

BEFORE THE NATIONAL GREEN TRIBUNAL
EASTERN ZONE BENCH, KOLKATA

ORIGINAL APPLICATION NO. 121/2023/EZ

SUMANTA GHOSH

.....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. 15 Dt- 03 APR 2025



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Most Respectfully Sheweth

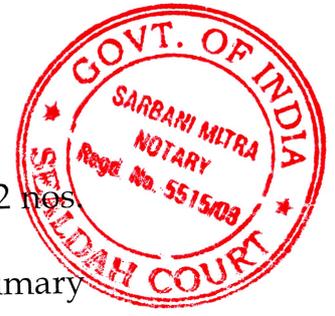
I, Sri Subrata Ghosh, son of Shri Biswanath Ghosh, aged about 60 years, by faith-Hindu, Occupation- Service, residing at Narkelbagan, Gorosthan, Chinsurah, District - Hooghly, do hereby solemnly declare and say as follows:-

03 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 No. 01, 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 10.01.2025.
03. That, the Hon'ble National Green Tribunal vide order dated 10.01.2025, directed the State Board to file fresh affidavit with fresh Inspection Report bringing on record the current status with respect to remedial measures carried out by the Respondent No.5, Mahfuj Alam, proprietor of Alam Enterprise.
04. That, in compliance with the order of the Hon'ble National Green Tribunal, the State Board visited the said site, namely, M/s. Alam Enterprise, located at Mouza - Panchkulguri, J.L. No. - 59, P.O. & P.S. - Matigara, Dist. - Darjeeling, Pin - 734010, on 28.02.2025.

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05. That, during inspection it was observed that the unit has 2 nos. of stone crushers plant. Each plant has 07 nos. of primary crushers. The plant has total 14 nos. of primary crushers, 2 nos. of permanent vibratory screeners and 1 no. of movable screener & Conveyor belts.

The primary crushers, screeners and conveyor belts are found covered with GI Sheets. Wind breaking wall is constructed with Tin sheets. Green belt is found not adequate. The unit has installed water sprinklers at the crushers, screeners and at the discharge points of the conveyor belts. Telescopic Chutes are not found during inspection at the discharge points of the conveyor belts (however during earlier inspection on 20/09/2024 it was observed that the unit installed Telescopic Chutes at the discharge points of the conveyor belts). During inspection, the stone crusher plant was found operational, 04 nos. primary crushers were in operation at the time of inspection violating the Direction of the State Board issued vide no. 9023(8)-3L/WPB-H(III)/2023 dated 05.08.2024. Water sprinklers were found non-operational. The plant has not constructed a Dust room, as a result, the stone dust and other

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aggregates are kept in open resulting in a high fugitive emission. Roads within the plant premises are of earth work and are laden with stone dust. All these indicate that the unit operates on regular basis.

The unit is located in mouza - Panchakulguri which falls in the Eco-Sensitive Zone of Mahananda Wildlife Sanctuary as per the final ESZ Notification of Mahananda Wildlife Sanctuary issued by MoEF&CC dated 22.09.2020. As per this Notification - "All new and existing mining (minor and major minerals), stone quarrying and crushing units shall be prohibited with immediate effect".

Copy of the inspection report of the State Board dated 28.02.2025 are annexed herewith and marked with letter "R".

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


DEPONENT

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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 5 of this affidavit are my information derived from the records available in the office of the State Board which I verily believe to be true and the rest are my respectful submission before this Hon'ble.

Identified and corrected by me

D. Ghosh
Advocate

WBPCB

Subrata Ghosh

DEPONENT

Solemnly Affirmed &
Declared Before Me
On Identification By

[Signature]
SARBANI MITRA
NOTARY
Regd. No.- 5515/08

03 APR 2025

Inspection Report



Reference	:	As per Hon'ble NGT order vide OA no. – 121/2023/EZ dated 10.01.2025 against a stone mining and a crusher mill for operating in the Eco-Sensitive Zone (ESZ) of Mahananda Wildlife Sanctuary near Balason river and causing air pollution.
Name of the unit	:	M/s. Alam Enterprise
Address:	:	Mouza - Panchkulguri, J.L. No. - 59, P.O. & P.S. – Matigara, Dist. – Darjeeling, Pin - 734010
Local Electrical Authority	:	WBSEDCL
Category	:	Orange
Status of Statutory Compliance	:	Consent to Operate granted by SDO Siliguri and it is valid up to 13.10.2025
Date Of Inspection	:	28/02/2025
Inspected By	:	Mr. Biswajit Pan (AEE), Mr. R. Karmakar (JEE)
Person Met	:	Md. Alam (Owner)

Crux of the Applicant: -

An application was filed before the Hon'ble NGT-EZB against a stone crushing and stone mining unit namely "M/s. Alam Enterprise" for operating in the Eco-Sensitive Zone of Mahananda Wildlife Sanctuary near Balason river and causing severe air pollution due to operation of stone crusher including crushing, drilling, loading and hauling. The stone crusher is also alleged to be operating in violation of the environmental laws. It is further alleged that high fugitive emission is caused during transportation of stone chips in heavy vehicles.

Observation: -

The plant has 2 nos. of stone crushers plant. Each plant has 07 nos. of primary crushers. The plant has total 14 nos. of Primary Crushers, 2 nos. of permanent Vibratory screeners and 1 no. of movable screener & Conveyor belts.

The Primary crushers, Screeners and Conveyor Belts are found covered with GI Sheets. Wind breaking wall is constructed with Tin sheets. Green belt is found not adequate. The unit has installed water sprinklers at the Crushers, Screeners and at the Discharge points of the conveyor belts. Telescopic Chutes are not found during inspection at the discharge points of the conveyor belts (however during earlier inspection on 20/09/2024 it was observed that the unit installed Telescopic Chutes at the discharge points of the conveyor belts). During inspection the stone crusher plant is found operational. 04 nos primary crushers are in operation at the time of inspection. Water sprinklers are found non-operational. The plant has not constructed a Dust room as a result the stone dust and other aggregates are kept in open resulting in a high fugitive emission. Roads within the plant premises are of earth work and are laden with stone dust. All these indicate that the unit may operate on regular basis.

The unit is located in mouza – Panchakulguri which falls in the Eco-Sensitive Zone of Mahananda Wildlife Sanctuary as per the final ESZ notification of Mahananda Wildlife sanctuary issued by MoEF&CC dated 22.09.2020. As per this notification – *“All new and existing mining (minor and major minerals), stone quarrying and crushing units shall be prohibited with immediate effect”*.



[R. KARMAKAR]
Junior Environmental Engineer
Siliguri Regional Office, WBPCB



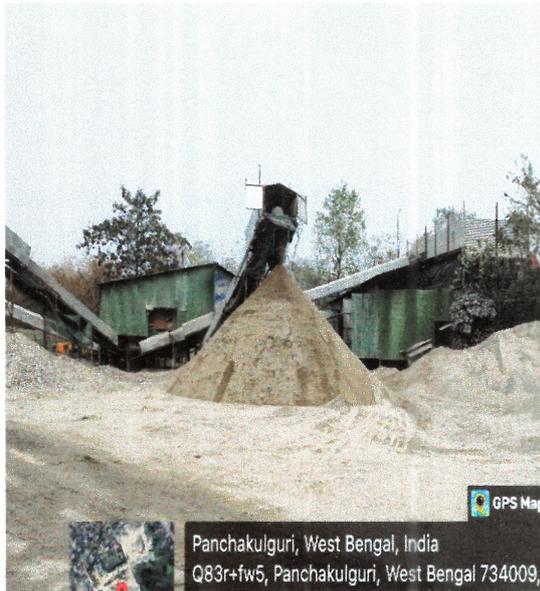
[B. PAN]
Asst. Environmental Engineer
Siliguri Regional Office, WBPCB



Photographs taken during inspection on 28.02.2025

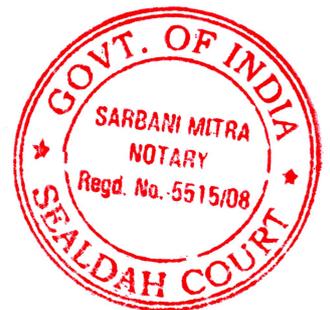


The crusher plant has been operational



Telescopic Chute is absent

Stone dust are stored in open



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