

BEFORE THE NATIONAL GREEN TRIBUNAL
EASTERN ZONE BENCH, KOLKATA
O.A. No. 38 of 2025/EZ

In the matter of:

Pintu Dutta

.....Applicant.

Versus

The State of West Bengal and Ors.

.....Respondent.

AFFIDAVIT ON BEHALF OF THE DISTRICT MAGISTRATE, PASCHIM BURDWAN,
THE RESPONDENT NO. 5 ABOVE NAMED

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Filed by:

Sudip Dutta
Sudip Dutta
Advocate

For the State of W.B.



28 MAR 2025

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THE RESPONDENT NO. 5 ABOVE NAMED

I, Sri Ponnambalam S., Son of Sri Sonaimuthu P. aged about 40 years, by faith Hindu, by occupation Service, working for gain as the District Magistrate & Collector, Paschim Bardhaman residing at Palm Villa, Opposite Polo Ground, Asansol, District- Paschim Bardhaman, West Bengal, do hereby solemnly affirm and state as follows-

1. I am the District Magistrate & Collector, Paschim Bardhaman. I have duly consulted the records available in my office and thereafter, I have made myself well acquainted with the facts and circumstances of the case and, as such, am competent to affirm this Affidavit.
2. That the instant case is related to the alleged filling up of Sinharan River in Plot No. 1677, Government Khatian No. 1, ROR classified as Nala (tributary of Sinharan River), Mouza-Mandalpur, J.L. No.-37, Block-Jamuria, District-Paschim Bardhaman by some industries of the Jamuria Industrial area. The Original Applicant has also alleged that with the expansion of the Steel Plant by the industries and also by raising a boundary wall, the Industries in question have permanently filled up and completely stopped the tributary of the River Sinharan, as such, there is alleged violation of the provisions of the Environment (Protection Act), 1986 and the Air (Protection and Control of Pollution) Act, 1981.



3. That this affidavit is being affirmed pursuant to the solemn order dated 04.03.2025 passed by the Hon'ble Tribunal, whereby the Hon'ble Tribunal was pleased to direct all the respondents to file counter affidavit within four weeks and further constituted a Committee comprising of the following members and the committee has been directed to visit the site in question and submit its report on affidavit within four weeks with regard to the allegations made in the Original Application:-.

- i) Senior Scientist, West Bengal Pollution Control Board;
- ii) District Magistrate, District-Paschim Bardhaman or his representative not below the rank of Additional District Magistrate (ADM);
- iii) Representative of the Chief Executive Officer, Asansol Durgapur Development Authority; and
- iv) Representative of the Municipal Commissioner of the Asansol Municipal Corporation.

4. That in accordance with the directions passed by the Hon'ble Tribunal Eastern Zone Bench, Kolkata while adjudicating the instant Original Application, a Fact Finding Committee, comprising following members has been constituted:-

- (i) Shri Aranya Banerjee, Additional District Magistrate and District Land & Land Reforms Officer, Paschim Bardhaman,
- (ii) Shri Sudip Bhattacharya, Environmental Engineer, Asansol Regional Office, West Bengal Pollution Control Board,
- (iii) Shri Arpan Chattopadhyay, T.P., Asansol Durgapur Development Authority,
- (iv) Shri Amitava Biswas, Executive Engineer, Asansol Municipal Corporation.

The Additional District Magistrate & D.L.&L.R.O., Paschim Bardhaman has been nominated as the Authorised Representative of the deponent herein vide Memo bearing No. Law Cell/ 1072/DLLRO-PAB/2025 dated 11.03.2025.

Photocopy of the said Memo dated 11.03.2025 is annexed hereto and marked Annexure-"A".

5. That in compliance with the said order dated 04.03.2025, a spot enquiry/inspection of the area in question has been done on 18.03.2025 by the



Additional District Magistrate & D.L.& L.R.O., Paschim Bardhaman alongwith other members of the Fact Finding Committee.

6. That the said Committee after physical verification of the area in question as per the direction of the Hon'ble Tribunal duly submitted its report dated 18.03.2025.

Photocopy of the said report is annexed herewith and marked as Annexure - "B".

7. It is therefore respectfully prayed that Hon'ble Tribunal may pass such other order or orders as it deem fit and proper in the interest of justice.

8. That the statements made in paragraph 1 to 6 are based on information derived from the record which are usually kept and maintained by the answering respondent in the ordinary course of business and which I belief to be true and rest thereof are my humble submission before this Hon'ble Tribunal.

Prepared in my office

[Signature]
Advocate

[Signature]

PONNAMBACAM.S
Deponent



[Signature]
NIRMALYA DAS GUPTA
Advocate Cum Notary
REGN NO.-006/2022
C.M. Court Calcutta

SOLEMNLY AFFIRMED
&
Declared Before me
on Identification Adg.
[Signature]
NIRMALYA DAS GUPTA
C.M. Court
Govt. W/B

28 MAR 2025



ANNEXURE-"A"

-5-

GOVERNMENT OF WEST BENGAL
OFFICE OF THE DISTRICT MAGISTRATE
PASCHIM BARDHAMAN

Vivekananda Sarani, P.O. R.K. Mission, Asansol 713305

E-mail: dmpaschimbardhaman@gmail.com

Memo. No.: Law Cell/ 1072 /DLLRO-PAB/2025

Date: 11.03.2025

To,

1. The Member Secretary,
West Bengal Pollution Control Board,
Paribesh Bhawan,
10A, Block-LA,
Sector-III, Salt Lake,
Kolkata – 700106.
2. The Chief Executive Officer,
Asansol Durgapur Development Authority,
Asansol, Paschim Bardhaman.
3. The Commissioner,
Asansol Municipal Corporation,
Asansol, Paschim Bardhaman.

Sub.: Regarding Nomination of representatives and conduction of field inspection in compliance with the solemn order dated 04.03.2025 passed by the Hon'ble NGT in O.A. No. 38/2025/EZ in the matter of Pintu Dutta Versus State of West Bengal & Ors.

Sir,

The Hon'ble National Green Tribunal (NGT), Eastern Zone Bench, Kolkata in the solemn order dated 04.03.2025 in O.A. No. 38/2025/EZ in the matter of Pintu Dutta Versus The State of West Bengal & Ors., has been pleased to constitute a Committee consisting of (i) Senior Scientist, West Bengal Pollution Control Board (ii) District Magistrate, District – Paschim Bardhaman or his representative not below the rank of Additional District Magistrate (ADM), (iii) Representative of the Chief Executive Officer of the Asansol-Durgapur Development Authority and (iv) Representative of the Municipal Commissioner of the Asansol Municipal Corporation to visit the site in question and submit its Report on affidavit within four weeks with regard to the allegations made in the Original application. Aforesaid solemn order dated 04.03.2025 passed by the Hon'ble NGT is enclosed herewith for your kind perusal.

This is also for your information that the Additional District Magistrate and District Land & Land Reforms Officer, Paschim Bardhaman (Mobile No. 7719357631 and Email- dlropaschimbardhaman@gmail.com) has been nominated by the undersigned as a member of the aforesaid Fact Finding Committee.

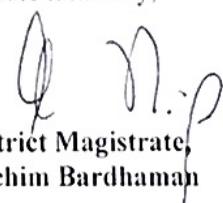
Now, you are requested to nominate your representative as member of the committee and send his/ her name and contact details to this end and request the concerned officers, so nominated, to remain present during inspection of the committee scheduled to be held on **18.03.2025 at 4:00 pm** in compliance with the aforesaid solemn order of the Hon'ble NGT.

All logistic support for carrying out inspection will be provided from this end.

Yours faithfully,

Encl.: As stated




District Magistrate,
Paschim Bardhaman

REPORT OF THE FACT FINDING COMMITTEE

In

Compliance with the

Hon'ble NGT Order dated 04.03.2025

In the matter of

Pintu Dutta

Versus

The State of West Bengal & Ors.

In

OA No. 38/2025/EZ

-Submitted by-

DM Paschim Bardhaman, WBPCB, ADDA and AMC

March, 2025



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**Report of the Fact Finding Committee in Compliance with the
Hon'ble NGT Order dated 04.03.2025 in the matter of Pintu Dutta
Versus the State of West Bengal & Ors. in OA No. 38/2025/EZ**

1. Background:

The Original Application 38 of 2025 was registered at the Hon'ble NGT, Eastern Zone Bench, Kolkata based on the petition filed by Pintu Dutta on February 28, 2025. The complaint pertains to the alleged expansion of steel plant by the respondent no.11 in the name and style M/s Super Smelters' Limited at Jamuria Industrial area without any permission from the authority and alleged encroachment and permanently filling up a well and completely stoppage of the tributary of Sinharan River over Plot No.- 1677 under Government Khatian, ROR classified as - Nala (tributary of Sinharan River), Mouza- Mondalpur, J.L. No. - 37, Block - Jamuria, District- Paschim Bardhaman. It is also alleged that Respondent No.11 unit is carrying on its operations without any statutory compliance and have encroached Government vested various classified plots of land including water bodies as Plot Nos. 1651, 1667, 1669, 1670, 1671, 1675, 1678, 1680, 1681, 1683, 1687, 1700, 1711, 1719, 1720, 1724, 1736, 1737, 1752, 1753, 1758, 1759 & 1761 under Government Khatian, Mouza - Mandalpur, J.L. No.- 37, Block - Jamuria, District - Paschim Bardhaman. It is also stated that due to permanent stoppage of the natural drainage system there is huge quantum of water discharge in Jamuria and Asansol region during the rainy season and the Villages of Akhalpur, Damodarpur, Ikra and Jamuria, District - Paschim Bardhaman, are completely flooded.

The matter was subsequently heard before the Hon'ble National Green Tribunal, Eastern Zone Bench, Kolkata on 04.03.2025 and the Hon'ble Tribunal has been pleased to pass the solemn order as follows:

"20. Considering the allegations made, we deem it appropriate to constitute a Committee comprising of the following Members:-

- i. Senior Scientist, West Bengal Pollution Control Board;*
- ii. District Magistrate, District - Paschim Bardhaman or his representative not below the rank of Additional District Magistrate (ADM);*
- iii. Representative of the Chief Executive Officer of the Asansol-Durgapur Development Authority; and*
- iv. Representative of the Municipal Commissioner of the Asansol Municipal Corporation.*



21. The Committee shall visit the site in question and thereafter submit a Fact Finding Report on affidavit within four weeks with regard to the allegations made in the Original Application.

22. The District Magistrate, District – Paschim Bardhaman shall be the Nodal office for all logistic purposes and for filing the Fact finding Report on affidavit.”

2. Formation of the Fact Finding Committee:

In compliance with the aforesaid solemn order dated 04.03.2025 passed by the Hon'ble NGT, a Fact Finding Committee has been constituted comprising of the following members.

| | | | |
|----|---|---|--|
| 1) | Shri Aranya Banerjee, Additional District Magistrate and District Land & Land Reforms Officer | : | Paschim Bardhaman |
| 2) | Shri Sudip Bhattacharya, Environmental Engineer | : | Asansol Regional Office, West Bengal Pollution Control Board |
| 3) | Shri Arpan Chattopadhyay, T.P. | : | Asansol- Durgapur Development Authority |
| 4) | Shri Amitava Biswas, Executive Engineer | : | Asansol Municipal Corporation |

3. Site Visit:

The Fact Finding Committee conducted site visit at the alleged area on 18th March, 2025. The following officials were present during the field visit:

District Administration representatives:

1. Shri Aranya Banerjee, ADM and DL&LRO, Paschim Bardhaman
2. Shri Sanjoy Kumar Biswas, Dy. DL&LRO, Paschim Bardhaman

West Bengal Pollution Control Board (WBPCB) representative:

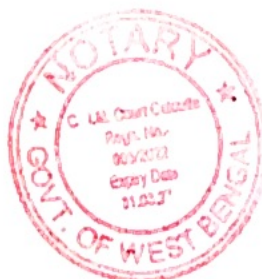
1. Shri Sudip Bhattacharya, Environmental Engineer

Asansol- Durgapur Development Authority (ADDA) representative:

1. Shri Arpan Chattopadhyay, T.P.

Asansol Municipal Corporation (AMC) representative:

1. Shri Amitava Biswas, Executive Engineer



4. Observations of the Fact Finding Committee:

In compliance with the Hon'ble NGT order dated 04.03.2025 in OA No.38/2025/EZ, the Committee conducted an inspection of the premises of M/s Super Smelters' Limited situated at Mandalpur under the jurisdiction of Jamuria Block in Paschim Bardhaman district.

Major Observations

1. A major drain/ Nala, was observed flowing through the premises of the unit M/s Super Smelters' Limited.
2. During the inspection, no significant obstruction to the flow of the Nala was observed. The Nala was visited at multiple points to assess its overall flow, and no objectionable blockage was found.
3. During inspection, it has been observed that, a well is still situated on plot no. 1680 of mouza Mondalpur, J.L. No. 37.
4. No flooding situation in the area in question since last five to eight years has been reported by AMC. The drainage system of the local municipality (AMC) is completely in smooth run and some new proposals of drainage have also been taken up.
5. As per land use and the development control plan (LUDCP), the major portion of the units of the M/s Super Smelters' Limited of Jamuria Industrial area is over the light and service industrial zone.
6. Plot numbers 1651(p), 1669, 1670, 1671, 1675, 1678, 1680, 1681, 1687, 1700, 1711, 1712, 1719(p), 1720, 1648, 1724(p), 1752(p), 1753(p), 1754(p), 1761(p), 1762 and 1763(P) are the lands where a long-term settlement was granted to ADDA for a tenure of 30 years vide sanction order no. 3300/GE(M)/2L-45/04 dated 22.09.2005 of the Joint Secretary, Land & Land Reforms Department, Government of West Bengal and possession of those plots has been handed over to ADDA on 18th April 2006 vide memo no-149/BLRO/JAM/06 dated 18/04/2006. Furthermore, it has been verified that ADDA approved the allotment proposal of 10.63 acres of vested land at Mouza-Mandalpur, JL no-37 to M/s Super Smelters' Limited on 04/09/2009



vide letter no-ADDA/ASN/554/I(I)/VII/JI/6. Additionally, ADDA has granted development permission for the integrated steel plant and gas plant over an area of 99.67 acres at Mouza-Mandalpur, JL no-37. Furthermore, considerable payment has been made by M/s Super Smelters' Limited for development charges/land premiums; therefore, the allotment process of these 10.63 acres of land is under consideration by ADDA.

7. It has been found that M/s. Super Smelters' Limited has encroached some Government vested plots being plot nos. 1667, 1683, 1758, 1680 and 1711 of mouza Mondalpur. The said company has applied for Long Term Settlement (LTS) of those plots before the Department of Land & Land Reforms and Refugee Relief and Rehabilitation and its prayer for LTS is under consideration.
8. M/s. Super Smelters' Limited, is a large-scale integrated steel plant located in Jamuria. The plant currently operates the following units:
 - Seven (07) DRI Kilns (2 x 100 TPD, 4 x 300 TPD, 1 x 200 TPD) for producing Sponge Iron (492,016 MT/Annum)
 - Two (02) 9 MVA SEAF furnaces for producing Silico Manganese/Ferro Manganese (30,000 MT/Annum)
 - Two (02) Pellet Plants (0.8 MTPA and 0.4 MTPA) for producing Pellets (1,200,200 MT/Annum)
 - Eight (08) Induction Furnaces (03 x 15 MT/Heat + 04 x 25 MT/Heat + 01 x 20 MT/Heat) with associated Rolling Mills for producing Steel Flat & Rebar (240,000 MT/Annum) and various steel products, including Angle, Channel, Joist, Flat, Square, Round, and Hexa Round (72,000 MT/Annum)
 - A Captive Power Plant with a total capacity of 109 MW (01 AFBC of 35 TPH and 02 CFBC of 110 TPH & 140 TPH)





All the above-mentioned emission sources are equipped with appropriate Air Pollution Control Devices. No significant emissions were observed on the day of the inspection. The unit is also regularly monitored by the regional office of the West Bengal Pollution Control Board. The two most recent inspections, conducted on 19.11.2024 and 09.04.2024, did not record any significant non-compliance. The most recent emission monitoring was conducted on 29.05.2024, with all results remaining within permissible limits.

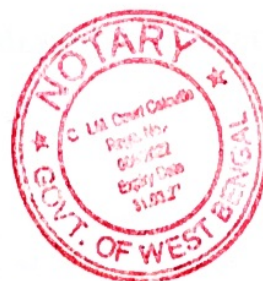


Regarding water pollution, domestic wastewater is partly discharged to soak pits via septic tanks. Additionally, there is one (01) 100 KLD Sewage Treatment Plant (STP) in operation, and another 25 KLD STP just started operation a few days ago. Industrial wastewater is treated and recycled through a 1,200 KLD Effluent Treatment Plant (ETP). The plant adheres to a Zero Liquid Discharge (ZLD) policy. There is provision for emergency discharge into the canal in question; however, no such incidents have been reported to date.

5. Recommendations of the Fact Finding Committee:

1. The unit M/s. Super Smelters' Limited should continue to take proactive measures to maintain the nallah in its original course. It should also periodically clean and restore the nallah, particularly in the section that flows through and across the unit's premises.
2. No activity in any manner on the encroached lands should be conducted by the unit until and unless it obtains sanction of long term settlement by the appropriate authority.

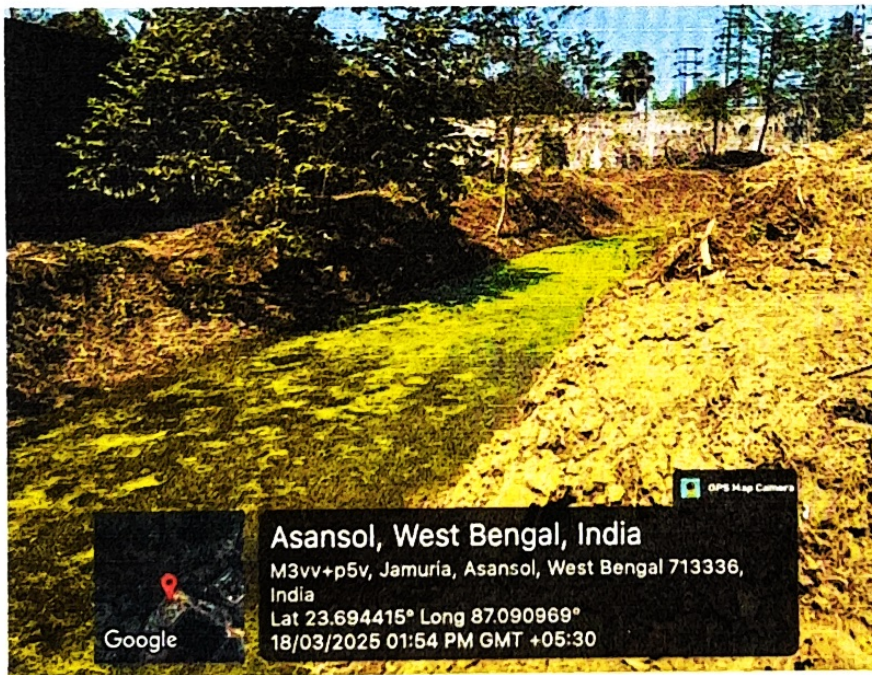
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|  |  |
| (Amitava Biswas) Executive Engineer, AMC | (Arpan Chattopadhyay) T.P., ADDA |
|  |  |
| (Sudip Bhattacharya) Environmental Engineer, WBPCB | (Aranya Banerjee) Additional District Magistrate, Paschim Bardhaman |



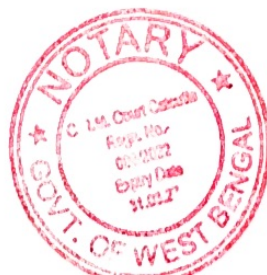
6. Photographs taken during visit of the Fact Finding Committee on 18/03/2025

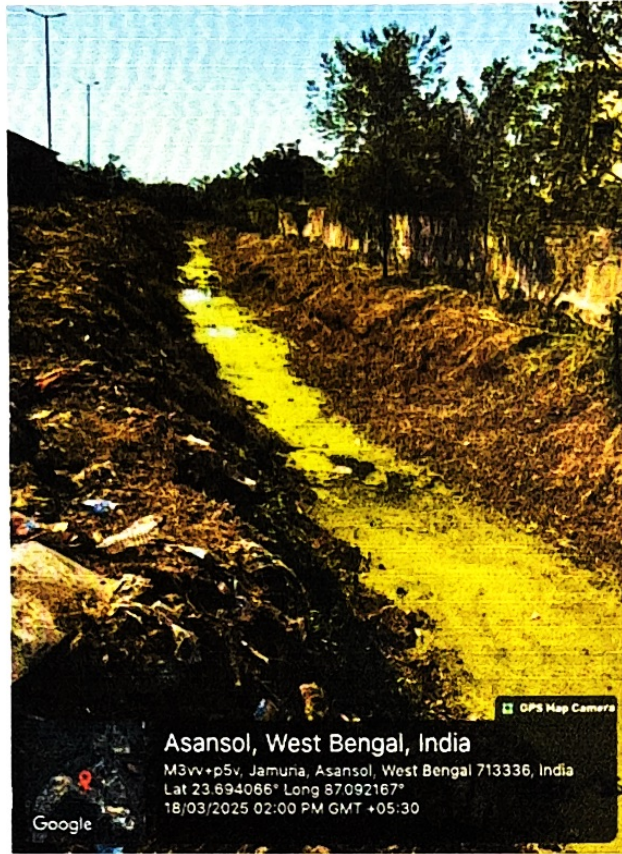


Pic.1: Entry point of the Nala at the premises of M/s Super Smelters' Limited

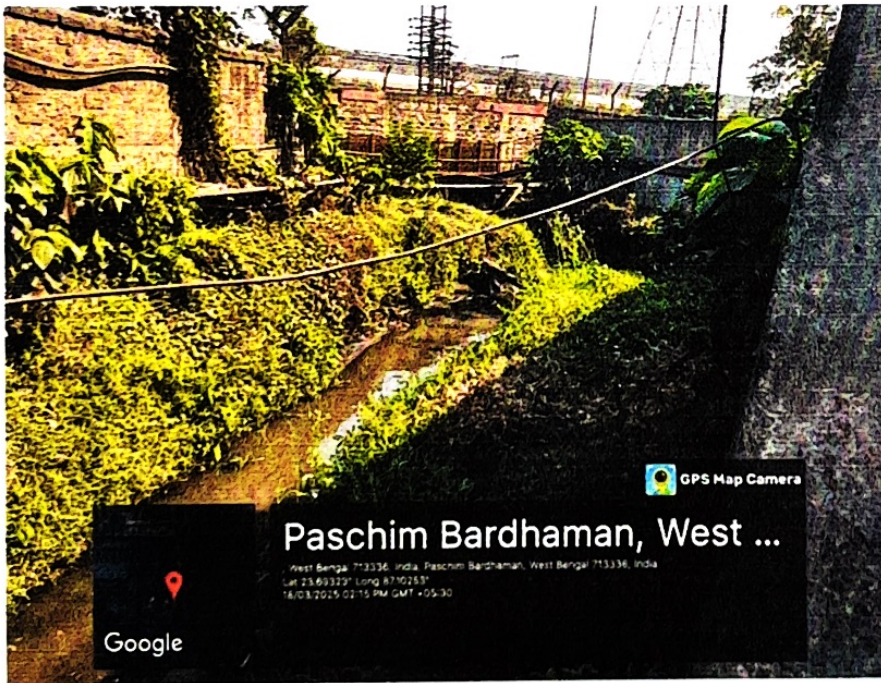


Pic.2: Nala flowing through the premises of M/s Super Smelters' Limited





Pic.3: Nala flowing through the premises of M/s Super Smelters' Limited



Pic.4: Exit point of the Nala from the premises of M/s Super Smelters' Limited



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Affidavit on behalf of the District
Magistrate, Paschim Burdwan, the
respondent no. 5 abovenamed.

Sudip Dutta

Advocate

For the State of W.B.

Email: adv.skdutta@gmail.com