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BEFORE THE NATIONAL GREEN TRIBUNAL
EASTERN ZONE BENCH, KOLKATA

ORIGINAL APPLICATION NO. 121/2024/EZ

NATIONAL FEDERATION OF INDIAN ROAD
TRANSPORT WORKERS & ORS.

.....APPLICANT(S)

VERSUS

UNION OF INDIA & ORS.

..... RESPONDENT(S)

AFFIDAVIT FILED BY THE WEST BENGAL POLLUTION
CONTROL BOARD.

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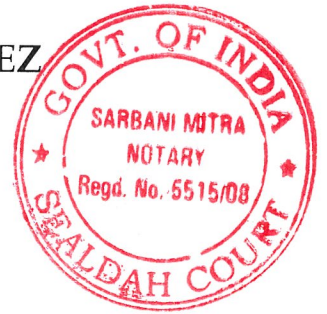
Filed by

DIPANJAN GHOSH
ADVOCATE
HIGH COURT AT CALCUTTA

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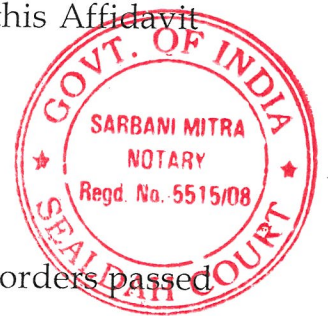
AFFIDAVIT FILED BY THE WEST BENGAL POLLUTION
CONTROL BOARD.

Most Respectfully Sheweth

I, Debashis Sarkar, son of Late Pabitra Kumar Sarkar, aged about 56 years, by Religion- Hindu, by Occupation- Service, working for gain at West Bengal Pollution Control Board, having office at 10A, Block-LA, Sector- III, Bidhannagar, Kolkata - 700106, do hereby solemnly declare and say as follows:-

24 MAR 2025

01. That, I am the Chief Engineer, West Bengal Pollution Control Board (hereinafter will be referred to as the 'State Board') and I am well acquainted with the facts and circumstances of the case. I have been duly authorized by the Respondent No. 06, to affirm this Affidavit on its behalf and as such, I am competent to do so.

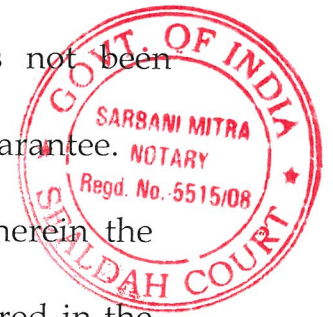


02. That, this affidavit is being affirmed in pursuant to the orders passed by this Hon'ble Tribunal dated 29.11.2024 and 29.01.2025.

03. That, in compliance with the orders of the Hon'ble National Green Tribunal, the State Board official inspected the M/s. Dankuni Railway Siding, Terminal Yard, Eastern Railway (Howrah Division) [hereinafter referred to as the unit] on 02.12.2024 in connection with the compliance status in terms of direction issued by the State Board vide Memo No. 2184-IM-11/2009 (Pt.-V) dated 23.12.2022. A bank guarantee of Rs 20,00,000/- (Rs twenty lakh only) was imposed on the Railway Authority as an assurance to comply with the State Board's directions as well as environmental norms but the Railway Authority did not submit the said bank guarantee till date. The State Board informed the unit vide letter dated 13.02.2023 that their prayer for

24 MAR 2025

exemption of the submission of bank guarantee has not been exempted and the unit was directed to deposit the bank guarantee.



04. That, a hearing of the unit was called on 17.12.2024 wherein the representatives on behalf of the Railway Authority appeared in the hearing and submitted that they have issued Letter of Acceptance (LoA) on 14.11.2024 for pollution control related works at Dankuni Goods shed and the said work shall be completed within 12 months from the issuance of Letter of Acceptance (LoA). They also submitted that tender for procurement of automatic ambient air quality monitoring station along with a display board and sound monitoring system will be floated shortly. They said that transport workers are not railway staff, so the railway authority is not liable to conduct regular health checkup of labourers, drivers and helpers deployed by a third-party agency.

05. The Technical Committee noted that the Railway Authority has not implemented any condition as per direction issued by the State Board two years ago for minimization of the environmental pollution in the Railway siding area. On the meeting held on 24.08.2023 with the officials of Eastern Railway Authority and the State Board, the Railway Authority informed that they are in the

24 MAR 2025

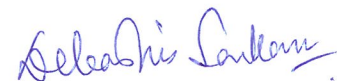
tendering process for installation of pollution control devices and it will be completed shortly.

06. That, the State Board vide Memo dated 18.03.2025, issued in direction upon the said M/s. Dankuni Railway Siding, Terminal Yard, Eastern Railway (Howrah Division) directed the following :

- (i) The unit shall comply with the Direction issued by the State Board vide Memo dated 23.12.2022 regarding pollution control related works and other works positively by 31st December, 2025.
- (ii) The unit shall complete the work for development of adequate green belt area within its siding area by 31st December, 2025.

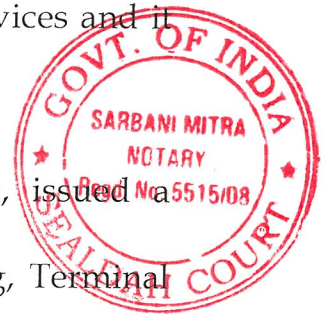
Copy of the direction of the State Board dated 18.03.2025 is annexed herewith and marked with letter "R".

07. It is therefore respectfully prayed that Hon'ble Tribunal may pass such order/orders as it deems fit and proper in the interest of justice.



DEPONENT

24 MAR 2025



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VERIFICATION



I, Debashis Sarkar, son of Late Pabitra Kumar Sarkar, aged about 56 years, by Religion- Hindu, by Occupation- Service, working for gain at West Bengal Pollution Control Board, having office at 10A, Block- LA, Sector- III, Bidhannagar, Kolkata – 700 106, do hereby solemnly declare and say as follows:-

1. That, I am the Chief Engineer, West Bengal Pollution Control Board and I am well acquainted with the facts and circumstances of the instant Original Application.
2. That, the statements made in paragraph 1 of this affidavit is true to my knowledge and belief.
3. That, the statements made in paragraphs 2 to 6 of this affidavit are my information derived from the records available in the office of the State Board which I verily believe to be true and the rest are my respectful submission before this Hon'ble Tribunal.

Debashis Sarkar
DEPONENT

Identified and corrected by me
R. M. Bhowmik
Advocate
WBPCB

Solemnly Affirmed &
Declared Before Me
On Identification By.....
hm
SARBANI MITRA
NOTARY
Regd. No.- 5515/08
24 MAR 2025

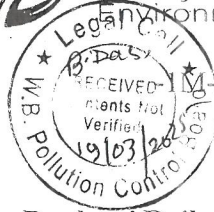


Life
Lifestyle for
Environment

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WEST BENGAL POLLUTION CONTROL BOARD
(Department of Environment, Government of West Bengal)
Paribesh Bhawan, 10A, Block – LA, Sector III, Bidhannagar
Kolkata – 700 106, Ph. No.: 2202-3097/3096
Website: www.wbpcb.gov.in, Email: net.wbpcb-wb@bangla.gov.in

Memo No.



M-11/2009(Part-XII)

Date: /03/2025

DIRECTION

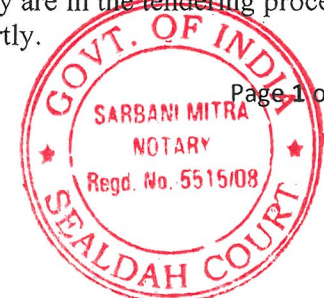
WHEREAS, M/s. Dankuni Railway Siding, Terminal Yard, Eastern Railway (Howrah Division) [hereinafter referred to as the unit] located at **P.O. & P.S.-Dankuni, Dist.-Hooghly, Pin-712311** was inspected by the **West Bengal Pollution Control Board** (hereinafter referred to as the State Board) official on 02/12/2024 in connection with the compliance status in terms of the Direction issued by the State Board vide Memo No. 2184-1M-11/2009(Pt.-V) dated 23.12.2022. A Bank Guarantee (BG) of Rs. 20,00,000/- (Rupees twenty lakhs) only was also imposed on the railway authority as an assurance to comply with the Board's direction as well as environmental norms. But the railway authority did not submit the said BG. The State Board had again issued a letter to the unit on 13.02.2023 against their prayer dated 10.01.2023 & 24.01.2023 for exemption of submission of the BG amount, informing that their prayer has not been considered and the unit was directed to deposit the said Bank Guarantee of Rs. 20,00,000/-.

AND WHEREAS, during inspection one soda salt (bagged consignment) rake and one sugar (bagged consignment) rake were at the verge of completing un-loading activity. It appears from the inspection report that the railway authority is yet to comply with the said Direction of the State Board dated 23.12.2022. It is reported that the railway authority has finalized the tender for pollution control related work at Dankuni Goods Shed / Railway Siding and Letter of Acceptance (LoA) is raised. Necessary work is to be executed shortly.

AND WHEREAS, it is to be mentioned that the State Board had earlier received a public complaint lodged by Mr. Nawal Kishor Shrivastav, National Secretary, National Federation of Indian Road Transport Workers (AITUC) regarding health hazard issues of transport workers like drivers, helpers during the time they spent for loading and unloading process of coal, cement, stone-chips at Dankuni railway yard.

AND WHEREAS, M/s. Dankuni Railway Siding, Terminal Yard, Eastern Railway (Howrah Division) was called for a hearing on 17/12/2024 at the Head office of the Board. The representatives on behalf of the railway authority appeared in the hearing and submitted that they have issued Letter of Acceptance on 14.11.2024 for pollution control related works at Dankuni Goods shed and the said work shall be completed within 12 months from the issuance of LoA. They also submitted that tender for procurement of automatic ambient air quality monitoring station along with a display board and sound monitoring system will be floated shortly. They said that transport workers are not railway staff, so the railway authority is not liable to conduct regular health check up of labourers, drivers and helpers deployed by a third party agency. They also said that in a meeting held on 24.08.2023 at WBPCB between the Board officials and the railway authorities, they had requested for exemption of deposition of Bank Guarantee of Rs. 20,00,000/- as was imposed by the State Board on 23.12.2022 and in this regard DRM, Howrah sent a letter on 29.08.2023.

AND WHEREAS, the Technical Committee noted that the railway authority has not implemented any condition as per Direction issued by the State Board two years ago for minimization of environmental pollution in the railway siding area. The committee mentioned that during a meeting between the Member Secretary and senior officials of WBPCB and the officials of Eastern Railway authority on 24.08.2023 wherein the railway authority informed that they are in the tendering process for installation of pollution control devices and it will be completed shortly.



NOW THEREFORE, considering the above, **M/s. Dankuni Railway Siding, Terminal Yard, Eastern Railway (Howrah Division)** located at P.O. & P.S.-Dankuni, Dist.-Hooghly, Pin-712311 is hereby directed as follows:-

1. **That**, the unit shall comply with the Direction issued by the State Board vide Memo No. 2184-1M-11/2009(Pt.-V) dated 23.12.2022 regarding pollution control related works and other works positively by 31st December, 2025.
2. **That**, the unit shall complete the work for development of adequate green belt area within its siding area by 31st December, 2025.

The Environmental Engineer & In-charge, Hooghly Regional Office of the State Board is requested to oversee the compliance of Board's direction and submit a compliance report in this regard. The matter will be reviewed again after getting the compliance report from the Hooghly Regional Office of the Board.

This direction is issued in exercise of the powers conferred under the provision of Section 33A of Water (Prevention & Control of Pollution) Act, 1974, Section 31A of Air (Prevention & Control of Pollution) Act, 1981, the Environment (Protection) Act, 1986 and Rules made there under after being approved by the Competent Authority.

By Order,

Sd/-
Officer-on-Special Duty
(Operation & Execution)
West Bengal Pollution Control Board

Memo No. 10703(5) -1M-11/2009(Part-XII)

Date: 18/03/2025

Copy forwarded for information and necessary action to:-

1. M/s. Dankuni Railway Siding, Terminal Yard, Eastern Railway (Howrah Division), P.O. & P.S.- Dankuni, Dist.-Hooghly, Pin-712311
2. The Divisional Railway Manager, Eastern Railway, Howrah Division, DRM Building, Howrah, Pin-711 101
3. The Chief Engineer, Planning & EIM Cell, WBPCB
4. The Senior Law Officer, WBPCB
5. The Special Law Officer (NGT), WBPCB
6. The Environmental Engineer & In-charge, Hooghly Regional Office, WBPCB
7. T.A. to the Member Secretary, WBPCB
8. P.A. to the Chairman, WBPCB
9. Technical Cell, WBPCB for updating the website
- 10 Environment Officer- Communication, WBPCB – for circulation through float file
- 11 Guard file of O & E Cell



SME
Officer-on-Special Duty
(Operation & Execution)
West Bengal Pollution Control Board

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