

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 & Ors.

.....Respondents

COUNTER AFFIDAVIT ON BEHALF OF THE ADDED RESPONDENT No.12

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Filed by

Malabika Roy De
MALABIKA ROY DE

Advocate

For The Applicant

Email: mrdey@rediffmail.com

(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.12

I, Sri Sambhu Mahato, S/o Bhagat Mahato, aged about 63 years, by faith- Hindu, by occupation- business and residing at 18/1/B, Hari Charan Banerjee Street, Belur Math, Bally, Howrah: 711202, do hereby solemnly affirm and state as follows :-

I That I am the Added Respondent no. 12 in the instant Original Application, the proprietor of the M/s Howrah Station Porters Welfare Association (Earlier name Joy Maa Tara Hotel) having its place of business at 4/5, Rishi Bankim Chandra Road, P.S- Golabari, District: Howrah, Pin: 711101 and I have been added as party in the instant original application on the basis of the I. A No. 04/2025/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.

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/W-14/158927/23 which expired on 31.03.2024 and after that the Howrah Municipal Corporation has not renewed the same inspite of several request.

(ii) Food License issued by FSSAI

(iii) UDYAM MSME License

(iv) Application for obtaining Consent to Establish on 02.11.2023



~~2~~

(v) Some of the rent receipts issued by Erstwhile Kolkata Port Trust now Shyama Prasad Mookhejee Port Trust, Calcutta

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

(vii) ETP has been installed and the unit also obtained Water Analysis report.

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.*

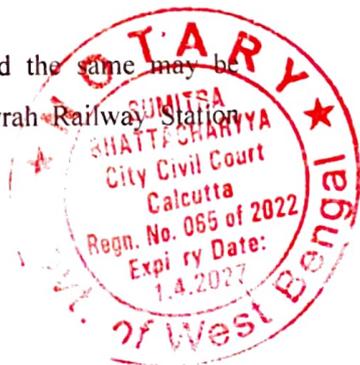
The said memo is annexed herewith and marked as Annexure- A.

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.

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.



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- 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.
- e) 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

Malabika Roy Roy
Advocate

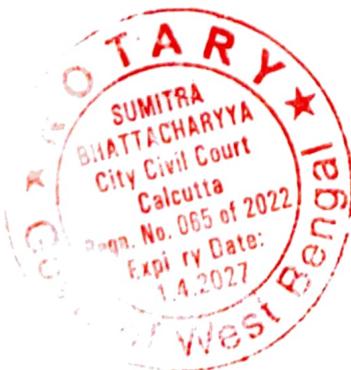
Shambhu Mahata
Deponent

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



✕

VERIFICATION:

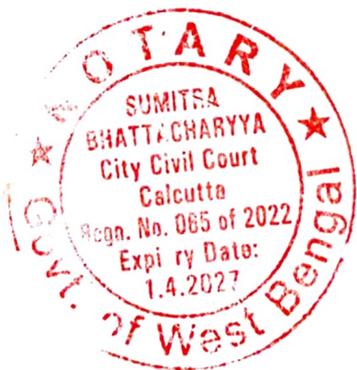
I, the deponent as within named do hereby verify and declare that the statements made in the aforesaid paragraphs are true and correct to the best of my knowledge and information and I believe that nothing material has been concealed there from.

Verified at Kolkata on the ^{1st}.....Day of May, 2025.

Identified by me

Melebis Day Day
Advocate

Shankhu Mahato
Deponent





LIFE
Lifestyle for
Environment

8

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, Email: net.wbpcb-wb@bangla.gov.in

Memo No.

-IM-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 Brijay 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(4)-1M-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, 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
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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

OFFICE COPY

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Answer - B

Date: 03.03.2025

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

Sir,

I, Sambhu Mahato, being secretary of M/s. Howrah Station Porters Welfare Association (Joy Maa Tara Hotel), situated at 4/3 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."

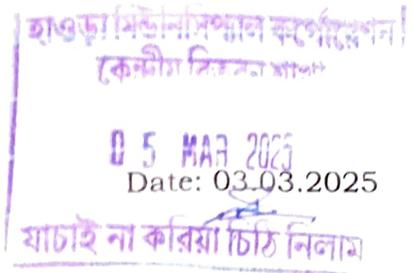
Now in this connection I would humbly request your esteemed office, in this regard to permit us for availing the Effluent Treatment Plant of the Railway Authority for treatment if the process effluent generated from the units and necessary charges in this regard may be paid by us to the Railway Authority, 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,

Sambhu Mahato
Yours Faithfully
GENERAL SECRETARY
MR. SHAMBHU MAHATO

पूर्य रेलवे, हावड़ा
Eastern Railway, Howrah



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

Sir,

I, Sambhu Mahato, being secretary of M/s. Howrah Station Porters Welfare Association (Joy Maa Tara Hotel), 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,

HOWRAH STATION
PORTERS WELFARE ASSOCIATION
Govt. Regd. S/IL/98754
4/3 Rishi Bankim Chandra Road
Howrah-1

Yours Faithfully
GENERAL SECRETARY
MR. SHAMBU MAHATO

12

"Indian Railway is a National Property"

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

Sir,

We are in receipt of your "Interest of Compliance with Railway Policies and Operational Feasibility" Communication (Ref.MC/EnHM—HWH/NGT/2025 of 7/3/2025) in respect of our request letter dtd. 03/05/2025 for E. Rly Compliance according to the "DIRECTION" made by WBPCB thro" its OSD (O & E) vide its Memo No. 10605(3)—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. This "Communication" from You is not at all acceptable to our Porters Welfare Association where majority of Daily Passengers/Commuters travelling from interior parts of South Bengal are totally dependent on different Eateries situated on the bank of the Ganges (opp. To Howrah Rly Stn. Building for Decade) for Cheap rated quality foods (24x7) and You have Marked our Eateries as NOT AUTHORISED. In empty stomach, Passengers or Commuters cannot travel from here and there -Either by Rail/Bus/Steamer—Short or Long Distance.

Both E.Rly and Our Eatery with others are giving services to the Passengers which is the backbone of your Operational Feasibility . As a result You should not be Rigid with your Policies but give us the opportunity to Use your High Capacity oriented ETP for which our Eatery Is ready to pay Fees (as directed by WBPCB) .

We put strong OBJECTION while replying of Your Letter dtd. 03/05/2025. And finally we would request Railway Authority [that your great office] to reverse the DIRECTION given by WBPCB dtd. 10/02/2025 and take your usual measures against Pollution.

Thanking You,
GENERAL SECRETARY
MR. SHAMBHU MAHATO

Shambhu Mahato
13/3/2025

(SHAMBHU MAHATO)
General Secretary, HOWRAH STATION PORTERS WELFARE ASSOCIATION
(earlier Name :: TARA MAA HOTEL) 4/5—RBC Road—HWH 711101
Respondent No- 12 (case no OA/104/2023 before NGT)

HOWRAH STATION
PORTERS WELFARE ASSOCIATION
Govt. Regd. S/1/98754
4/3 Rishi Bankim Chandra Road
Howrah-1

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

Received
Rent & Housekeeping Manager
18/3/2025
Eastern Railway Howrah

"Indian Railway is a National Property"

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

Sir,

We are in receipt of your "Interest of Compliance with Railway Policies and Operational Feasibility" Communication (Ref.MC/EnHM—HWH/NGT/2025 of 7/3/2025) in respect of our request letter dtd. 03/05/2025 for E. Rly Compliance according to the "DIRECTION" made by WBPCB thro" its OSD (O & E) vide its Memo No. 10605(4)—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. This "Communication" from You is not at all acceptable to our Porters Welfare Association where majority of Daily Passengers/Commuters travelling from interior parts of South Bengal are totally dependent on different Eateries situated on the bank of the Ganges (opp. To Howrah Rly Stn. Building for Decade) for Cheap rated quality foods (24x7) and You have Marked our Eateries as NOT AUTHORISED. In empty stomach, Passengers or Commuters cannot travel from here and there -Either by Rail/Bus/Steamer—Short or Long Distance.

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We put strong OBJECTION while replying of Your Letter dtd.07/03/2025.
And Finally we would request Railway Authority (thro" your good office) to honour the DIRECTION given by WBPCB dtd. 10/02/2025 and follow your social responsibilities and fight against Pollution.

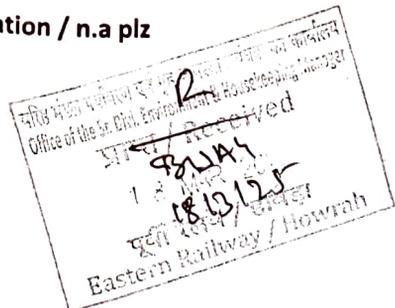
Thanking You,
Shambhu Mahato
13/3/25

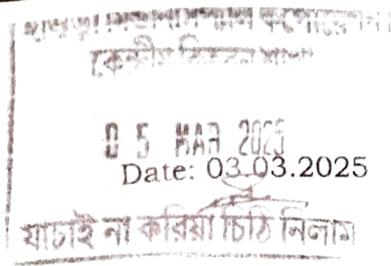
GENERAL SECRETARY
MR. SHAMBHU MAHATO

HOWRAH STATION
PORTERS WELFARE ASSOCIATION
Govt. Regd. S/IL/98754
4/3 Rishi Bankim Chandra Road
Howrah-1

(SHAMBHU MAHATO)
General Secretary, HOWRAH STATION PORTERS WELFARE ASSOCIATION
(earlier Name :: TARA MAA HOTEL) 4/3—RBC Road—HWH 711101
Respondent No- 16 (case no OA/104/2023 before NGT)

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





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

Sir,
I, Sambhu Mahato, being secretary of M/s. Howrah Station Porters Welfare Association (Joy Maa Tara Hotel), 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,

PORTERS WELFARE ASSOCIATION
Govt. Regd. No. 511/1987/54
4/3 Rishi Bankim Chandra Road
Howrah-1

Yours Faithfully

GENERAL SECRETARY

MR. SHAMBU MAHATO

~~16~~

Eastern Railway
EnHM/HWH

MC/EnHM-HWH/NGT/2025

dt.07.03.2025

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-Howah, 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



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.

(SR.DME(EnHM) & Frt/HWH)
Howrah Division, Eastern Railway

07/03/25
वरिष्ठ मकल यानिक इन्सातकर (ई एन एच एन एंड एफ आर डी)
Sr. Divl. Mechanical Engineer (EnHM & Frt)
पूर्व-रेलवे, हावड़ा, Eastern Railway, Howrah

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.12

MALABIKA ROY DE
Advocate
For The Applicant
Email: mrdey@rediffmail.com
(M): 9051634204

