

BEFORE THE NATIONAL GREEN TRIBUNAL
EASTERN ZONE BENCH, KOLKATA

ORIGINAL APPLICATION NO. 39/2025/EZ

PARIJAT MULLICK

.....APPLICANT(S)

VERSUS

STATE OF WEST BENGAL & 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

SL. NO. 63 Dt. 11 APR 2025

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EASTERN ZONE BENCH, KOLKATA



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POLLUTION CONTROL BOARD.

Most Respectfully Sheweth

I, Sri Subrata Ghosh, son of Shri Biswanath Ghosh, aged about 61 years, by faith-Hindu, Occupation- Service, residing at Narkelbagan, Gorosthan, Chinsurah, District - Hooghly, do hereby solemnly declare and say as follows:-

11 APR 2025

01. That, I am the Officer on Special Duty (OSD), West Bengal Pollution Control Board (hereinafter will be referred to as the 'State Board') and I am well acquainted with the facts and circumstances of the case. I have been duly authorized by the Respondent Nos. 03 and 04, to affirm this Affidavit on its behalf and as such, I am competent to do so.



02. That, this affidavit is being affirmed in pursuant to the order passed by this Hon'ble Tribunal dated 04.03.2025.

03. That, the State Board caused an inspection of Sivaganga Steels, Amiya Sales & Industries, GL Shaw Industries located at 237/A, Satin Sen Sarani, Kolkata- 700054, P.S.- Narkeldanga, on 07/02/2025.

04. That, during inspection the following observations were made by the Inspecting officers of the State Board:

11 APR 2025

The alleged units are located within an urban area of Kolkata which is predominantly industrial area having many local small industries and commercial activities existing since long time, along with residence of the complainant. The industries are located mainly along two sides of a lane ending into a small tract of land flanked by the alleged industries and the residence of the complainant.

- Sivaganga Steel:

The unit is basically an engineering unit surrounded by other local factories on all sides.

It is located inside a single 60ft by 30ft (appx) workshop with its single entrance opening to North which incidentally faces the complainant's residence across a small lane.

The unit has 05 Power Presses (60 MT-02 nos , 80 MT-01 no & 10 MT-02 nos) along with 01 Hydraulic Press & 01 Punching machine .The unit produces Telecom products (20-25 MT/month at maximum).

The unit was found inoperative during inspection except material handling activities. It submitted that its normal operative hours are from 10AM to 8 PM.



11 APR 2025

Noise measurement summary is as follows:

Inside the workshop near the machines (made running temporarily) :80-82 dBA

Outside the workshop without machines running: 54-55 dBA

The unit has current trade license. However, it belongs to the White Category (Engineering & Fabrication) of the Board's Industrial Categorization and hence does not require the Consent of the Board.



- Amiya Sales & Industries:

The unit is located to the East of the mentioned Sivaganga Steel across a small vacant tract of land. It has a single workshop 60ft by 50ft with brick walls & asbestos roof with a single entrance as only opening which faces towards Western direction.

The unit is basically a Drill shop producing Drilled items (300pcs/month) using 04 Drilling m/cs, 03 Lathes, 03 Tapping machine and 01 Grinding machine. The unit produces 300 metallic pieces per month.

During inspection the unit was found operating. It submitted that its operational hours are from 8 AM to 8 PM.

11 APR 2025

The summary of noise measurement is as follows:

Inside the workshop adjacent to running machines: 80dBA

Outside the workshop without machines running: 55dBA

The unit could produce no statutory license. However, it belongs to the White Category (Engineering & Fabrication) of the Board's Industrial Categorization and hence do not require the Consent of the Board.

- GL Shaw Industries:

The unit is an engineering workshop that produces metallic chains through elementary manual operations using 02 Ball Presses, 04 Hand dies & 02 welding sets. It produces 1.5 MT such metallic chains per week.

The unit has a single workshop (divided into elementary chambers) having an area of 30ft by 30ft with a single entrance as opening towards West.

During inspection, it was found running. It submitted its operational hours are from 9 AM to 7 PM. However, the operations conducted on the occasion was without any substantial noise generation.

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During the inspection the unit could produce its current trade license. However, it belongs to the White Category (Engineering & Fabrication) of the Board's Industrial Categorization and hence do not require the Consent of the Board.

It was possible to meet the complainant who complained against the three alleged units over high & acutely disturbing noise generation by metal handling & metallic operations in open areas outside their workshops along with civic nuisances like obstruction of public road & spaces along with loud conversational noises.

The complainant further alleged that the disturbing noise generating industrial activities may even continue from early morning to late night.

The ambient noise noted on the occasions was 50 to 55 dB(A) near the complainant residence & 40 dB(A) inside their home.



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05. That, the following remarks were made by the Inspecting official of the State Board from the said inspection:

- (a) The alleged units must confine their operations strictly inside their workshops and avoid any outdoor activities to avoid any generation of high ambient noise that may be dissipated into local residences.
- (b) The units must avoid operations before early morning hours and after late evening hours.

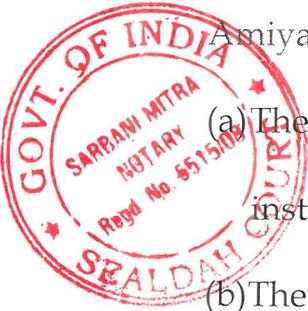
Copy of the inspection report of the State Board is annexed herewith and marked with letter "R1".

06. That, on 02.04.2025 the State Board issued the following directions to the aforesaid three units, namely, Sivaganga Steel,

Amiya Sales & Industries and GL Shaw Industries :

(a) The units must take adequate noise control measures like installation of acoustic enclosure, use of rubber pads, etc.

(b) The units must confine their operations strictly inside their workshops and avoid any outdoor activities to avoid any generation of high ambient noise that may be dissipated into local residences.



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(c) The units must avoid operations before early morning hours and after late evening hours.

(d) The units must maintain environmental norms strictly and take all necessary measures so that people living in the neighborhood may not suffer due to its activities.

Copy of the direction of the State Board is annexed herewith and marked with letter "R2".

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

11 APR 2025

VERIFICATION

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

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

Subrata Ghosh

DEPONENT

Identified and corrected by me
Advocate *Dipak Ghosh*
WBPCB

Solemnly Affirmed &
Declared Before Me
On Identification By.....

Sm
SARBANI MITRA
NOTARY
Regd. No.- 5515/06

11 APR 2025

INSPECTION REPORT

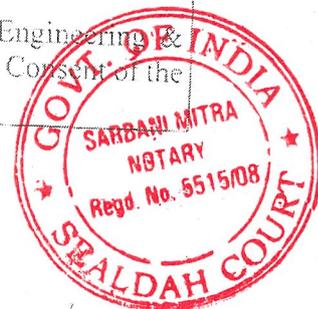
Name of the Industry	Sivaganga Steels, Amiya Sales & Industries . GL Shaw Industries
Address	237/A , Satin Sen Sarani
P.O. & Pin Code	700054
P.S.	Narkeldanga
Power supply agency	CESC
Category of industry	White (Engineering & Fabrication)
Date & Time of inspection	07/02/2025
Inspecting officers	A DasGupta , EE , SLRO
Persons met during inspection	For Sivaganga Steels ---Dibyendu Saha For Amiya Sales & Industries ----Tarak Roy For GL Shaw Industries---- Satya Prakash Show For Complainants----Parijat Mallick
Ref of Inspection	Public complain forwarded by Sr Scientific Officer vide memo No 2424-PG/LD/03/2024 Dt 26-12-2024

Observation:

The alleged units are located within an urban area of Kolkata which is predominantly industrial area having many local small industries and commercial activities existing since long time , along with residence of the complainant . The industries are located mainly along two sides of a lane ending into a small tract of land flanked by the alleged industries and the residence of the complainant. Following are the details of the alleged units :

Sivaganga Steel:

The unit is basically an engineering unit surrounded by other local factories on all sides . It is located inside a single 60ft by 30ft (appx) workshop with its single entrance opening to North which incidentally faces the complainants residence across a small lane. The unit has 05 Power Presses (60 MT-02 nos , 80 MT-01 no & 10 MT-02 nos) along with 01 Hydraulic Press & 01 Punching machine . The unit produces Telecom products (20-25 MT/month at maximum). The unit was found inoperative during inspection except material handling activities. It submitted its normal operative hours from 10AM to 8 PM. Noise measurement summary is as follows:
Inside the workshop near the machines (made running temporarily) :80-82 dBA
Outside the workshop without machines running : 54-55 dBA
The unit has current trade license . However it belongs to the White Category (Engineering & Fabrication) of the Board's Industrial Categorization and hence does not require the Consent of the Board.



Amiya Sales & Industries:

The unit is located to the East of the mentioned Sivaganga Steel across a small vacant tract of land. It has a single workshop 60ft by 50ft with brick walls & asbestos roof with a single entrance as only opening which faces towards Western direction.

The unit is basically a Drill shop producing Drilled items (300pcs/month) using 04 Drilling m/cs, 03 Lathes, 03 Tapping machine and 01 Grinding machine. The unit produces 300 metallic pieces per month.

During inspection the unit was found operating. It submitted that its operational hours is from 8 AM to 8 PM.

The summary of noise measurement is as follows:

Inside the workshop adjacent to running machines : 80dBA

Outside the workshop without machines running: 55dBA

The unit could produce no statutory license. However it belongs to the White Category (Engineering & Fabrication) of the Board's Industrial Categorization and hence do not require the Consent of the Board.

GL Shaw Industries:

The unit is an engineering workshop that produces metallic chains through elementary manual operations using 02 Ball Presses, 04 Hand dies & 02 welding sets. It produces 1.5 MT such metallic chains per week.

The unit has a single workshop (divided into elementary chambers) having an area of 30ft by 30ft with a single entrance as opening towards West.

During inspection it was found running. It submitted its operational hours as 9 AM to 7 PM. However the operations conducted on the occasion was without any substantial noise generation.

During the inspection the unit could produce its current trade license. However it belongs to the White Category (Engineering & Fabrication) of the Board's Industrial Categorization and hence do not require the Consent of the Board.

It was possible to meet the complainant who complained against the three alleged units over high & acutely disturbing noise generation by metal handling & metallic operations in open areas outside their workshops along with civic nuisances like obstruction of public road & spaces along with loud conversational noises.

The complainant further alleged that the disturbing noise generating industrial activities may even continue from early morning to late night.

The ambient noise noted on the occasions was 50 to 55 dB(A) near the complainant residence & 40 dB(A) inside their home.

Remarks :

1. The alleged units must confine their operations strictly inside their workshops and avoid any outdoor activities to avoid any generation of high ambient noise that may be dissipated into local residences.
2. The units must avoid operations before early morning hours and after late evening hours.

(Signature)
(A DasGupta)

25.02.15



1225 R

13

'R2'



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. No.: 2202-3097/3096
Website: www.wbpcb.gov.in, Email: net.wbpcb-wb@bangla.gov.in

Memo No.

-3L/WPB-B(VII)2025

Date: /04/2025

DIRECTION

WHEREAS, M/s. Sivaganga Steels, M/s. Amiya Sales & Industries, M/s. GL Shaw Industries (hereinafter referred to as the units) located at 237/A, Satin Sen Sarani, P.S.-Narkeldanga, Kolkata-700054 were inspected by the West Bengal Pollution Control Board (hereinafter referred to as the State Board) official on 07.02.2025 in connection with a complaint lodged by Shri Parijat Mallick & Ors., 237/A/1B, Satin Sen Sarani (Manicktala Main Road), Kolkata-700054.

AND WHEREAS, the alleged units are located within an urban area of Kolkata which is predominantly industrial area having many local small industries and commercial activities existing since long time, along with residence of the complainant. The industries are located mainly along two sides of a lane ending into a small tract of land flanked by the alleged industries and the residence of the complainant. During inspection the following observations were made by the inspecting official in respect of the above mentioned units:-

M/s. Sivaganga Steel:

The unit is basically an engineering unit engaged in production of Telecom products (20-25 MT/month at maximum). It is surrounded by other local factories on all sides and located inside a single 60ft by 30ft (approx.) workshop with its single entrance opening to North which incidentally faces the complainant's residence across a small lane.

The unit has 05 Power Presses (60 MT-02 nos., 80 MT-01 no. & 10 MT-02 nos.) along with 01 Hydraulic Press & 01 Punching machine. The unit

The unit was found inoperative during inspection except material handling activities. It is reported that normal operative hours of the unit is from 10 A.M. to 8 P.M.

Noise measurement summary is as follows:

Inside the workshop near the machines (made running temporarily) : 80-82 dBA

Outside the workshop without machines running : 54-55 dBA

The unit has current trade license, However, it belongs to the White Category (Engineering & Fabrication) of the Board's Industrial Categorization and hence it does not require the Consent of the Board.

M/s. Amiya Sales & Industries:

The unit is located to the East of M/s. Sivaganga Steel across a small vacant tract of land. It has a single workshop 60ft by 50ft with brick walls & asbestos roof with a single entrance as only opening which faces towards Western direction.

The unit is basically a Drill shop producing Drilled items (300pcs/month) using 04 Drilling machines, 03 Lathes, 03 Tapping machine and 01 Grinding machine. The unit produces 300 metallic pieces per month. During inspection the unit was found operating. It is reported that operational hours of the unit is from 8 A.M. to 8 P.M.

The summary of noise measurement is as follows:

Inside the workshop adjacent to running machines : 80dBA

Outside the workshop without machines running : 55dBA

The unit could not produce any statutory license. However, it belongs to the White Category (Engineering & Fabrication) of the Board's Industrial Categorization and hence it does not require the Consent of the Board.



M/s. GL Shaw Industries:

The unit is an engineering workshop that produces metallic chains through elementary manual operations using 02 Ball Presses, 04 Hand dies & 02 welding sets. It produces 1.5 MT such metallic chains per week. The unit has a single workshop (divided into elementary chambers) having an area of 30ft by 30ft with a single entrance as opening towards West.

During inspection it was found running. It is reported that operational hours of the unit is from 9 A.M. to 7 P.M. However, the operations conducted on the occasion was without any substantial noise generation. During the inspection the unit could produce its current trade license. However, it belongs to the White Category (Engineering & Fabrication) of the Board's Industrial Categorization and hence do not require the Consent of the Board.

AND WHEREAS, the complainant was met during inspection and he complained against the three alleged units for high & acutely disturbing noise generation by metal handling & metallic operations in open areas outside their workshops along with civic nuisances like obstruction of public road & spaces along with loud conversational noises. The complainant further alleged that the disturbing noise generating industrial activities even continue from early morning to late night.

AND WHEREAS, the ambient noise noted on the occasions was 50 to 55 dB(A) near the complainant residence & 40 dB(A) inside their home.

AND WHEREAS, it is to mention that a case is pending before the Hon'ble National Green Tribunal in connection with O.A. No. 39/2025/EZ.

NOW THEREFORE, considering the above, **M/s. Sivaganga Steels, M/s. Amiya Sales & Industries, M/s. GL Shaw Industries** located at 237/A, Satin Sen Sarani, P.S.-Narkeldanga, Kolkata-700 054 are hereby directed as follows:-

1. **That**, the units must take adequate noise control measures like installation of acoustic enclosure, use of rubber pads etc.
2. **That**, the units must confine their operations strictly inside their workshops and avoid any outdoor activities to avoid any generation of high ambient noise that may be dissipated into local residences.
3. **That**, the units must avoid operations before early morning hours and after late evening hours.
4. **That**, the units must maintain environmental norms strictly and take all necessary measures so that the people living in the neighbourhood may not suffer due to its activities.

The Sr. Environmental Engineer & In-charge, Salt Lake Regional Office of the State Board is requested to oversee the compliance of Board's direction. If the units are found to be non-complying with the environmental norms as well as Board's direction, the Board will take strict regulatory action against the units.

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 thereunder.

By Order,

Sd/-

**Officer-on-Special Duty
(Operation & Execution)**

West Bengal Pollution Control Board



Memo No. 10732 (6) -3L/WPB-B(VII)2025

Date: 02/04/2025

Copy forwarded for information and necessary action to:-

1. M/s. Sivaganga Steels, 237/A, Satin Sen Sarani, P.S.-Narkeldanga, Kolkata-700 054
2. M/s. Amiya Sales & Industries, 237/A, Satin Sen Sarani, P.S.-Narkeldanga, Kolkata-700 054
3. M/s. GL Shaw Industries, 237/A, Satin Sen Sarani, P.S.-Narkeldanga, Kolkata-700054
4. The Chief Engineer, Planning & EIM Cell, WBPCB
5. The Senior Law Officer, WBPCB
6. Smt. Paushali Mukherjee (Pahari), Sr. Law Officer, WBPCB
7. The Sr. Environmental Engineer & In-charge, Salt Lake Regional Office, WBPCB
8. The Sr. Scientific Officer & In-charge, Public Grievance Cell, WBPCB
9. T.A. to the Member Secretary, WBPCB
10. P.A. to the Chairman, WBPCB
11. Shri Parijat Mallick & Ors., 237/A/1B, Satin Sen Sarani (Manicktala Main Road), Kolkata-700054
12. Technical Cell, WBPCB for updating the website
13. Environment Officer- Communication, WBPCB – for circulation through float file
14. Guard file of O & E Cell


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



BEFORE THE NATIONAL GREEN TRIBUNAL
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VERSUS

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AFFIDAVIT FILED BY THE WEST BENGAL
POLLUTION CONTROL BOARD.

DIPANJAN GHOSH
ADVOCATE
HIGH COURT AT CALCUTTA