

S.L. No. 20/25



BEFORE THE NATIONAL GREEN TRIBUNAL  
EASTERN ZONE BENCH, KOLKATA  
ORIGINAL APPLICATION NO. 104/2024/EZ  
2023

In The Matter of:

Subhas Dutta

... Applicant

Versus

State of West Bengal &amp; Ors.

.....Respondents



**COUNTER AFFIDAVITON BEHALF OF THE ADDED RESPONDENT No.13**

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Filed by

MALABIKA ROY DE

Advocate

For The Applicant

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(M): 9051634204

01 MAY 2025.



**BEFORE THE NATIONAL GREEN TRIBUNAL  
EASTERN ZONE BENCH, KOLKATA**

Original Application No. 104 of 2024/EZ  
2023

**In the Matter of:**

**Subhas Dutta ..... APPLICANT**

-VERSUS-

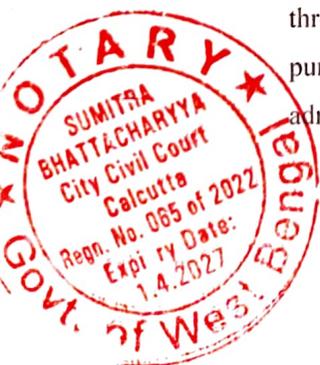
**The State of West Bengal and others ..... RESPONDENTS**

COUNTER AFFIDAVIT ON BEHALF OF THE ADDED RESPONDENT No.13

I, Sri Sachin Jaiswal, S/o Kishor Jaiswal, aged about 41 years, by faith- Hindu, by occupation- business and residing at 20/3, Sailendra Nath Bose Road, Salkia, Howrah, Pin: 711106, do hereby solemnly affirm and state as follows :-

1. .... That I am the Added Respondent no. 13 in the instant Original Application, the proprietor of the M/s Eating House (Earlier name Ganapati Bhojnalaya) and I have been added as party in the instant original application on the basis of the I. A No. 05/2025/EZ vide Solemn Order dated 17.01.2025 and as such I am fully conversant with the facts and circumstances of the case, and I am duly authorized to affirm this affidavit.

2. That I have received one copy of the original application, I have gone through the same and understood the contents made out therein. However, I shall traverse only through those portions of the said application which are relevant for the present purpose and the portions not dealt with categorically shall not be treated as to be my admission.



X

3. That I deny and dispute all the contentions made out in the said application save and except those which are matters of genuine records, and I put the applicant to the strict proof thereof.

4. At the outset I would like to state that the issue in the instant original application relates strictly with the alleged pollution of the river Ganga/ Bhagirathi, near the Howrah Railway station, due to the Hotels situated on the banks of the river Bhagirathi/ Ganga. It is alleged that the water of the river is getting polluted due to the discharge of the discharge of the untreated waste from the hotels situated therein, including the hotel of the deponent. And the answering deponent begs to counter those aspects relating to pollution only.

In this connection the Shyama Prosad Mukherjee Port Trust (formerly known as Kolkata Port Trust) has been made a party and consequently they have raised an issue drawing the attention of the Hon'ble Tribunal to a case which is pending sub judice in the Learned District judge Court, Howrah as Misc Appeal no. 291 of 2010. It is humbly submitted that such issue relates to eviction, and as such is totally irrelevant and not connected to the present case, and hence the answering deponent humbly submits that such contentions should not be entertained and hence the answering deponent chooses not to clarify such contentions.

5. That it is pertinent to mention that the hotel of the deponent is established after complying with all the legal formalities, and is running after obtaining all the required statutory permissions, and they are paying the regular taxes as required the following are the documents:

- (i) Trade License issued by the Howrah Municipal Corporation vide Trade License No. HMC/W14/290919/22 which expired on 31.03.2023 and after that the Howrah Municipal Corporation has not renewed the same inspite of several request, photocopies of request and reminder letters.
- (ii) Food License issued by FSSAI
- (iii) UDYAM MSME License



X

(iv) Application for obtaining Consent to Establish being no. 3434125 dated  
26.09.2023

(v) Photocopy of Lease Agreement

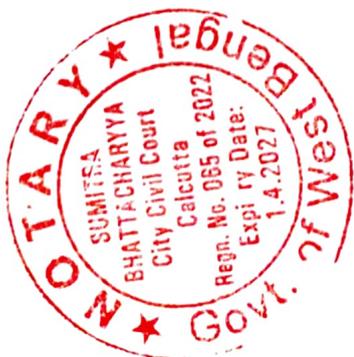
(vi) Photograph showing chimney being constructed by the applicant.

Be it mentioned that all such above-mentioned necessary documents are already on record, since the same were annexed with the application for addition of party.

6. That on 10.02.25, vide memo no. 10605(2)-1M-11/2009 (Part-XII), after making thorough investigation, the WBPCB had issued two directions which are as follows:--- (a) *That the entire solid waste from the area including generated from the Hotel units, should be taken by the Howrah municipal corporation conservancy department, so that it is not dumped on the river bank.* (b) *That the authorized hotels/eateries may explore the possibility of availing the Effluent Treatment Plant of the Railway authority for treatment of the process effluent generated from the units and necessary charges may in this regard may be paid by them to the railway authority.*

The said memo is annexed herewith and marked as Annexure- A.

7. That accordingly the deponent made representations before the authorities concerned, i.e, the Howrah Municipal Corporation and Divisional Manager, Railways regarding the directions passed by the WBPCB, in connection to the waste management.



X

The photocopies of those representations are annexed herewith and marked as Annexure – B.

8. That the answering deponent humbly begs to submit that for the sake of better environment and controlling pollution in the surrounding area, the Hon'ble Tribunal may be pleased to consider the facts stated herein below:

- a) A common ETP may be set up by all the hotels and the same may be connected to the ETP of the Eastern Railway of Howrah Railway Station which is already in existence.
  - b) Bio-diversity parks may be created on both sides of the banks of the river which will also attract tourists, and will automatically stop the dumping of garbages on the banks of the river,
  - c) The directions may be issued upon the HMC to make an overall survey to find out a best possible solution for drainage.
  - d) The S.P. Mukherjee Port Trust may be directed to create and maintain proper river banks on the area adjacent to the hotels.
- A strong vigilance and supervision is to be ensured so that the environment protection of the entire area is ensured.

9. That the answering deponent reserves the right to file further affidavits if required in this connection, at any stage of the proceedings.

10. That the statements made out in the foregoing paragraphs are true to the best of my knowledge and belief and the same are also my respectful submissions before this Hon'ble Court.

Prepared in my Office &  
identified by me

*Malabrika Ray Deo*  
Advocate

*Rabiu Laisood*

Deponent

Solemnly Affirmed and  
Declared before me  
U/S 139 CPC (C)

*Sumitra Bhattacharyya*  
Notary

**Sumitra Bhattacharyya**  
Notary Govt. of W.B.  
Regd. No. 065 of 2022  
City Civil Court, Calcutta

01 MAY 2025

X

VERIFICATION:

I, the deponent as within named do hereby verify and declare that the statements made in the aforesaid paragraphs are true and correct to the best of my knowledge and information and I believe that nothing material has been concealed there from.

Verified at Kolkata on the 15<sup>th</sup> Day of May, 2025.

Identified by me

*Kalabrata Roy Das*

Advocate

*Sachin Kumar*

Deponent





**LIFE**  
Lifestyle for  
Environment

*Annexure - 'A'*

**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](http://www.wbpcb.gov.in), Email: [net.wbpcb-wb@bangla.gov.in](mailto:net.wbpcb-wb@bangla.gov.in)

Memo No.

-1M-11/2009 (Part-XII)

Date: /02/2025

**DIRECTION**

**WHEREAS**, in connection with the order of Hon'ble National Green Tribunal (NGT), Eastern Zone Bench, Kolkata in the matter of Original Application No. 104/2023/EZ, the area in the vicinity of Howrah Railway Station was inspected by the **West Bengal Pollution Control Board** (hereinafter referred to as the State Board) official on 25.09.2024 and the following observations were made by the inspecting official during inspection:-

- The hotels/eateries (hereinafter referred to as the units) are situated in the area in front of the Howrah Railway Station Complex on the bank of river Hooghly.
- There are 14 nos. of hotels/eateries situated in the area of which 03 nos. (Abhishek Hotel Restaurant, Sai Ganga Hindu Hotel and Jay Bijay Hindu Hotel) have obtained 'Consent to Operate' of WBPCB from DIC, Howrah under 'Green' category. As per record, previously 16 nos. of hotels/eateries were in operation. During inspection it was observed that 02 nos. hotels/eateries (Namely Hotel of Smt. Sami Das located at in front of P.O. RMS, Platform Inspector WB Division and Om Jay Ma Tara Tea & Tiffin Centre located at 1/A, Rishi Bankim Chandra Road, Howrah-711101) out of 16 nos. of hotels/eateries have been closed permanently.
- On enquiry with the unit representative, it was learnt during inspection that most of the hotels/eateries have been operating in the said area since long time
- As reported, the water requirement for cooking/washing of vegetables etc. and cleaning of utensils, domestic use of hotel staff and others is met from river Hooghly or supply from Hooghly Nadi Jalpath Paribahan Samabay Samity (HNJPSS). The following hotels/eateries namely (1) Anna Hotel (earlier name S. Sundar Tewar) located at 4/5, Rishi Bankim Chandra Road, Howrah 711101, (2) Howrah Station Porters Welfare Association (earlier name Joy Maa Tara Hotel) located at 4/5, Rishi Bankim Chandra Road, Howrah - 711101 and (3) Howrah Station Porters Welfare Association (earlier name Tara Maa Hotel) located at 4/3, Rishi Bankim Chandra Road, Howrah - 711101 have installed effluent treatment plant (ETP) for treatment of process effluent. 07 (seven) nos. hotels/eateries have laid collecting and common pipe for discharging process effluent to a common pit leading to drain. 03 (three) nos. hotels/eateries directly discharge process effluent to river Hooghly without any treatment. For remaining 01 (namely Royal Rail Hospitality located at on Railway Land Howrah New Complex, Babu Udyan), process effluent is discharged to a common ETP with Howrah Railway. Drinking water for customers of hotels/eateries are procured in large jars from outside as observed.
- All the hotels/eateries are carried out cooking and serving of food within their premises. Cooking is done using either coal fired or LPG fired oven which are mostly provided with fume extraction/exhaust system.
- Solid waste generated from the hotels/eateries is disposed of through HMC conservancy as reported.
- Hotel run by Howrah Station Porters' Welfare Association (presently known as New Tara Ma Hotel) is located at 4/3, Rishi Bankim Chandra Road, Howrah near Mother Dairy/ACP office (North Division) was found operating with bamboo structure and tin shed. Some of the Hotels have encroached the river bank and constructed bamboo structures.
- During inspection, units reported that they have taken the hotel/eatery premise on rent basis from Kolkata Port Trust.

**AND WHEREAS**, the following 14 nos. hotels/eateries were called for a hearing on 12.11.2024 at the head office of the State Board:-

1. M/s. Royal Rail Hospitality (On Railway Land), Howrah New Complex, Bapu Udyan, P.S.- Golabari, Dist- Howrah, Pin-711101
2. M/s. Eating House (earlier name Ganapati Bhojanaloya), 4/5, Rishi Bankim Chandra Road, P.S.- Golabari, Dist- Howrah, Pin-711101
3. M/s. Anna Hotel (earlier name S. Sundar Tewar), 4/5, Rishi Bankim Chandra Road, P.S.- Golabari Dist- Howrah, Pin-711101
4. M/s. Howrah Station Porters Welfare Association (earlier name Joy Maa Tara Hotel), 4/5, Rishi Bankim Chandra Road, P.S.- Golabari, Dist- Howrah, Pin-711101
5. M/s. Howrah Station Porters Welfare Association (earlier name Tara Maa Hotel), 4/3, Rishi Bankim Chandra Road P.S.- Golabari, Dist- Howrah, Pin-711101
6. M/s. Kishori Mohan Dutta & Bros (Dutta Cabin), 4/3, Rishi Bankim Chandra Road, P.S.- Golabari, Dist- Howrah, Pin-711101
7. M/s. Dilip Hindu Hotel, 4/3, Rishi Bankim Chandra Road, P.S.- Golabari, Dist- Howrah, Pin-711101
8. M/s. Rajesh Hindu Hotel, 1, Rishi Bankim Chandra Road, P.S.- Golabari, Dist- Howrah, Pin-711101
9. M/s. Gupta Hotel, 4/5, Rishi Bankim Chandra Road, P.S.- Golabari, Dist- Howrah, Pin-711101
10. M/s. Abhishek Hotel Restaurant, 4/3, Rishi Bankim Chandra Road, P.S.- Golabari, Dist- Howrah, Pin-711101
11. M/s. Islamia Hotel, 4/3, Rishi Bankim Chandra Road, P.S.- Golabari, Dist- Howrah, Pin-711101
12. M/s. Sai Ganga Hindu Hotel, 1/7B, Rishi Bankim Chandra Road, P.S.- Golabari, Dist- Howrah, Pin-711101
13. M/s. Durga Mukesh Hindu Hotel, 1/7B, Rishi Bankim Chandra Road, P.S.- Golabari, Dist- Howrah, Pin-711101
14. M/s. Jay Bijay Hindu Hotel, at 1/7B, Rishi Bankim Chandra Road, P.S.- Golabari, Dist- Howrah, Pin-711101

**AND WHEREAS**, the representatives on behalf of the above mentioned 14 nos. hotels/eateries were present in the hearing. During the course of hearing representatives of above mentioned hotels were directed to submit the following documents within 7(seven) days from the date of hearing:-

1. Copy of Consent to Establish/Consent to Operate of the State Board;
2. Copy of valid Trade License in the name of the company/establishment;
3. Copy of permission of Kolkata Port Trust (rent receipt/lease agreement);
4. Copy of electricity bill in the name of company/proprietor;
5. Copy of documents regarding existence of effluent treatment plant.

**AND WHEREAS**, M/s. Royal Rail Hospitality (On Railway Land), Howrah New Complex, Bapu Udyan, P.S.- Golabari, Dist- Howrah, Pin-711101 did not submit any documents till date. The above mentioned 13 nos. hotels/eateries submitted the following documents:-

1. M/s. Eating House (earlier name Ganapati Bhojanaloya), 4/5, Rishi Bankim Chandra Road, P.S.- Golabari, Dist- Howrah, Pin-711101 submitted copies of application for Consent to Establish dated 26.09.2023, Trade License of Howrah Municipal Corporation valid upto 31.03.2023, Tenancy agreement dated 16.01.2024, electricity bill dated 12.09.2024 in the name of Shri Kishore Jaiswal etc.
2. M/s. Anna Hotel (earlier name S. Sundar Tewar), 4/5, Rishi Bankim Chandra Road, P.S.-Golabari Dist- Howrah, Pin-711101 submitted copies of Consent to Establish issued by the DIC, Howrah on 27.02.2023, application for Consent to Operate on 07.01.2024, Trade License of Howrah

Municipal Corporation valid upto 31.03.2023, rent receipt for February,2023 and August-September,2024 of Hooghly Nadi Jalapath Paribahan Samabay Samity Ltd., electricity bill for the month of April, 2023, documents regarding installation of ETP etc.

3. M/s. Howrah Station Porters Welfare Association (earlier name Joy Maa Tara Hotel), 4/5, Rishi Bankim Chandra Road, P.S.- Golabari, Dist- Howrah, Pin-711101 submitted copies of application for Consent to Establish dated 21.02.2023, Trade License of Howrah Municipal Corporation valid upto 31.03.2024, electricity bill for the month of September,2023, documents regarding installation of ETP etc.
4. M/s. Howrah Station Porters Welfare Association (earlier name Tara Maa Hotel), 4/3, Rishi Bankim Chandra Road P.S.- Golabari, Dist- Howrah, Pin-711101 submitted copies of application for Consent to Establish dated 04.10.2023, Trade License of Howrah Municipal Corporation valid upto 31.03.2024, electricity bill for the month of October,2024, documents regarding installation of ETP etc.
5. M/s. Kishori Mohan Dutta & Bros (Dutta Cabin), 4/3, Rishi Bankim Chandra Road, P.S.- Golabari, Dist- Howrah, Pin-711101 submitted copies of Consent to Establish issued by the DIC, Howrah on 01.11.2019, application for Consent to Operate on 27.10.2024, Trade License of Howrah Municipal Corporation and applied for renewal of Trade License of Howrah Municipal Corporation dated 15.07.2024, Notarized partnership deed, rent bills of Kolkata Port Trust, electricity bill dated 14.10.2024 etc.
6. M/s. Dilip Hindu Hotel, 4/3, Rishi Bankim Chandra Road, P.S.- Golabari, Dist- Howrah, Pin-711101 submitted copies of Consent to Establish issued by the DIC, Howrah on 01.11.2019, applied for Trade License of Howrah Municipal Corporation dated 14.05.2024, electricity bill dated 19.09.2020 etc.
7. M/s. Rajesh Hindu Hotel, 1, Rishi Bankim Chandra Road, P.S.- Golabari, Dist- Howrah, Pin-711101 submitted copies of Consent to Establish issued by the DIC, Howrah on 01.11.2019, Trade License of Howrah Municipal Corporation valid upto 31.03.2024 and applied renewal of the same on 14.11.2024.
8. M/s. Gupta Hotel, 4/5, Rishi Bankim Chandra Road, P.S.- Golabari, Dist- Howrah, Pin-711101 submitted copies of Trade License of Howrah Municipal Corporation valid upto 31.03.2022, rent receipt dated 16.06.2022 of Hooghly Nadi Jalapath Paribahan Samabay Samity Ltd. etc.
9. M/s. Abhishek Hotel Restaurant, 4/3, Rishi Bankim Chandra Road, P.S.- Golabari, Dist- Howrah, Pin-711101 submitted copies of Consent to Operate issued by the DIC, Howrah valid upto 31.07.2026, Trade License of Howrah Municipal Corporation valid upto 31.03.2024 and applied for renewal of the same on 12.11.2024, rent receipts of Kolkata Port Trust, electricity bill for the month of February,2024 etc.
10. M/s. Islamia Hotel, 4/3, Rishi Bankim Chandra Road, P.S.- Golabari, Dist- Howrah, Pin-711101 submitted copies of Consent to Establish issued by the DIC, Howrah on 01.11.2019, Trade License of Howrah Municipal Corporation valid upto 31.03.2007 and applied for the same, payment of rent receipt dated 24.10.2024 against tenancy in the name of Janab Abdul Hossain & Md. Shabbir Khan, electricity bill for the month of June,2024 etc.
11. M/s. Sai Ganga Hindu Hotel, 1/7B, Rishi Bankim Chandra Road, P.S.- Golabari, Dist- Howrah, Pin-711101 submitted copies of Consent to Operate issued by the DIC, Howrah valid upto 31.01.2026, Trade License of Howrah Municipal Corporation valid upto 31.03.2024 and applied

for renewal of the same on 12.11.2024, License fees/rents of Kolkata Port Trust, electricity bill for the month of February,2024 etc.

12. M/s. Durga Mukesh Hindu Hotel, 1/7B, Rishi Bankim Chandra Road, P.S.- Golabari, Dist.- Howrah, Pin-711101 submitted copies of Consent to Establish issued by the DIC, Howrah on 17.10.2019, Trade License of Howrah Municipal Corporation valid upto 31.03.2007, recent application dated 16.11.2024 for renewal of the same, electricity bill for the month of September,2024 etc.
13. M/s. Jay Bijay Hindu Hotel, at 1/7B, Rishi Bankim Chandra Road, P.S.- Golabari, Dist- Howrah, Pin-711101 submitted copies of Consent to Operate issued by DIC, Howrah valid upto 31.07.2026, Trade License of Howrah Municipal Corporation valid upto 31.03.2024 and the unit has applied for renewal of Trade License on 12.11.2024, electricity bill dated 15.05.2024 etc.

**NOW THEREFORE**, considering the above, 14 nos. hotels/eateries as mentioned above located at the area in the vicinity of Howrah Railway Station are hereby directed as follows:-

1. **That**, the entire solid waste from the area including generated from the hotel units should be taken by the HMC conservancy department so that it is not dumped on the river bank.
2. **That**, the authorized hotels/eateries may explore the possibility of availing the Effluent Treatment Plant of the Railway Authority for treatment of the process effluent generated from the units and necessary charges in this regard may be paid by them to the Railway Authority.

The Environmental Engineer & In-charge, Howrah Regional Office of the State Board is requested to oversee the compliance of Board's direction.

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 after being approved by the Competent Authority.

By Order,

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

Memo No. 10605(2)-IM-11/2009 (Part-XII)

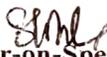
Date: 10/02/2025

Copy forwarded for information and necessary action to:-

1. M/s. Royal Rail Hospitality (On Railway Land), Howrah New Complex, Babu Udyan, P.S.- Golabari, Dist- Howrah, Pin-711101
- ✓ 2. M/s. Eating House (earlier name Ganapati Bhojanaloya), 4/5, Rishi Bankim Chandra Road, P.S.- Golabari, Dist- Howrah, Pin-711101
3. M/s. Anna Hotel (earlier name S. Sundar Tewar), 4/5, Rishi Bankim Chandra Road, P.S.- Golabari Dist- Howrah, Pin-711101
4. M/s. Howrah Station Porters Welfare Association (earlier name Joy Maa Tara Hotel), 4/5, Rishi Bankim Chandra Road, P.S.- Golabari, Dist- Howrah, Pin-711101
5. M/s. Howrah Station Porters Welfare Association (earlier name Tara Maa Hotel), 4/3, Rishi Bankim Chandra Road P.S.- Golabari, Dist- Howrah, Pin-711101

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6. M/s. Kishori Mohan Dutta & Bros (Dutta Cabin), 4/3, Rishi Bankim Chandra Road, P.S.- Golabari, Dist- Howrah, Pin-711101
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14. M/s. Jay Bijay Hindu Hotel, at 1/7B, Rishi Bankim Chandra Road, P.S.- Golabari, Dist- Howrah, Pin-711101
15. The Sr. Divisional Mechanical Engineer (Environment & Housekeeping Manager and FRT) / Howrah, Eastern Railway, Howrah Station, Howrah, Pin-711101
16. The Chief Engineer, Planning & EIM Cell, WBPCB
17. The Senior Law Officer, WBPCB
18. The Special Law Officer (NGT), WBPCB
19. The Environmental Engineer & In-charge, Howrah Regional Office, WBPCB
20. T.A. to the Member Secretary, WBPCB
21. P.A. to the Chairman, WBPCB
22. Technical Cell, WBPCB for updating the website
23. Environment Officer- Communication, WBPCB – for circulation through float file
24. Guard file of O & E Cell

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

Date: 03.03.2025 \*

To  
The Divisional Railway Manager,  
Eastern Railway,  
Howrah Railway Station, Howrah,  
Howrah -711101.

Sir,

I, Sachin Jaiswal, being proprietor of M/s. Eating House, situated at 4/5 Rishi Bankim Chandra Road, P.S- Golabari, Howrah - 711101, take this opportunity to inform you as below.

That myself along with certain other hotels were called for a hearing on 12.11.2024 at the Head office of the West Bengal Pollution Control Board and I on behalf of my unit submitted certain documents which included statutory permissions/Licenses.

Subsequently Direction was issued by the Officer-on-Special Duty (Operation & Execution) West Bengal Pollution Control Board dated 10.02.2025.

There were two specific Directions given by the WBPCB,

"1. That, the entire solid Waste from the area including generated from the hotel units should be taken by the HMC conservancy department so that it is not dumped on the river bank.

2. That the Authorized hotels/Eateries may explore the possibility of availing the Effluent Treatment Plant of the Railway Authority for treatment if the process effluent generated from the units and necessary charges in this regard may be paid by them to the Railway Authority."

Now in this connection I would humbly request your esteemed office, in this regard to permit us for availing the Effluent Treatment Plant of the Railway Authority for treatment if the process effluent generated from the units and necessary charges in this regard may be paid by us to the Railway Authority, as per the Direction issued by the West Bengal Pollution Control Board.

Enclosed kindly find photocopy of the Direction Dated 10.02.2025 passed by the Officer-on-Special Duty (Operation & Execution) West Bengal Pollution Control Board for your kind perusal and consideration.

Thanking You,

Yours Faithfully

R. Mishra  
4.3.25

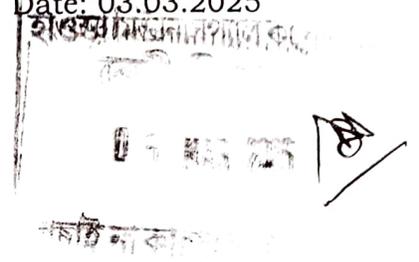
Sachin Jaiswal

B S X

COPY

Date: 03.03.2025

To  
The Municipal Commissioner,  
Howrah Municipal Corporation,  
4, Mahatma Gandhi Road,  
Howrah -711101.



Sir,

I, Sachin Jaiswal, being proprietor of M/s. Eating House, situated at 4/5 Rishi Bankim Chandra Road, P.S- Golabari, Howrah - 711101, take this opportunity to inform you as below.

That myself along with certain other hotels were called for a hearing on 12.11.2024 at the Head office of the West Bengal Pollution Control Board and I on behalf of my unit submitted certain documents which included statutory permissions/Licenses.

Subsequently Direction was issued by the Officer-on-Special Duty (Operation & Execution) West Bengal Pollution Control Board dated 10.02.2025.

There were two specific Directions given by the WBPCB,

- “1. That, the entire solid Waste from the area including generated from the hotel units should be taken by the HMC conservancy department so that it is not dumped on the river bank.
2. That the Authorized hotels/Eateries may explore the possibility of availing the Effluent Treatment Plant of the Railway Authority for treatment if the process effluent generated from the units and necessary charges in this regard may be paid by them to the Railway Authority.”

Now in this connection I would humbly request your esteemed office, more particularly the Conservancy Department to kindly look into point number 1 regarding solid waste management at Rishi Bankim Chandra Road as per the Direction issued by the West Bengal Pollution Control Board.

Enclosed kindly find photocopy of the Direction Dated 10.02.2025 passed by the Officer-on-Special Duty (Operation & Execution) West Bengal Pollution Control Board for your kind perusal and consideration.

Thanking You,

Yours Faithfully

Sachin Jaiswal

Eastern Railway  
EnHM/HWH

dt.07.03.2025

MC/EnHM-HWH/NGT/2025

To,

1. M/s Eating House (earlier name GanapatiBhojanalaya), 4/5, Rishi Bankim Chandra Real P.S. Golabari, Dist- Howrah, Pin-711101
2. M/s. Anna Hotel (earlier name S. SundarTewar), 4/5, Rishi Bankim Chandra Road. PS-GolabariDist- Howrah, Pin-711101
3. M/s Howrah Station Porters Welfare Association (earlier name Joy Maa Tara Hotel), 4/5, Rishi Bankim Chandra Road, PS- Golabari, Dist-Howrah, Pin-711101
4. M/s Howrah Station Porters Welfare Association earlier name Tara Maa Hotel, 4/3, Rishi Bankim Chandra Road PS. Golabari, Dist- Howrah, Pin-711101
5. M/s Kishori Mohan Dutta & Bros (Dutta Cabin), 4/3, Rishi Bankim Chandra Road PS Golabari, Dist-Howrah, Pin-711101
6. M/s Dilip Hindu Hotel, 4/3, Rishi Bankim Chandra Road PS Gobbari, Dist-Howrah, Pin 711101
7. M/s Rajesh Hindu Hotel, 1, Rishi Bankim Chandra Road PS Golabari, Dist-Howrah 711101
8. M/s Gupta Hotel, 4/5, Rishi Hankim Chandra Road, PS Golabari, Dist-Howrah, Pin-711101
9. M/s. Abhishek Hotel Restaurant, 4/3, Rishi Bankim Chandra Road, PS Golaban, Dist-Howrah Pin-711101
10. M/s Islamia Hotel, 4/3, Rishi Bankim Chandra Road, PS-Golahari, Dist-Howrah, Pin 711101
11. M/s. Sai Ganga Hindu Hotel, 1/7B, Rishi Bankim Chandra Road, PS Golabari, Dist Howrah Pin-711101
12. M/s. DurgaMukesh Hindu Hotel, 1/7B, Rishi Bankim Chandra Road, PS Golabari, Dist-Howrah, Pin-711101
13. M/s. Jay Bijay Hindu Hotel, at 1/7B, Rishi Bankim Chandra Road, PS-Golabari, Dist- Howrah, Pin-711101

15      X

**Sub: Disposal of Representations dated 17.02.2025 and 03.03.2025 submitted by 13 Hotels and Eateries regarding usage of Railway Effluent Treatment Plant (ETP)**

The representations dated 17.02.2025 and 03.03.2025 submitted by 13 hotels and eateries, requesting permission to use the Railway Effluent Treatment Plant (ETP) for treatment of their process effluent. This request was made based on the report submitted by the West Bengal Pollution Control Board (WBPCB) before the Hon'ble National Green Tribunal (NGT), wherein it was suggested that authorized hotels and eateries may explore the possibility of availing the Railway ETP services upon payment of necessary charges.

Upon examination of the above representation, it has been found that all the 13 hotels and eateries are not authorized by the Railway. Furthermore, none of these establishments have obtained any authorization or permission from the Railway Administration to operate their businesses in connection with Railways. Consequently, these establishments cannot be considered authorized entities by the Railway Administration.

Since, these establishments are not authorized from the Railway Administration, they are not eligible to use the Railway Effluent Treatment Plant (ETP) for treatment of their waste. The Railway ETP is strictly meant for handling effluents generated from railway operations and authorized railway establishments.

In light of the above, the suggestion provided by WBPCB in its report dated 10.02.2025 cannot be implemented, as it is not permissible and feasible for external entities to use the Railway ETP. These eateries must establish their own effluent treatment systems for the treatment of their waste, in compliance with environmental regulations.

Accordingly, the representations dated 17.02.2025 and 03.03.2025 submitted by these establishments are hereby disposed of, with a clear direction that the Railway ETP will not be available for their use, and they must take independent measures for waste treatment.

This is issued in the interest of compliance with railway policies and operational feasibility.

07/3/2025

(SR.DME(EnHM) &Fr/HWH)

Howrah Division, Eastern Railway

वरिष्ठ मंडल यंत्रिक इंजीनियर (ई एन एच एम एवं एफ आर टी)  
Sr. Divl. Mechanical Engineer (EnHM & FRT)  
पूर्व-रेलवे, हावड़ा / Eastern Railway, Howrah

To  
The Environmental Engineer AND  
In Charge – Howrah Regional Office  
West Bengal Pollution Control Board  
Alipur Police Line  
Kolkata – 700 027

Subject :- Order of National Green Tribunal ( EZ ),Kolkata In Respect of OA No.104/2023/EZ

Ref:- DIRECTION issued by OSD( O & E ) of WBPCB Vide its Memo No. 10605 (2)-[= IM-II/2009 (Part VII) Dtd. 10/02/2025 (Copy forwarded to your good Office at Sl No 19 of the said Memo)

Sir,

In the above-mentioned Memo Dtd.10/02/2025, Your good office has been Requested by the State Board to oversee the COMPLIANCE OF State BOARD's Direction.

(Copy enclosed Page -4/Para- 7)

But I am sorry to inform you that even after crossing of 58days , NO POSITIVE ACTION (to honour DIRECTION OF STATE BOARD dtd.10/02/2025 ) has been Observed either from Indian Railway—Howrah Division or Howrah Municipal Corporation—Howrah to protect Environment, where next date of Hearing before National Green Tribunal (EZ) is fixed on 2nd May, 2025, You are now requested to act as per the DIRECTION OF STATE BOARD dtd.10 Feb. 2025 , where your good office has not yet Contacted us to get the actual status.

A CRITICAL SITUATION Sustains, Where Your State Board desires to Fight Against Env. Pollution, alleged before NGT(EZ) and your early intervention is highly solicited . Expecting an early action.

With Thanks,

*Sachin Jaiswal*  
4/9/25

(SACHIN JAISWAL)

Proprietor,

EATING HOUSE – Howrah

Respondent No.13

(OA no.104/2023/EZ )

Copy to:- Officer on Special Duty ( O & E ) WBPCB, Salt Lake City –Kolkata

----- for kind information & n.a please.

~~17~~ ~~18~~

**" Railway is a National Property"**

To  
The Senior DME(ENHM) & Frt/HWH  
Howrah Division—Eastern Railway  
41—TELKOL GHAT , Howrah  
PIN-- 711101

Sir,

I am in receipt of your "Denial Reply" (Ref.MC/EnHM—HWH/NGT/2025 of 7/3/2025) in respect of our request letter dtd. 03/05/2025 for Compliance according to the "DIRECTION" made by WBPCB thro" its OSD (O & E) vide its Memo No. 10605(2)—1M-11/2009(Part-XII)of 10/2/2025 in the light of The Environment (Protection) Act, 1986 & Rules made thereunder with other Acts of Environment—1974 & 1981

Now, in Reply; I want to inform You that ::

1. The whole matter is subjudice where both Gnr Manager – Indian Railway ( Resp nō 5 ) and M/S Eating House (Resp No – 13) are contesting before NGT (EZ) thro'its ( L ) Advocates.
2. According to the Rules of the land, State Pollution Control Board / WB Pollution Control Board has been constituted to implement the Provisions of Water Act, Air Act and made responsible for implementation of Provisions of other Environment Acts, Rules enacted subsequently and its Directions/Orders are binding to all concerned to save/ protect Environment.
3. Your (L) Advocate has been granted 2 weeks time to submit her rejoinder afftidavit in the line of objection/ denial raised by you on 6/03/2025 before NGT.
- 3A. After that our (L) Advocate will produce her Counter Affidavit,
- 3B. So as a law abiding Citizen and Respondent No 13, I would not say any thing more at this juncture but reserve my rights to state my views thro (L) Advocate in due course of time.
4. Finally, I would just want to record here that Indian Railway thro its various entities like IRFC & IRCTC implements its Corporate Social Responsibility (CSR) Policies Focusing on sustainable development, inclusive growth and addressing the needs of marginalized communities, including initiatives in Education, Health, Sanitation and Environmental sustainability (e.g Waste Water Recycling Plants) without bifurcating in the angle of "Person (s) Authorized" and "Person (s) Unauthorised" as per your quoted term – Railway Policies.It is quite Unfortunate & Anti National.
- 4A. A Certified copy (ies) of relevant portion(s) of your above mentioned Term ( Railway Policies) may plz be supplied for the study of Respondent No. 13 within 48hrs positively.

Thanking You,

*Sachin Jaishwal* 12/3/25  
(SACHIN JAISWAL)

Prop. M/S EATING HOUSE - HOWRAH

Respondent No- 13

Copy to:- OSD( O&E )—WBPCB : for kind information / n.a plz

X

BEFORE THE HON'BLE  
NATIONAL GREEN TRIBUNAL  
EASTERN ZONE BENCH,  
KOLKATA

ORIGINAL APPLICATION NO.  
104/2024/EZ

In The Matter of:

Subhas Datta

...  
Applicant

Versus

State of west Bengal & Ors.

... Respondents



COUNTER AFFIDAVITON BEHALF OF  
THE ADDED RESPONDENT No.13

MALABIKA ROY DE

Advocate

For The Applicant

Email: mrdey@rediffmail.com

(M): 9051634204