such daylight flouting of environmental norms and laws is now a days order of the day in West Bengal for statutory authorities like the state pollution control board ordinarily chuses to sit tight in enforcing their own orders until receiving directions from the Hon'ble Judiciary.
25. Your Applicant states that the Statutory Authorities who are entrusted with the duty to prevent pollution must monitor and take actions where they find any breach of the law. In the present case, however, it is observed that the authorities did not take any stern legal steps as a result of which the environment is being plundered thereat. Mere issuing of

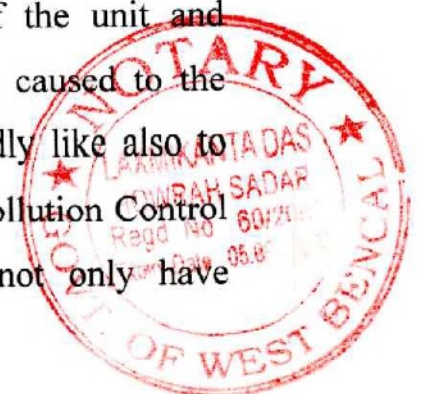


directions is not enough but authorities must take steps to enforce such directions. Your Applicant wonders that there is barely any seriousness of the statutory authorities in the state in protecting the environment.

26. Your Applicant states that operation of a food processing unit without possessing necessary pollution abatement system and fire safety measures in violation of the siting policy/location policy is serious violation of environmental norms and laws. The authorities ought to have issued a closure order with disconnection of electricity against the unit as well as initiated stern legal actions. The authorities however, instead, kept their hands stayed from the matter and instead extended undue favour to the unit by granting Consent to Establish under the wrong category.
27. Your Applicant states that such illegal practice of the West Bengal Pollution Control Board conveys a wrong message to the society. Issuing Consent to Establish under the wrong category in spite of the fact that the unit is an offender.
28. That it is quite unclear what stops the Department of Environment, Government of West Bengal and West Bengal Pollution Control Board from implementing environmental norms and taking stern and effective actions against wilful and desperate violators of such norms. If the Department of Environment, Government of West Bengal and West Bengal Pollution Control Board will continue to show a lackadaisical approach towards acting on complaints by common citizens of the state and enforcing their own orders the environment will be devastated.



29. That the Department of Environment, Government of West Bengal and West Bengal Pollution Control Board ought to have been more active out of their own volition in stopping such gross violation of the environmental norms and laws.
30. That industrialisation is essential for the development of a state. Industries contributes immensely towards the society by generating employment and supporting the economy. However, by doing so they do not get any immunity to devastate the environment and flout laws of the country at their whims and wishes. Industrial activities must be carried on with a sense of responsibility towards the environment and by complying with all applicable laws for maintaining ecological balance and complying with the concept of sustainable development.
31. That without taking necessary pollution abatement measures no industry should be allowed to operate.
32. Appropriate directions of varied dimensions and of serious consequences in accordance with the law are required to be passed by this Hon'ble Tribunal to protect the environment from devastation due to the illegal operation of the unit of M/s. R. K. Associates & Hoteliers Private Limited at H.M.C. holding no. 41/1, Dr. P. K. Banerjee Road, P.S. & District - Howrah, PIN - 711101 and such other or further orders to penalize the polluters, permanent closure of the unit and remedial measures for restoring the damages caused to the environment. The Hon'ble Tribunal may kindly like also to issue stern directions upon the West Bengal Pollution Control Board i.e. Respondent no. 3 herein who not only have

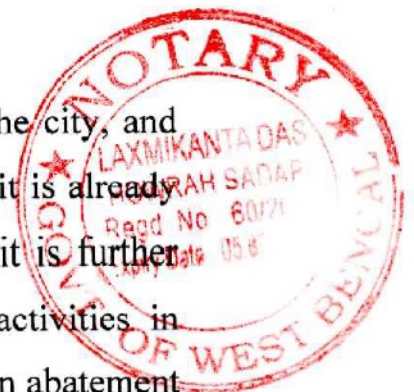


neglected and failed to protect the environment of the state but also encouraged the flouters of laws by way of their conspicuous mal action.

33. It can hardly be disputed that a major part of the State of West Bengal is eco-sensitive and geologically fragile. Indiscriminate, illegal industrial activities in guise of economic development will be opposed to the geographical and ecological characteristics of the State. Such industrial activities would be completely opposed to the expected norms of 'Sustainable Development' which finds a statutory expression in the provisions of Section 20 of the National Green Tribunal Act, 2010. Every industrial activity has to be carried on keeping in mind the limitation expressed by nature, by the law, and environmental and ecological status of that area.

34. It is submitted that the conducts of the Respondent Authorities are contrary to every environmental legislation and principles of environmental protection. In spite of issuing directions and getting knowledge about further damages being done to the environment due to illegal operation of the industrial unit of M/s. R. K. Associates & Hoteliers Private Limited the authorities chose to sit tight over the issue for their own reasons.

35. It is submitted that due to the rapid growth of the city, and population explosion, the area around the said unit is already getting polluted. Illegal operation of the said unit is further aggravating the situation. Excessive industrial activities in violation of the siting criteria and without pollution abatement



systems is causing huge damage to the environment. Rampant discharge of effluents and other waste into municipal drain is further deteriorating the environment.

36. It is submitted that the Respondent Authorities have turned a blind eye to the illegal polluting industrial activities of the private respondent and flouting of the environmental norms in the said area for their own reasons.
37. It is submitted that despite complaints no stern and effective actions were taken by the Respondent Authorities and the said unit is still running its industrial activities by polluting the environment and flouting environmental norms and laws continuously. The Respondent Authorities have miserably failed in performance of their duties.
38. It is submitted that the detrimental effects of violation of the industrial siting policy, amongst others, is a grave concern which needs no elaboration.
39. The Respondents are in violation of several environmental laws and norms in so far as the manner in which the industrial activities of M/s. R. K. Associates & Hoteliers Private Limited at H.M.C. holding no. 41/1, Dr. P. K. Banerjee Road, P.S. & District - Howrah, PIN - 711101 are concerned.
40. That the Applicant having felt it necessary to protect the environment, ecology of the area which is being polluted due to the industrial activities of the Private Respondent, your Applicant begs to move the present application on the following amongst other grounds :



GROUNDS

A. For that the Respondent No. 8 is knowingly devastating the ecology of the area by way of running their polluting industrial unit being M/s. R. K. Associates & Hoteliers Private Limited at H.M.C. holding no. 41/1, Dr. P. K. Banerjee Road, P.S. & District - Howrah, PIN – 711101 without taking necessary pollution abatement measures.

B. For that the Applicant has enough evidence to prove the desperate violation of environmental norms and laws by the Private Respondent.

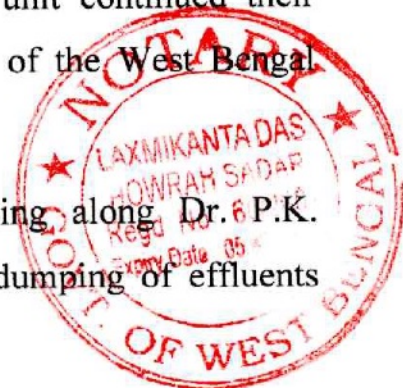
C. For that the Applicant has evidence to prove that the industrial activities are being carried on in violation of the industrial siting policy.

D. For that the Applicant has evidence to prove that the WBPCB granted consent under the wrong category and extended undue favour to the erring unit.

E. For that the Applicant has drawn the attention of the concerned government authorities on several occasions vide email and letters to awaken their conscience which are enclosed for kind consideration of this Hon'ble Tribunal.

F. For that the West Bengal Pollution Control Board issued directions against the said unit. Yet, the unit continued their illegal activities by flouting the directions of the West Bengal Pollution Control Board.

G. For that the municipal drain running along Dr. P.K. Banerjee Road is getting clogged due to dumping of effluents and wastes by the said unit.



H. For that Respondent Authorities ought to have taken stern effective legal actions against the perpetrators carrying on industrial activities without having necessary pollution abatement system.

I. For that the Respondent Authorities have a duty under the law to ensure that the environment is not being polluted by industrial units.

J. For that the failure of the Respondent Authorities to perform their duties has resulted in the present predicament and violation of several environmental laws.

K. For that the Respondent Authorities ought to have considered that operation of a orange category industry in a densely populated city area is against the industrial siting policy.

L. For that the Respondent Authorities ought to have taken stern lawful steps for permanent closure of the manufacturing unit of M/s. R. K. Associates & Hoteliers Private Limited at H.M.C. holding no. 41/1, Dr. P. K. Banerjee Road, P.S. & District - Howrah, PIN - 711101 commissioned illegally.

M. For that the Respondent Authorities ought to have been more vigilant in monitoring the activities in and around city area, and not sitting tight even after receiving information of violations.

N. For that the failure of the respondents is violative of several environmental laws. It is also against the concept of sustainable development.



O. For that section 18 (1) read with section 14 & 15 of the National Green Tribunal Act, 2010, the Hon'ble Tribunal has ample jurisdiction to adjudicate this matter.

P. For that under section 18(2) of the National Green Tribunal Act, 2010, your Applicant is competent to file this Application before this Hon'ble Tribunal.

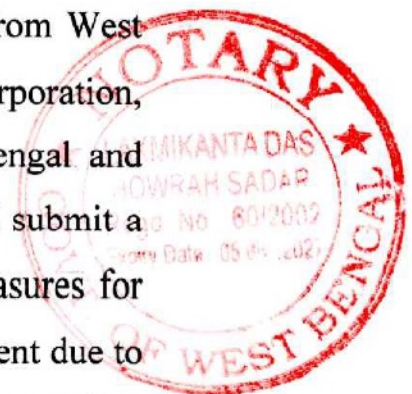
LIMITATION:

The Applicant declares that as per the National Green Tribunal Act 2010 this Application is well within the prescribed time. The first cause of action arose on 25.04.2023 when the Applicant noticed pollution by the impugned industrial unit and since then there is recurring cause of action. The last cause of action arose on 25.09.2024 when the WBPCB granted Consent to Establish illegally under the wrong category and the unit expanded its operations. There is continuous and recurring cause of action since the unit is running illegally without having necessary pollution abatement systems.

INTERIM RELIEF :

Pending disposal of the Application, the Applicant prays that this Hon'ble Tribunal be pleased to :

A. Constitute a committee comprising of officials from West Bengal Pollution Control Board, Howrah Municipal Corporation, Department of Environment, Government of West Bengal and the District Administration to visit the subject unit and submit a report before this Hon'ble Tribunal with remedial measures for recovering the damages already caused to the environment due to violation of environmental norms and laws by the subject unit at



H.M.C. holding no. 41/1, Dr. P. K. Banerjee Road, P.S. & District - Howrah, PIN – 711101 ;

B. Direct the Private Respondent i.e. Respondent no. 8 to immediately stop all activities at H.M.C. holding no. 41/1, Dr. P. K. Banerjee Road, P.S. & District - Howrah, PIN - 711101 ;

C. Direct West Bengal Pollution Control Board i.e. Respondent no. 3 herein to issue a Closure Order along with disconnection of electricity against the industrial unit of M/s. R. K. Associates & Hoteliers Private Limited located at H.M.C. holding no. 41/1, Dr. P. K. Banerjee Road, P.S. & District - Howrah, PIN - 711101 ;

And pass any such further order or orders as this Hon'ble Tribunal may deem fit and proper upon considering the facts and circumstances of the case.

PRAYER

For the reasons stated above, it is humbly prayed that this Hon'ble Tribunal may be pleased to :

A. Admit the Application and issue notice upon the Respondents ;

B. Constitute a committee comprising of officials from West Bengal Pollution Control Board, Howrah Municipal Corporation, Department of Environment, Government of West Bengal, and the District Administration to visit the site in question and submit a report before this Hon'ble Tribunal ;

C. Direct the West Bengal Pollution Control Board to issue a permanent closure order against the unit which has been illegally

commissioned in a residential building without having pollution abatement systems and in violation of the siting policy ;

D. Direct West Bengal Pollution Control Board to calculate environmental compensation applicable to the erring unit, and impose such environmental compensation upon the Respondent no. 8 and ensure proper utilisation of such environmental compensation, and direct the unit to dredge/clean the municipal drain located at Dr. P. K. Banerjee Road ;

E. Direct the Respondent Authorities to submit report on remedial measures for recovering the damages already caused to the environment due to illegal operation of the industrial unit of M/s. R. K. Associates & Hoteliers Private Limited at H.M.C. holding no. 41/1, Dr. P. K. Banerjee Road, P.S. & District - Howrah, PIN – 711101 ;

F. Impose exemplary penalty upon the perpetrators in regards to the concept of “Polluter pays Principle” ;

G. Pass necessary strictures against all Respondent Authorities who kept their eyes blind in spite of being aware and being repeatedly informed about serious violation of environmental norms and laws by M/s. R. K. Associates & Hoteliers Private Limited at H.M.C. holding no. 41/1, Dr. P. K. Banerjee Road, P.S. & District - Howrah, PIN – 711101 ;

H. Direct the Respondent Authorities to take all steps to ensure that the ecology of the impugned area is restored ;

And pass any such further order or orders as this Hon’ble Tribunal may deem fit proper and necessary upon considering the facts and circumstances of the case.

VERIFICATION

I, Ankur Sharma son of Shri Ambooj Sharma, aged about 27 years, residing at 13/3, Dr. P. K. Banerjee Road, P. S. & District – Howrah, West Bengal, PIN – 711101 state that I am the Applicant of this Application. I do hereby verify the contents of paragraphs no. 1 to 14 and the rest are true to the best of my knowledge, and are my humble prayers before your Lordship and I have not suppressed any material facts herein.

Date : 17/02/2025

Ankur Sharma

Place : Howrah

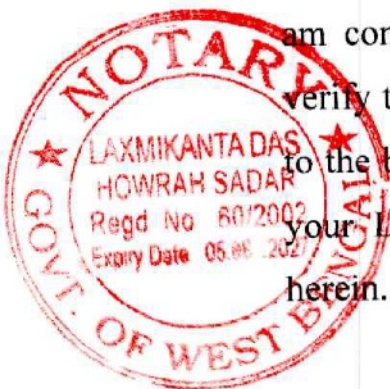
Applicant

Before the Notary Public
Howrah

AFFIDAVIT

SL. NO. K/FEB/267/25

I, Ankur Sharma son of Shri Ambooj Sharma, aged about 27 years, residing at 13/3, Dr. P. K. Banerjee Road, P. S. & District – Howrah, West Bengal, PIN – 711101 state that I am the Applicant of this Application and I am well conversant with the facts and circumstances of the instant Original Application and I am competent to swear and affirm this Affidavit. I do hereby verify the contents of paragraphs no. 1 to 14 and the rest are true to the best of my knowledge, and are my humble prayers before your Lordship and I have not suppressed any material facts herein.



Date : 17/02/2025

Place : Howrah

Applicant

SOLEMNLY AFFIRMED AND DECLARED BEFORE ME BY THE DEponent ON IDENTIFICATION OF ADVOCATE

Place Judgery Court
Howrah 711101
W.B. India

LAXMIKANTA DAS
NOTARY HOWRAH
Govt of West Bengal

Identified by
Ajay Kankaria
F/498/371/2021

17 FEB 2025

Industrial Siting / Locational Policy in West Bengal

A. Red category industries

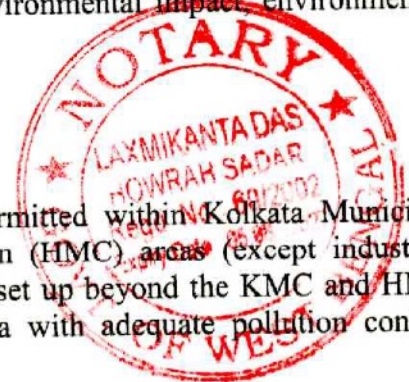
- (a) Setting up of any Red category industry is not permitted within municipal areas of Kolkata Metropolitan Area (KMA) and within municipal areas of Burdwan district except Jamuria Industrial Estate. These can however be set up beyond the municipal areas of KMA and Burdwan district with adequate pollution abatement system subject to site clearance by local authority.
- (b) However, for Red category industry / industrial activity in following serial nos., the consideration for siting within municipal areas of KMA and municipal areas of Burdwan district is location specific and will be decided by the Board.

Sl. No.	Industry / Activity Type
RED 1	Isolated storage of hazardous chemicals (as per schedule of manufacturing, storage of hazardous chemicals rules, 1989 as amended)
RED 2	Only heavy engineering including ship building (with investment on plant and machinery > 10 crores)
RED 5	DG Set of capacity > 5 MVA
RED 9	Power generation plants (applicable only for Waste to Energy plants)
RED 23	Airports and Commercial Air Strips (for airports having waste water generation > 100 KLD.)
RED 30	Health-care establishment (as defined in BMW Rules) for waste water generation > 100 KLD or with incinerator or both
RED 31	Hotels (3 star and above) and hotels having ≥ 100 rooms or waste-water generation ≥ 100 KLD
RED 39	Railway locomotive work shop / Integrated road transport workshop / service centers having waste-water generation ≥ 100 KLD
RED 42	Ship breaking activities
RED 43	Oil and gas extraction including CBM (offshore & on-shore extraction through drilling wells)
RED 46	Ports and harbour, jetties and dredging operations
RED 62	Common treatment and disposal facilities (CETP, effluent conveyance project, incinerator, MSW sanitary landfill site, STP only)
RED 64	Industrial estates / parks / complexes / areas / export processing zones / SEZs / biotech parks (for Red Category member industries and only activities which do not attract siting restrictions)

- (c) Diversification / modification / modernization / expansion of existing Red Category industry situated within the municipal boundaries of KMA is allowed on a case to case basis considering the location of industry, type of activity, environmental impact, environmental pollution management proposal for such activity.

Orange category industries

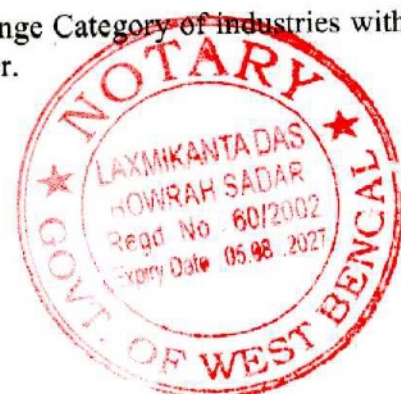
- (a) Setting up of any Orange category industry is not permitted within Kolkata Municipal Corporation (KMC) and Howrah Municipal Corporation (HMC) areas (except industrial estates in KMC and HMC area). These can however be set up beyond the KMC and HMC areas and in industrial estates in KMC and HMC area with adequate pollution control measures subject to site clearance by local authority.



- (b) However, for Orange category industry/industrial activity in following serial nos., the consideration for siting within KMC and HMC areas will be location specific and will be decided by the Board.

Sl. No.	Industry / Activity Type
ORANGE 1	Dismantling of rolling stocks (wagons / coaches)
ORANGE 18	Railway locomotive workshops / integrated road transport workshop / Automobile servicing, repairing and painting having waste water generation < 100 KLD) (excluding only fuel dispensing)
ORANGE 21	Building and construction projects >20,000 sq.mtr. built up area (waste water generation <100 KLD)
ORANGE 25	DG set of capacity >1 MVA but <5 MVA
ORANGE 37	Hot mix plants
ORANGE 38	Hotels (< 3 star) or hotels having >20 rooms and < 100 rooms having waste-water generation <100 KLD and >10 KLD, and / or having coal / oil fired boiler / heater / oven etc. [including restaurants with capital investment on land, building, plant and machinery >30 lac]
ORANGE 50	Mechanized laundry using oil fired boiler
ORANGE 51	Modular wooden furniture from particle board, MDF, sawn timber etc., ceiling tiles / partition board from saw dust, wood chips etc. and other agricultural waste using synthetic adhesive resin, wooden box making (with boiler)
ORANGE 52	New highway construction projects
ORANGE 54	Paint blending and mixing (ball mill) [including construction chemicals manufacturing by mixing]
ORANGE 55	Paints and varnishes (mixing and blending)
ORANGE 56	Plyboard manufacturing (including veneer and laminate) with oil fired boiler / thermic fluid heater (without resin plant)
ORANGE 59	Printing press
ORANGE 73	Dry cell battery (excluding manufacturing of electrodes) and assembling and charging of acid lead battery in micro scale
ORANGE 74	Pharmaceutical formulation and related R&D
ORANGE 84	Airports and commercial air strips (waste water generation < 100 KLD)
ORANGE 87	Health-care Establishment (as defined in BMW Rules) for waste water generation ≤100 KLD or with incinerator or both
ORANGE 89	Heavy engineering (investment on plant and machinery ≤10 crore)
ORANGE 90	Waste to Energy plants upto 15 MW capacity
ORANGE 92	Infrastructure development project

- (c) Activity under sl. no. 16 (Almirah, grill manufacturing - dry mechanical process and with painting) is not permitted in municipal areas of West Bengal.
- (d) Activity under 71 (Transformer repairing / manufacturing (dry processing only) is not permitted in congested areas.
- (e) There is no restriction for allowing expansion of Orange Category of industries within KMC and HMC area without prejudice to any existing Order.



C. Green category industries

- (a) Setting up of any Green category industry is permitted in any area of West Bengal with adequate pollution control measures subject to the site clearance by local authority.
- (b) However, for Green category industry / industrial activity in following serial nos., the consideration for siting will be location specific and will be decided by the Board.

Sl. No.	Industry / Activity Type
GREEN 33	Poultry, Hatchery and Piggery
GREEN 41	Rubber goods industry (with oil / gas operated baby boiler \leq 2 TPH steam generation capacity)
GREEN 62	Synthetic detergent formulation (excluding LABSA manufacturing)
GREEN 13	Chilling plant, cold storage and ice making (including only chilling of fish)
GREEN 56	Cutting, sizing and polishing of marble stone
GREEN 58	Flyash export, transport & disposal facilities
GREEN 59	Mineral stack yard / railway sidings

D. White category industries

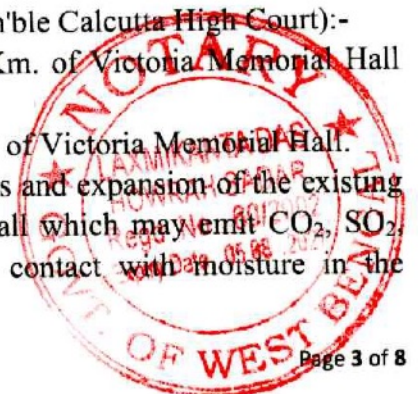
- (a) There is no necessity of obtaining consent for White Category of industries and an intimation to WBPCB is sufficient.
- (b) WHITE 37 (Almirah, grill manufacturing) is not permitted in municipal areas of West Bengal.
- (c) Industry / industrial activity mentioned in the White category is permitted in any area in West Bengal subject to site clearance by local authority.

E. Exempted category industries

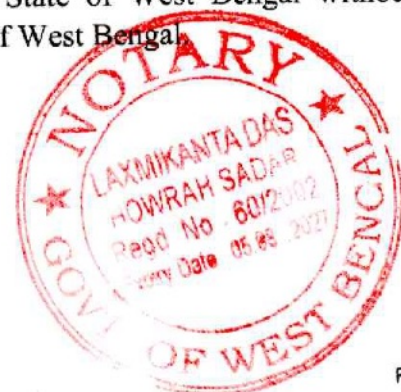
- (a) Industry / industrial activity mentioned in the Exempted category is permitted in any area in West Bengal subject to site clearance by local authority.
- (b) Industry / industrial activity mentioned in the Exempted category need not apply for either 'Consent to Establish' or 'Consent to Operate' from the Board.

F. Special Restrictions

- (a) Specific 60 categories of water intensive industries (Annexure-1) are not permitted in within 10 Km. radius (specified Mouzas mentioned in Annexure-2) around the integrated leather complex at Bantala.
- (b) For area around Victoria Memorial Hall (as per Order of the Hon'ble Calcutta High Court):-
- All hotels and restaurants situated within a radius of 3 Km. of Victoria Memorial Hall shall use cleaner fuels such as LPG.
 - No dry leaf is allowed to be burnt within a radius of 3 Km. of Victoria Memorial Hall.
 - There will be total ban on establishing new industrial units and expansion of the existing industries within 10 Km. from the Victoria Memorial Hall which may emit CO₂, SO₂, NO_x or other gaseous substance which form acids in contact with moisture in the atmosphere.

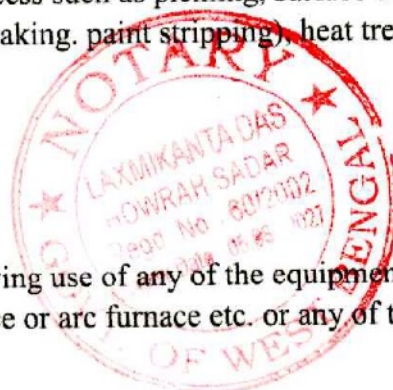


- (c) Green Category industries will be allowed to operate in the premises vacated by tanneries earlier operating at Tiljala, Topsia, Tangra and Pagladanga area within KMC. Consent to Establish and Consent to Operate for such Green category industries will be issued by the Board only.
- (d) For East Kolkata Wetland (declared as a RAMSAR site) area:-
[Order no. S/EN/487/177/08 dated 03.03.2008 of Department of Environment, Govt. of West Bengal read with The East Kolkata Wetlands (Conservation and Management) Act, 2006 published vide No. 404-L dated 31.03.2006]
- (i) Local authority should not issue any license or building plan for any commercial activity without clearance from the East Kolkata Wetland (EKW) Authority.
 - (ii) Land & Land Reforms Department of the concerned area will not issue any certificate for change of character of land without clearance from the EKW Authority.
 - (iii) The occupiers of EKW areas cannot transfer land to any person(s) in any manner through Deed of Sale, or through providing lease or tenancy right, without clearance from the EKW Authority.
 - (iv) The Registration Authority of land or houses in the EKW area shall not allow registration of land, house or pond of EKW area (specified in Annexure-3) without clearance from the EKW Authority (<http://www.ekwma.com>).
 - (v) The occupiers of EKW areas may approach the Member Secretary, EKW Authority for obtaining necessary clearance for transfer of land and EKW Authority will consider such prayer within 2 months from the receipt of such application.
- (e) For Kalyani and Gayeshpur Industrial Estate:-
- (i) Setting up new red category of industries will be allowed in the vacant plots of Block-D of Kalyani Industrial area excepting Plot No. 39. Expansion of existing red category of industries in the area will also be permitted.
 - (ii) Setting up of new red category of industries in the vacant plots and in the premises of closed units in Phase-II of WBIDC of Kalyani Industrial Estate, Block-A will be allowed on a case to case basis considering the environmental pollution load of the proposed unit.
 - (iii) Setting up new red category of industries in the closed industrial premises of Phase-I of WBIDC and/or in Gayeshpur will be allowed on a case to case basis comparing the pollution load of the proposed unit with that of the closed units. Expansion of red category of industries will also be permitted on a case to case basis considering the pollution load of the proposed activity.
- (f) Hotels, restaurants and resorts are not to be developed within a radius of 1 km. of reserve forests area, notified wild life sanctuaries within the State of West Bengal without prior permission of the Department of Tourism, Government of West Bengal.



Annexure-1
List of Industries restricted in Mouzas as mentioned in Annexure-2

1. Distillery including Fermentation industry
2. Sugar (excluding khandsari)
3. Fertiliser (Basic) (excluding formulation)
4. Pulp & Paper (paper manufacturing with or without pulping)
5. Basic Drugs & Pharmaceuticals (excluding formulation)
6. Chlor - alkali
7. Dyes and Dye-intermediates
8. Pesticides (excluding formulation)
9. Oil refinery (Mineral oil or Petro refineries)
10. Tanneries
11. Petrochemicals (Manufacture of and not merely use of as raw material)
12. Cement
13. Thermal power plants
14. Iron and Steel (Involving processing from ore / scrap / integrated steel plants)
15. Zinc smelter
16. Copper smelter
17. Aluminium smelter
18. Synthetic rubber
19. Rubber goods industry (with boiler)
20. Ferrous & Non - ferrous metal extraction (different furnaces & smelting), refining, casting, forging, alloy making etc.
21. Paints and varnishes (excluding units with only blending / mixing)
22. Pigments and intermediates
23. Lubricating oils, greases or petroleum - based products (excluding blending at normal temperature)
24. Synthetic & natural fibre including rayon, tyre cord, polyester filament yarn & raw woolen, raw silk
25. Synthetic detergent (excluding formulation) and soap (with steam boiling)
26. Chemical, petrochemical and electrochemicals, manufacture (including distillation) of acids such as Sulphuric Acid, Nitric Acid, Phosphoric Acid etc.
27. Industrial or inorganic gases
28. Chlorates, perchlorates and peroxides
29. Glue and gelatine
30. Integrated textile mills (processing involving scouring, bleaching, dyeing, printing or any effluent / emission generating process)
31. Vegetable oils processing including solvent extracted oils, hydro-genated oils.
32. Industry or process involving metal treatment or process such as pickling, surface coating (excluding spray, manual brush, dip painting, paint baking, paint stripping), heat treatment (only cyaniding), phosphating or finishing etc.
33. Electroplating operations
34. Galvanizing operations
35. Asbestos and asbestos-based industries
36. Slaughter houses and meat processing units
37. Steel and steel products including coke plants involving use of any of the equipment such as blast furnaces, open hearth furnace, induction furnace or arc furnace etc. or any of the



- operations or processes such as heat treatment, acid pickling, rolling or galvanizing etc.
38. Power generating plants (excluding D.G. Sets)
 39. Lime manufacturing
 40. Phosphate rock processing plants
 41. Coke making, coal liquefaction, coal tar distillation or fuel gas making, coke briquetting (excluding sundrying)
 42. Phosphorous and its compounds
 43. Processes involving chlorinated hydrocarbons
 44. Chlorine, fluorine, bromine, iodine and their compounds
 45. Hydrocyanic acid and its derivatives
 46. Milk processing and dairy products (Integrated Project)
 47. Industry or process involving foundry operations
 48. Rubber chemicals
 49. Electrochemicals
 50. Food and food processing (with more than Rs.20 lac investment on plant and machinery)
 51. Dyeing of fabrics, yarns etc.
 52. Bone Mill
 53. Phenolic products
 54. Radioactive elements
 55. Stone crushing
 56. Rolling mill
 57. Shellac processing
 58. Plyboard manufacturing (with captive resin manufacturing plant)
 59. Acid lead batteries
 60. Lead Smelting



Annexure-2

List of Mouzas within 10 km. radius of Kolkata Leather Complex

Police Station: Bhangore

Sl.No.	J.L.No.	Name of Mouza
1	2	Kochpukurria
2	3	Jotibhim
3	4	Hatgachha
4	5	Nadia
5	6	Oharmatala Pachuria
6	7	Kulberia
7	8	Chanda Kanthalberia
8	9	Hatisala
9	10	Bhagabanpur
10	12	Dakshih Khairpur
11	13	Tarahadia
12	14	Swastayangachhi
13	15	Anantapur
14	17	Uttar Ghazipur
15	18	Uriapara
16	22	Jaynagar
17	23	Naoabad
18	24	Pithapukuria
19	25	Jirancachhi
20	26	Wari
21	27	Beonta
22	28	Paikan
23	29	Chariswar
24	30	Sukpukuria
25	31	Krolbaria
26	32	Karaidanga
27	33	Bhatipota
28	34	Kharamba
29	35	Gangapur
30	36	Andulgari
31	37	Mousal
32	38	Taradah Kapasati
33	39	Narayantala
34	40	Ushpara
35	41	Bairampur

Sl.No.	J.L.No.	Name of Mouza
36	42	Biqhari
37	43	Dakshin Gazipur
38	44	Ghomineghi
39	45	Bamunia
40	46	Kachua
41	47	Uttar Mashikelbaria
42	48	Norgalbeki
43	49	Seduli
44	50	Majherhat
45	51	Uttar Kashipur
46	52	Chandihat
47	56	Bhogati
48	61	Bankachua
49	62	Kantadanga
50	63	Sonpur
51	64	Rampur
52	65	Nimkuria
53	66	Dheati
54	67	Sanpukuria
55	68	Uttar Rajapur
56	69	Chakbaria
57	70	Jawpur
58	71	Chak Maricha
59	72	Maricha
60	73	Serpur
61	74	Narayanpur
62	75	Madhabpur
63	76	Hosaidara
64	77	Taldighi
65	78	Kasiadanga
66	79	Maheshpukuria
67	80	Kasinagar
68	81	Sundia
69	82	Kamarhati
70	83	Dari Madhabpur

Sl.No.	J.L.No.	Name of Mouza
71	84	Amreswar
72	85	Dara
73	86	Padmapuria
74	87	Malancha
75	88	Chak Barali
76	89	Bhangore Raghunathpur
77	90	Panapur
78	91	Uttar Khatalia
79	92	Gobindapur
80	99	Ghatakukur
81	100	Kalikapur
82	101	Nalmuri
83	102	Ranigachhi
84	103	Balipur
85	104	Chak Bhika
86	105	Bazarati
87	106	Bangoda
88	107	Karunarhati
89	108	Dharmatala
90	109	Dakshin Kasipur
91	110	Satbaria
92	114	Jalalabad
93	115	Kasinathpur
94	116	Chandaneswar
95	117	Bausahar
96	118	Chungri
97	119	Sankshar
98	120	Erenda
99	121	Sainhati
100	122	Sangachhi
101	123	Jagulgachhi
102	141	Situri

Police Station: Rajarhat

Sl. No.	J.L. No.	Name of Mouza
1.	18	Mahishbathan
2.	19	Thakdari
3.	20	Mahishgot
4.	23	Ghuni
5.	24	Jatragachhi
6.	25	Kadampukur
7.	32	Mahammadpur
8.	33	Chak Pachuria

Sl. No.	J.L. No.	Name of Mouza
9.	34	Baligori
10.	35	Chhapna
11.	36	Patharghata
12.	37	Bauragari
13.	38	Jhalgachhi
14.	39	Kasinathpur
15.	40	Kalikaour
16.	41	Umarhati

Sl. No.	J.L. No.	Name of Mouza
17.	42	Jamalpara
18.	49	Sikharpur
19.	50	Bazelari
20.	51	Arbelia
21.	52	Bagu
22.	53	Naoabad
23.	54	Hadarait
24.	55	Akandakesri

Police Station: Sonarpur

Sl. No.	J.L. No.	Name of Mouza
1	1	Chak Kolarkhal
2	6	Ranabhutia
3	7	Kantipota
4	8	Bhaqabanpur
5	9	Kharki
6	10	Deara
7	11	Kheadaha
8	12	Khodhati
9	13	Goalapota
10	14	Kumarpukuria
11	15	Tardaha
12	16	Tihuria
13	17	Nayabad

Sl. No.	J.L. No.	Name of Mouza
14	18	Gangajoara
15	19	Dih
16	20	Chandpur
17	21	Khurigachhi
18	23	Ghasiara
19	25	Jagadishpur
20	26	Radhanagar
21	27	Gopalpur
22	28	Araoalch
23	29	Hasanpur
24	41	Kamrabandh
25	91	Samukpota
26	92	Protapnagar

Sl. No.	J.L. No.	Name of Mouza
27	93	Garal
28	94	Metiari
29	95	Kalikapur
30	96	Muragacha
31	97	Natagachhi
32	105	Chakbaria
33	106	Makrampur
34	107	Kustia
35	108	Sangur
36	109	Nabhasan

Station: Kasba

Sl.No.	J.L.No.	Name of Mouza
1	2	Dhapa

Station: Salt Lake

Sl.No.	J.L.No.	Name of Mouza
1	1	Dhapa Manpur



Annexure-3

<i>District</i>	<i>Police Station</i>	<i>Mouza</i>	<i>J.L. No.</i>	<i>Area</i>	<i>Sl.No. as shown in the map in Schedule-II</i>
<i>(1)</i>	<i>(2)</i>	<i>(3)</i>	<i>(4)</i>	<i>(5)</i>	<i>(6)</i>
24-Parganas (South)	Tiljola	Dhapa	2	as specified in Table 1	1
		Chowbaga	3	as specified in Table 2	2
		Bonchtala	4	as specified in Table 3	3
		Dhalenda	8	as specified in Table 4	4
		Paschim Chowbaga	9	as specified in Table 5	5
		Nonadanga	10	as specified in Table 6	36
	Sonarpur	Chak Kolar Khal	1	as specified in Table 7	6
		Karimpur	2	as specified in Table 8	7
		Jagatipota	3	as specified in Table 9	8
		Mukundapur	4	as specified in Table 10	9
		Atghara	5	as specified in Table 11	10
		Ranabhutia	6	as specified in Table 12	11
		Kantipota	7	as specified in Table 13	12
		Bhagabanpur	8	as specified in Table 14	13
		Kharki	9	as specified in Table 15	14
		Deara	10	as specified in Table 16	15
		Kheadaha	11	as specified in Table 17	16
		Khodahati	12	as specified in Table 18	17
		Goalpota	13	as specified in Table 19	18
		Kumapukuria	14	as specified in Table 20	19
		Tardaha	15	as specified in Table 21	20
		Tihuria	16	as specified in Table 22	21
		Nayabad	17	as specified in Table 23	22
		Samukpota	91	as specified in Table 24	23
		Pratapnagar	92	as specified in Table 25	24
		Garal	93	as specified in Table 26	25
	Kolkata Leather Complex	Dakshin Dhapa Manpur	1	as specified in Table 27	34
		Dhapa Manpur (presently Kochpukur)	2	as specified in Table 28	35
		Hatgachha	4	as specified in Table 29	26
		Haldia	5	as specified in Table 30	27
		Dharmatala Pachuria	6	as specified in Table 31	28
		Kulberia	7	as specified in Table 32	29
Beonta		27	as specified in Table 33	30	
Tardaha Kapashati		38	as specified in Table 34	31	
Purba Jadabpur	Kalikapur	20	as specified in Table 35	33	
24-Parganas (North)	South Bidhan Nagar	Dhapa Manpur	1	as specified in Table 36	32
	Rajarhat	Thakdari	19	as specified in Table 37	37

Note: Table 1-37 available at <http://www.ekwma.com>





Ankur Sharma <adv.ankursharma9@gmail.com>

RE : Complaint against pollution and flouting of environmental norms by 'Food Factory' of M/s R. K. Associates (Rail Ahar) at 41/1, Dr. P. K Banerjee Road, P.S. & District - Howrah, PIN - 711101.

Ankur Sharma <adv.ankursharma9@gmail.com>

Tue, Apr 25, 2023 at 12:42 AM

To: chrnmn.wbpcb-wb@bangla.gov.in, ms.wbpcb-wb@bangla.gov.in

The Chairman
West Bengal Pollution Control Board

The Member Secretary
West Bengal Pollution Control Board

Sub: Complaint against pollution and flouting of environmental norms by 'Food Factory' of M/s R. K. Associates (Rail Ahar) at 41/1, Dr. P. K Banerjee Road, P.S. & District - Howrah, PIN - 711101.

Sir,

I am constrained to report to you that the above mentioned 'food factory' is grossly polluting the environment by discharging huge amounts of refuse and effluents in to municipal drain.

The above mentioned unit has camouflaged its unit as a small eatery. However, the project proponent is running a huge 'food factory' in a multi-storied building and indulged in 'manufacture' of food for railway passengers, and produces hundreds of kilograms of cooked food daily to cater railway's needs.

The said unit is being illegally run at the ground floor of a residential building even posing threat to the lives of the dwellers of the said building. I was also unable to find details of any consent to operate granted to the unit on the portal of WBPCB.

Huge volumes of waste and effluents are continuously dumped into municipal drain since the unit does not have any Effluent Treatment Plant (ETP) at site.

Under the circumstances, I fervently request you to cause an inspection at site and take stern actions against the perpetrators who are victimizing the environment for vested interests.

Thanking you,
Yours faithfully,

Ankur Sharma
13/3, Dr. P.K. Banerjee Road
Howrah - 711101
Mob: 9433883322



The Right to Information Act 2005

Application for obtaining information

From

Ankur Sharma

13/3 Dr. P.K Banerjee Road, Howrah, PIN : 711101

To

The State Public Information Officer (under the Right to Information Act, 2005)

West Bengal Pollution Control Board,

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

Bidhannagar, Kolkata, PIN : 700106

SUB: Application under the Right to Information Act, 2005.

Dear State Public Information Officer,

Under Section 6 of The Right to Information Act 2005, I need some information. The details of the information are as follows :

1.Details of the applicant :

Name: Ankur Sharma

Email: adv.ankursharma9@gmail.com

Address: 13/3 Dr. P.K Banerjee Road, Howrah PIN - 711101

Phone: 9433883322

2. Period to which the information relates : Latest

3. Details of Information sought :

Please provide the following information :

- a) Supply me the action taken report on my complaint vide email dated 25.04.2023 addressed to the Chairman, and the Member Secretary, West Bengal Pollution Control Board with the subject "Complaint against pollution and flouting of environmental norms by 'Food Factory' of M/s R. K. Associates (Rail Ahar) at 41/1, Dr. P. K Banerjee Road, P.S. & District - Howrah, PIN - 711101." (a photocopy of the said complaint vide email is attached herewith for ready reference) ;
- b) Provide copy of inspection report in connection with my complaint.



- 38
- c) Provide details of Consent to Establish and Consent to Operate in respect of above mentioned unit ;
 - d) Provide details of Effluent Treatment Plant installed at the above stated unit for treatment of effluents ;
 - e) Provide details of solid waste management by the above stated unit.

4. Application fee details: Enclosed Application Fee of Rs. 10/-

5. Below Items are for your kind information and consideration:

- a. As per section 6(3) of the RTI Act 2005, In case, the requested information is held by another public authority, I request the SPIO to transfer the application or part of it within FIVE days and immediately inform me about such transfer.
- b. As per section 7(3) of the RTI Act 2005, In case, there are further fee required to provide the requested information, I request the SPIO to inform me of the additional fee amount along with the calculations made to arrive at the amount.
- c. As per section 7(8)(iii) and 7(3)(ii) of the RTI Act 2005, I request the SPIO to inform me of the particulars of First Appellate Authority.
- d. I State that the information sought does not fall within the restriction contained in section 8 and 9 of the Act and to the best of my knowledge pertains to your office.

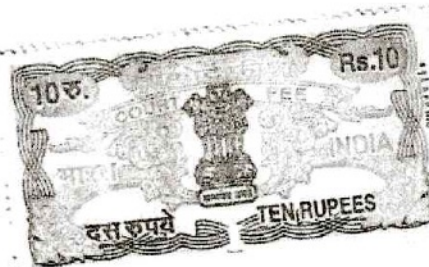
6. Declaration:

I declare that I am a citizen of India

Yours faithfully,



Friday, August 18th, 2023





Ankur Sharma <adv.ankursharma9@gmail.com>

RE : Complaint against pollution and flouting of environmental norms by 'Food Factory' of M/s R. K. Associates (Rail Ahar) at 41/1, Dr. P. K Banerjee Road, P.S. & District - Howrah, PIN - 711101.

Ankur Sharma <adv.ankursharma9@gmail.com>

Tue, Apr 25, 2023 at 12:42 AM

To: chrnmn.wbpcb-wb@bangla.gov.in, ms.wbpcb-wb@bangla.gov.in

The Chairman
West Bengal Pollution Control Board

The Member Secretary
West Bengal Pollution Control Board

Sub: Complaint against pollution and flouting of environmental norms by 'Food Factory' of M/s R. K. Associates (Rail Ahar) at 41/1, Dr. P. K Banerjee Road, P.S. & District - Howrah, PIN - 711101.

Sir,

I am constrained to report to you that the above mentioned 'food factory' is grossly polluting the environment by discharging huge amounts of refuse and effluents in to municipal drain.

The above mentioned unit has camouflaged its unit as a small eatery. However, the project proponent is running a huge 'food factory' in a multi-storied building and indulged in 'manufacture' of food for railway passengers, and produces hundreds of kilograms of cooked food daily to cater railway's needs.

The said unit is being illegally run at the ground floor of a residential building even posing threat to the lives of the dwellers of the said building. I was also unable to find details of any consent to operate granted to the unit on the portal of WBPCB.

Huge volumes of waste and effluents are continuously dumped into municipal drain since the unit does not have any Effluent Treatment Plant (ETP) at site.

Under the circumstances, I fervently request you to cause an inspection at site and take stern actions against the perpetrators who are victimizing the environment for vested interests.

Thanking you,
Yours faithfully,

Ankur Sharma
13/3, Dr. P.K. Banerjee Road
Howrah - 711101
Mob: 9433883322



RTI MATTER : VERY URGENT



Life
Lifestyle for
Environment

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, Fax : 033-2202-3099
Website: www.wbpcb.gov.in, Email: nct.wbpcb-wb@bangla.gov.in

Memo No. : 3020 /IJ-20/2023(Part-IV)

Date: 01 /12/2023

To
Shri Ankur Sharma
13/3, Dr. P. K. Banerjee Road,
Howrah, PIN-711101.

Sub : Information under the "Right to Information Act 2005".

Ref. : RTI Case No.3250.

Sir,

With reference to the above, I am furnishing the relevant answer as sought for.

Sl. No.	Information sought for	Answer
a)	Supply me the action taken report on my complaint vide email dated 25.04.2023 addressed to the Chairman and the Member Secretary, West Bengal Pollution Control Board with the subject "Complaint against pollution and flouting of environmental norms by 'Food Factory' of M/s. R. K. Associates (Rail Ahar) at 41/1, Dr. P.K. Banerjee Road, P.S. & District - Howrah, Pin-711101."	Inspection conducted on 19/09/2023 and sent to P. G. Cell for further action.
b)	Provide copy of inspection report in connection with my complaint;	Inspection report attached
c)	Provide details of Consent to Establish and Consent to Operate in respect of above mentioned unit ;	
d)	Provide details of Effluent Treatment Plant installed at the above stated unit for treatment of effluents;	
e)	Provide details of solid waste management by the above stated unit.	Please see the inspection report

Thanking you,

Yours faithfully,

(ARUP GUHAIT)

Public Relation Officer &
State Public Information Officer
(Under the Right to Information Act 2005)

Encl : As stated.



INSPECTION REPORT

Inspection reference	Complaint lodge by Mr. Ankur Sharma dated 25.04.2023 through email against M/s. R.K Associates (Rail Ahar) regarding creation of severe nuisance due to the operation of a food processing unit & forwarded by Sr. Scientist & In-charge (P&G Cell) dated 09.08.2023.
Name of the unit/site	M/s R.K Associates (Rail Ahar)
Address	41/1, Dr. P.K. Banerjee Road, Ground Floor
P.O. & Pin Code	Howrah & 711101
P.S.	Howrah
Power supply agency	CEBC
Date & Time of inspection	19.09.2023; 16:35 hrs. to 17:05 hrs.
Inspecting officers	Smt. R. Datta, EE & In-Charge Sri BhimTikader, A EE
Persons met during inspection	Sri Jibon Bairagya, Manager of the unit
Industry category	Green/Orange ; depending on gross capital investment on land, building, plant and machinery, if gross capital investment >30 lakhs then orange category and <30 lakhs then Green category.
Status of CFE/CFO	The unit failed to produce Consent to Establish/Operate during inspection.

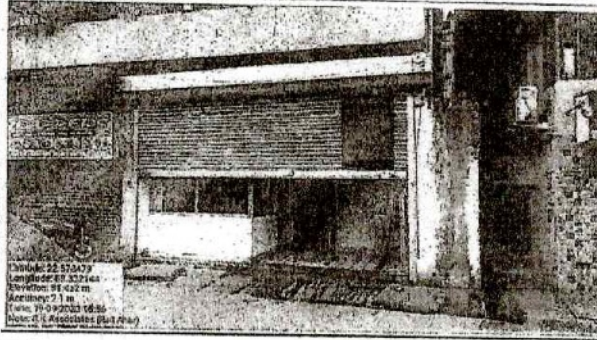
Observation:

- The unit is situated in the ground floor of G+6 storied residential building located in a congested residential cum commercial area. The area of the unit approx 1400 sqft.
- The unit is engaged in preparation of railway passenger's breakfast/snacks items around 1000 nos. of packets per day for Shatabdi/ Vande Bharat Express. The unit is operating in two shifts, first shift starts from 08:00 hrs. to 12:00 hrs. and second shift starts from 18:00 hrs. to 06:00 hrs. as informed during inspection. The unit possesses one kitchen on the ground floor. The kitchen has 07 nos. LPG-fired ovens for preparation of breakfast/snacks items. Ovens are provided with fume collection hood & duct for venting out the fumes (arising out of cooking activities in the kitchen) to the outside. During inspection cooking activity was not going on.
- The unit has no ETP/facilities for treatment of effluent from kitchen/washing of utensils activities, wash basin and floor washing activity. Waste water is directly discharged to municipal drain.
- Solid wastes (food wastes & kitchen wastes etc.) are disposed through HMC vat as reported during inspection.
- The unit is operating from November 2022 as informed during inspection.

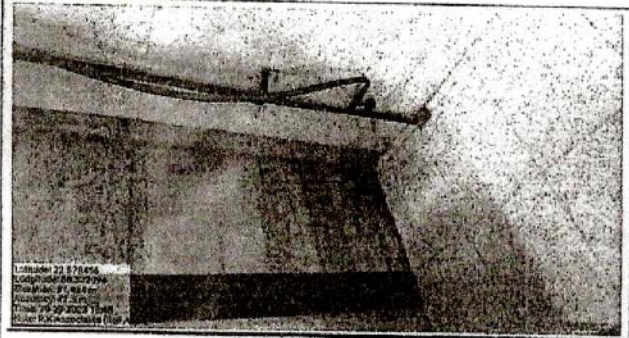


Remarks/recommendation:

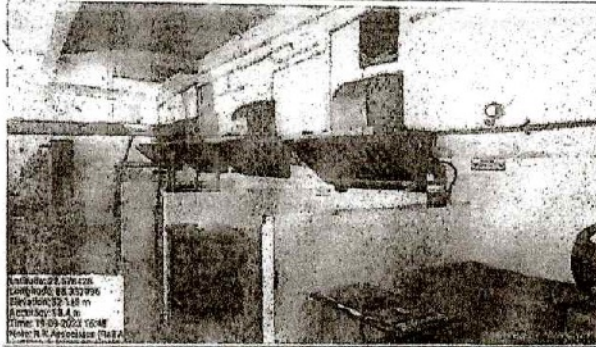
- ❖ The unit should not operate without CFE & CFO of the State Board.
- ❖ ETP/facilities for treatment of effluent from kitchen/washing of utensils activities, wash basin and floor washing activity should be installed.
- ❖ Solid Wastes should be disposed properly with the help of HMC



In front of unit



Waste water discharge point



LPG fired Ovens with fume collection hood & duct for venting out the fumes

B. Das
06/10/2023
(B Tikadar AEE)

R. Datta
06/10/23
(R. Datta, EE & In-Charge)





LIFE
Lifestyle For Environment

WEST BENGAL POLLUTION CONTROL BOARD
(Department of Environment, Govt. of West Bengal)
Mani Square, 8th floor
Block / Space-8IT on Western Side,
164 / 1, Maniktala Main Road, Kolkata-700054.
Ph- 033-2320 0042, Website : www.wbpcb.gov.in
e-mail: net.wbpcb-wb@bangla.gov.in

Memo No. 1374-5L/WPB-2023/R-3442

Dated: 11-12-2023

PUBLIC GRIEVANCE CELL

Complainant (s)	Respondent (s)
Ankur Sharma	M/s R.K. Associates (Rail Ahar)
Date: 24-11-2023	Time: 12:00 PM.

RECORD OF PROCEEDINGS

One, Mr. Ankur Sharma, complainant, appeared in person. None on behalf of the respondent, turned up.

This proceeding has been initiated over a complaint against the preparation of railway passenger's breakfast/snacks items around 1000 nos. of packets per day/respondent unit situated at 41/1, Dr. P.K. Banerjee Road, Ground Floor, P.O. & P.S.: Howrah, Dist: Howrah, Pin: 711101, West Bengal., allegedly causing environmental pollution in the surrounding area during their operations.

Over it, the officials of Howrah Regional Office, WBPCB, being requisitioned, cause an inspection while they met the unit manager. They submitted a report over the issue on 19/09/2023. Excerpts from the inspection report are given below under head of:

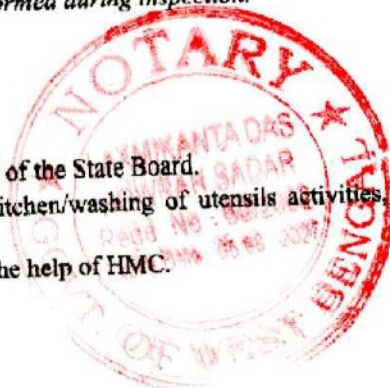
Observation:

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- The unit has no ETP/facilities for treatment of effluent from kitchen/washing of utensils activities, wash basin and floor washing activity. Waste water is directly discharged to municipal drain.
- Solid wastes (food wastes & kitchen wastes etc.) are disposed through HMC vat as reported during inspection.
- The unit is operating from November 2022 as informed during inspection.

And also put their

Remarks/recommendation:

- The unit should not operate without CFE & CFO of the State Board.
- ETP/facilities for treatment of effluent from kitchen/washing of utensils activities, wash basin and floor washing activity should be installed.
- Solid Wastes should be disposed properly with the help of HMC.



During hearing the complainant states that the respondent unit operate their unit without obtaining any license of the concern authority and submit that it is causing environmental hazards in the neighbourhood area.

Report reveals that during inspection, manager of the unit unable to produce the requisite **Consent to Establish and Consent to Operate**. Unit also lacking facility for treatment of effluent generating due to their activity and of disposal of solid waste, so interference of the Board is required

So, considering the gravity of the complaint and the contents of the **inspection report** and submission of the complainant, **M/s R.K. Associates (Rail Ahar)**, is hereby directed to:

- 1) Obtain all statutory licenses including **Consent to Establish and Consent to Operate** of the State Board and operate **only after** obtaining consent to operate of the State Board;
- 2) Take adequate effluent treatment measures for the effluent generated from manufacturing activity;
- 3) And dispose of solid wastes properly as per the Solid Waste Management Rules, 2016.

We make it clear that the respondent unit shall maintain environmental norms strictly and take all necessary measures so that the people living in the neighbourhood may not suffer due to its activities in any way, whatsoever. The respondent shall carry out any manufacturing activity **only after** obtaining **consent to operate** of the State Board and **after taking** pollution control measures, as mentioned above.

The Environmental Engineer & In-charge, Howrah Regional Office is requested to consider the consent to operate application of the respondent unit, if applied and dispose of the same on its merit.

The Commissioner, Howrah Municipal Corporation, may be kept informed of this order passed by the State Board today.

The Officer in Charge, Howrah Police Station, is requested to oversee the compliance of this order and also see that the **M/s R.K. Associates (Rail Ahar) does not operate without obtaining consent to operate of the State Board.** In case of any violation of this order, he is at liberty to take necessary action in accordance with law.

Sd/-
(Dr. D. Chakraborty)
Sr. Scientist & Incharge, P.G. Cell

Sd/-
[A. K. Choudhury, WBJS (Rtd.)]
Hearing Officer

Sd/-
(S. Barua)
Asst. Environmental Engineer

Sd/-
(S. Saren)
Asst. Environmental Engineer



The Inspector-in-Charge
Howrah Police Station
Howrah City Police



Date : 31.05.2024

SUB : Overrunning order of West Bengal Pollution Control Board (memo no. 1374-5L/WPB-2023/R-3442 dated 11.12.2023).

Sir,

Please find enclosed herewith the solemn order mentioned in the caption hereof which is self-explanatory containing specific directions upon you.

I have been constrained to address you this letter with a copy of the said order attached to awaken your conscience even assuming that copy of the order reached you at best within seven calendar days by post or otherwise. You will appreciate that the order contained candid time frame for compliance thereof and even after my communication of the order through this letter can lead you to the accused of non-compliance which would be contemptuous in nature on your part jointly and severely.

The unit is operational in full swing, and I am of the inference that you have one or more reason to flout the orders of the West Bengal Pollution Control Board deliberately aiming to leave the moneyed violators of law scot free.

Under the circumstance, you must relook at the matter and abide by the solemn order passed by the West Bengal Pollution Control Board to avoid implication in any possible legal proceedings to be initiated very shortly.

Thanking you,

Yours faithfully,

Ankur Sharma

(ANKUR SHARMA)

13/3, Dr. P.K. Banerjee Road
Howrah - 711101
Mob: 9433883322

Encl : As stated above.

cc :

The Chairman
West Bengal Pollution Control Board

The Member Secretary
West Bengal Pollution Control Board

- through email for kind information and necessary steps.





LIFE
Lifestyle For
Environment

WEST BENGAL POLLUTION CONTROL BOARD
(Department of Environment, Govt. of West Bengal)
Mani Square, 8th floor
Block / Space-8IT on Western Side,
164 / 1, Maniktala Main Road, Kolkata-700054.
Ph- 033-2320 0042, Website : www.wbpcb.gov.in
e-mail: net.wbpcb-wb@bangla.gov.in

Memo No. 1374-5L/WPB-2023/R-3442

Dated: 11-12-2023

PUBLIC GRIEVANCE CELL

Complainant (s)	Respondent (s)
Ankur Sharma	M/s R.K. Associates (Rail Ahar)
Date: 24-11-2023	Time: 12:00 PM.

RECORD OF PROCEEDINGS

One, Mr. Ankur Sharma, complainant, appeared in person. None on behalf of the respondent, turned up.

This proceeding has been initiated over a complaint against the preparation of railway passenger's breakfast/snacks items around 1000 nos. of packets per day/respondent unit situated at 41/1, Dr. P.K. Banerjee Road, Ground Floor, P.O. & P.S.: Howrah, Dist: Howrah, Pin: 711101, West Bengal., allegedly causing environmental pollution in the surrounding area during their operations.

Over it, the officials of Howrah Regional Office, WBPCB, being requisitioned, cause an inspection while they met the unit manager. They submitted a report over the issue on 19/09/2023. Excerpts from the inspection report are given below under head of:

Observation:

- The unit is situated in the ground floor of G+6 storied residential building located in a congested residential cum commercial area. The area of the unit approx 1400 sqft.
- The unit is engaged in preparation of railway passenger's breakfast/snacks items around 1000 nos. of packets per day for Shatabdi/ Vande Bharat Express. The unit is operating in two shifts, first shift starts from 08:00 hrs. to 12:00 hrs. and second shift starts from 18:00 hrs. to 06:00 hrs. as informed during inspection. The unit possesses one kitchen on the ground floor. The kitchen has 07 nos. LPG-fired ovens for preparation of breakfast/snacks items. Ovens are provided with fume collection hood & duct for venting out the fumes (arising out of cooking activities in the kitchen) to the outside. During inspection cooking activity was not going on.
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And also put their

Remarks/recommendation:

- The unit should not operate without CFE & CFO of the State Board.
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During hearing the complainant states that the respondent unit operate their unit without obtaining any license of the concern authority and submit that it is causing environmental hazards in the neighbourhood area.

Report reveals that during inspection, manager of the unit unable to produce the requisite **Consent to Establish and Consent to Operate**. Unit also lacking facility for treatment of effluent generating due to their activity and of disposal of solid waste, so interference of the Board is required

So, considering the gravity of the complaint and the contents of the **inspection report** and submission of the complainant, **M/s R.K. Associates (Rail Ahar)**, is hereby directed to:

- 1) Obtain all statutory licenses including **Consent to Establish and Consent to Operate of the State Board and operate only after obtaining consent to operate of the State Board;**
- 2) Take adequate effluent treatment measures for the effluent generated from manufacturing activity;
- 3) And dispose of solid wastes properly as per the **Solid Waste Management Rules, 2016.**

We make it clear that the respondent unit shall maintain environmental norms strictly and take all necessary measures so that the people living in the neighbourhood may not suffer due to its activities in any way, whatsoever. The respondent shall carry out any manufacturing activity **only after obtaining consent to operate** of the State Board and **after taking** pollution control measures, as mentioned above.

The Environmental Engineer & In-charge, Howrah Regional Office is requested to consider the consent to operate application of the respondent unit, if applied and dispose of the same on its merit.

The Commissioner, Howrah Municipal Corporation, may be kept informed of this order passed by the State Board today.

The Officer in Charge, Howrah Police Station, is requested to oversee the compliance of this order and also see that the **M/s R.K. Associates (Rail Ahar) does not operate without obtaining consent to operate of the State Board.** In case of any violation of this order, he is at liberty to take necessary action in accordance with law.

Sd/-
(Dr. D. Chakraborty)
Sr. Scientist & Incharge, P.G. Cell

Sd/-
[A. K. Choudhury, WBJS (Rtd.)]
Hearing Officer

Sd/-
(S. Barua)
Asst. Environmental Engineer

Sd/-
(S. Saren)
Asst. Environmental Engineer



MOST URGENT

Date : 24.06.2024

The Deputy Director
West Bengal Fire & Emergency Services
Howrah Divisional Office

Sub : Complaint against violation of Fire Safety norms by Food Factory of M/s.
R. K. Associates (Rail Ahar) at 41/1, Dr. P. K. Banerjee Road, ground floor,
P.O. & P.S. & District - Howrah, PIN - 711101.

Sir,

I am constrained to report to you that the above mentioned 'food factory' is posing grave threat to the lives of the dwellers of the above stated building and passers-by by grossly flouting fire safety norms.

The above mentioned factory/unit has camouflaged its unit as a small eatery. However, the project proponent is running a huge 'food factory' in a multi-storied G+6 residential building and indulged in 'manufacture' of food for railway passengers, and produces hundreds of kilograms of cooked food daily to cater railway's needs.

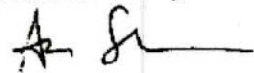
The said unit is illegally running at the ground floor of a G+6 storied residential building, numerous LPG fired ovens are being operated by the said unit/factory posing threat to the lives of the dwellers of the said building. Tens of LPG cylinders are stacked within the unit premises without taking any fire safety measures/installation of fire safety equipment

The inflammable potency of the unit may case massive fire mishap anytime and result in death of numerous residents of the multi-storied residential building.

Under the circumstances, I fervently request you to cause an inspection at site and take stern actions against the perpetrator as may be warranted.

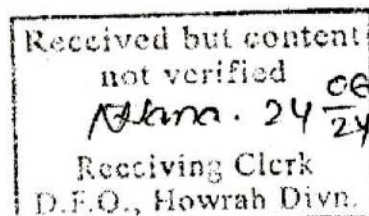
Thanking you,

Yours faithfully,



(ANKUR SHARMA)

13/3, Dr. P. K. Banerjee Road
Howrah - 711101
Mob : 9433883322





NOTARY
MUKANTE
10/10/2024
20/10/2024
10/10/2024



31 Dec 2024 11:49:09 am
43/2 Doctor Pk Banerji Road
Howrah
Presidency Division
West Bengal

NOTARY
AXMIKANTADAS
HOWRAH SADAR
Regd No- 60/2002
Expiry Date 05.03.2027
OF WEST BENGAL



NOTARY
KAMRANTADAS
MEMORAH SADAR
Rango No 60/2002
09.08.1927
GOVT. OF WEST BENGAL



WEST BENGAL POLLUTION CONTROL BOARD
Paribesh Bhawan, 10A, Block LA, Sector III
Salt Lake City, Bidhan Nagar, Kolkata – 700 106, INDIA
 Website : www.wbpcb.gov.in, e-mail : wbpcbnet@wbpcb.gov.in

Validity Period :25/09/2024 To 24/09/2031

Category: GREEN

Application Type: CTE

CTE No.: WBPCB/5403157/2024

Date: 25/09/2024

Sub : Consent to Establish (CTE) under Section 25 & 26 of the Water (Prevention and Control of Pollution) Act, 1974 as amended and Section 21 of the Air (Prevention and Control of Pollution) Act, 1981 as amended.

Ref.: Application No. 5403157

To,

M/s R. K. ASSOCIATES & HOTELIERS PRIVATE LIMITED
41/1 DR. PROBODH KUMAR BANERJEE ROAD, HOWRAH-711101

The West Bengal Pollution Control Board (hereinafter referred to as the State Board) hereby grants Consent to Establish (CTE) from environmental point under Section 25 & 26 of the Water (Prevention and Control of Pollution) Act, 1974, as amended and Section 21 of the Air (Prevention and Control of Pollution) Act, 1981 as amended and rules and orders made thereunder for proposed new unit of **R. K. ASSOCIATES & HOTELIERS PRIVATE LIMITED** at **41/1 DR. PROBODH KUMAR BANERJEE ROAD, HOWRAH-711101** for the following activities :

Sl.No.	Name of Activity, Product and/or By-Product	Production Capacity
1	VEG AND NON VEG FOOD	150 Kg/Day

Total cost of the Project (in Lakhs)	4.5
---	------------

(A) General Conditions :

- (1) The quality of sewage and industrial effluent to be discharged from the factory shall satisfy the permissible limits as per norms and Environment (Protection) Rules 1986.
- (2) The unit shall apply to the State Board for Consent to operate according to the provisions of the Water (Prevention & Control of Pollution) Act, 1974 as amended and the Air (Prevention & Control Pollution) Act, 1981 as amended prior to commencement of activities of the unit.
- (3) The unit shall comply with the following Environmental Acts and Rules and its amendment as applicable
 - (i) The Water (Prevention and Control of Pollution) Act, 1974 .
 - (ii) The Air (Prevention and Control of Pollution) Act, 1981
 - (iii) The Environment (Protection) Act, 1986
 - (iv) The Public Liability Insurance Act, 1991
 - (v) The Manufacture, Storage and Import of Hazardous Chemicals Rules, 1989
 - (vi) The Ozone Depleting Substances (Regulation and Control) Rules, 2000
 - (vii) The Batteries (Management and Handling) Rules, 2022
 - (viii) The Noise Pollution (Regulation and Control) Rules, 2000
 - (ix) The Bio-medical Wastes Management Rules, 2016
 - (x) The Hazardous Wastes (Management and Transboundary Movement) Rules, 2016
 - (xi) The Plastic Waste Management Rules, 2016
 - (xii) The Solid Waste Management Rules, 2016



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(xiii) The E-Waste (Management Rules), 2022

(xiv) The Construction and Demolition Waste Management Rules, 2016

(4) The State Board reserves the right to review, amend, suspend, revoke etc. this consent for establishment and the same shall be binding on the unit.

(5) The unit shall obtain permission/clearance from the other competent authorities, as applicable and such permissions may be required at the time of submitting application for Consent to operate.

(6) The unit shall abide by the stipulations as may be prescribed by any authority / local body / government departments etc.

(7) Suitable measures to treat the effluent and emission shall be adopted in order to reduce the pollution load so that the quality of the effluent and emission from the unit always conforms to the relevant permissible standards.

(8) No equipment/machinery, emission and effluent generation/discharge source etc. shall be installed/modified without prior approval of the State Board.

(B) Special Conditions:

1. Industry Type: Hotels (up to 20 rooms and without boilers) upto 30 lakh.
ETP and Chimney are to be installed .

2. Total cost of the Plant and Machinery*: 4.50(in Lakhs)
Total cost of the Project (as stated in the affidavit) 4.50(in Lakhs)

3. In case of any wrong statement the certificate may be revoked. This consent shall be revoked if there be any valid public complaint against the unit from environmental point of views and others.

4. Fire License, fssai and other Statutory License is to be obtained from Competent Authority.

5. The industry shall take adequate measures for control of noise level from its own sources within the premises. Noise barriers should be installed if the Noise Level is found to be exceeding the desired levels.

Any Violation of the aforesaid Conditions shall entail cancellation of this Consent to Establish

For and on behalf of West Bengal Pollution Control Board



25/09/2024

**General Manager
DIC, Howrah**



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Ankur Sharma <adv.ankursharma9@gmail.com>

Ref : Complaint against pollution and flouting of environmental norms by 'Food Factory' of M/s R. K. Associates (Rail Ahar) at 41/1, Dr. P. K Banerjee Road, P.S. & District - Howrah, PIN - 711101.

Ankur Sharma <adv.ankursharma9@gmail.com>

Tue, Dec 31, 2024 at 12:11 PM

To: chrnmn.wbpcb-wb@bangla.gov.in, ms.wbpcb-wb@bangla.gov.in

Cc: commissioner.howrah@gmail.com, howrahswestzone@gmail.com, Howrahps Howrah <howrahpswh@gmail.com>

The Chairman
West Bengal Pollution Control Board

The Member Secretary
West Bengal Pollution Control Board

Ref : Complaint against pollution and flouting of environmental norms by 'Food Factory' of M/s R. K. Associates (Rail Ahar) at 41/1, Dr. P. K Banerjee Road, P.S. & District - Howrah, PIN - 711101.

Sir,

I lodged a complaint against pollution and flouting of environmental norms by the above named factory unit not falling under any exempting clauses under Factories Act, 1948 vide my email dated 25.04.2023 (copy attached herewith). The West Bengal Pollution Control Board upon a hearing and site inspection was, inter alia, pleased to direct the unit not to operate till it installs effluent treatment plant and receives Consent to Establish and Consent to Operate from the WBPCB (copy of the Record of Proceedings is attached herewith for ready reference). Seeking of any comment from the Chief Inspector of Factories, West Bengal was dispensed with. The Inspector-in-Charge, Howrah Police Station was given the responsibility to ensure compliance of the said order. However, in spite of the order the unit continued operations.

I lodged a complaint with the Inspector-in-Charge, Howrah Police Station vide letter dated 31.05.2024 against overruling / flouting the said solemn order of WBPCB (copy attached herewith). No steps were, however, taken. The unit, thereafter, started operating secretly inside a closed shutter to camouflage that the unit is closed, maybe, after the police passed on the information to the polluters/violators.

I lodged the other complaint with the Deputy Director, West Bengal Fire & Emergency Services, Howrah Divisional Office vide letter dated 24.06.2024 against violation of fire safety norms by the unit (copy attached herewith).

Since December, 2024 the unit started its operations conspicuously in full swing and is stacking vegetables and food trays at the pavement. Loading and unloading food parcels on and from their trucks in busy office hours has been resulting in traffic congestion in the narrow road. Effluents and waste are dumped in the municipal drain running along Dr. P. K. Banerjee Road. The unit has stored numerous gas cylinders openly outside its building posing a serious threat to the passerby along Dr. P. K. Banerjee Road including me (some photographs are attached herewith for ready reference).

I further gathered information from the website of WBPCB that the unit has obtained Consent to Establish under Green Category by making a false declaration in their application that it falls under 'Industry Type' - Hotels (up to 20 rooms and without boilers) (copy attached herewith for ready reference). However, in reality the unit is a food processing unit engaged in processing fruits and vegetables into cooked food for supplying to railways for consumption by railway passengers in various running trains. The unit is not at all a hotel or restaurant as exempted under Factories Act, 1948. It is purely a food processing unit falling under the scope of Factories Act, 1948 though without a license thereunder and falls under serial no. 7 of the Orange Category of Consent mechanism of the WBPCB.

Presently the unit is operating (i) without any Consent to Operate from WBPCB, (ii) having an invalid Consent to Establish, (iii) not having adequate fire safety measures, (iv) not possessing any effluent treatment plant, (v) not having any chimney with adequate stack height, (vi) dumping refuse in its vicinity, (vii) operating as a factory in a residential building that too without obtaining licence under the Factories Act, 1948 (viii) causing traffic congestion due to lack of parking facility, (ix) storing vegetables, food trays on public pavement, etc.

In view of above, you are requested to revoke the Consent to Establish of the unit and issue a closure order with disconnection of electricity and impose exemplary environmental compensation upon the erring unit.

Thanking you,
Yours faithfully,

Ankur Sharma
13/3, Dr. P. K. Banerjee Road
Howrah - 711101
Mob: 9433883322

Attachments : As stated above.

cc :

The Commissioner
Howrah Municipal Corporation

The Deputy Director
West Bengal Fire & Emergency Services
Howrah Divisional Office

The Inspector-in-Charge
Howrah Police Station

- for taking necessary steps.

7 attachments



Food Factory (1).jpeg
435K



Food Factory (2).jpeg
523K



Food Factory (3).jpeg
400K

Email dated 25.04.2023.pdf
85K

Record of Proceedings.pdf
85K

Letter to Howrah PS.pdf
305K

Letter to DDF&ES.pdf
29K

