

**Before the Hon'ble National Green Tribunal, Eastern Zone**  
**Bench at Kolkata**

**MEMORANDUM OF APPLICATION**

**[ Under Section 18 (1) read with sections 14 & 15 and under**  
**Section 18 (2) of the National Green Tribunal Act, 2010 ]**

**Original Application No. 92... /2025/EZ**

**Ankur Sharma**

..... Applicant

-Versus-

**The State of West Bengal & Ors.**

..... Respondents

**Compilation – I**

Sl. No.	Particulars	Page No.
1.	Synopsis	5-6
2.	List of Dates	7
3.	Original Application	7-18
4.	Verification	19



*Ankur Sharma*

Ankur Sharma

(Applicant-in-person)

Contact No. 9433883322

E-mail: adv.ankursharma9@gmail.com

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..... Respondents

**Compilation – II**

Sl	Particulars	Annexures
1.	Photographs of the hot mix plant.	'P-1' (20-23)
2.	Photographs showing gross pollution by hot mix plant.	'P-2' (24-27)
3.	A photocopy of email dated 10.01.2025.	'P-3' (28-30)
4.	A photocopy of one tender notice.	'P-4' (31-43)
5.	A photocopy of email dated 14.05.2025	'P-5' (44&45)
6.	A photocopy of the solemn orders dated 02.05.2022, 16.07.2024 and MoEF&CC notification dated 18.05.2023.	'P-6' (46-79)

*Ankur Sharma*

Ankur Sharma

(Applicant-in-person)

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**Before the Hon'ble National Green Tribunal, Eastern Zone**  
**Bench at Kolkata**

**MEMORANDUM OF APPLICATION**

**[ Under Section 18(1) read with sections 14 & 15 and under**  
**Section 18 (2) of the National Green Tribunal Act, 2010 ]**

**Original Application No. .... /2025/EZ**

IN THE MATTER OF :

Ankur Sharma son of Shri Ambooj  
Sharma, resident of 13/3, Dr. P. K.  
Banerjee Road, P.O., P.S. & District –  
Howrah, West Bengal, PIN – 711101.

..... Applicant

-VERSUS –

1. The State of West Bengal represented  
by the Chief Secretary, Government of  
West Bengal having office at  
NABANNA (13th Floor), 325, Sarat  
Chatterjee Road, Shibpur, Howrah -  
711102. Email : cs-westbengal@nic.in

2. The Additional Chief Secretary,  
Department of Environment,  
Government of West Bengal having  
office at PRANISAMPAD BHAWAN,  
Block (5<sup>th</sup> floor), LB-II, Salt Lake,  
Sector-III, Bidhannagar, Kolkata – 700  
106. Email : acsenwb@gmail.com

3. West Bengal Pollution Control Board represented by its Member Secretary having office at PARIBESH BHAVAN, 10A, Block - L.A, Sector - III, Salt Lake, Kolkata - 700106.

Email: ms.wbpcb-wb@bangla.gov.in

4. Public Works Department, Government of West Bengal through its Secretary having office at NABANNA (8<sup>th</sup> floor), 325, Sarat Chatterjee Road, Shibpur, Howrah – 711102.

Email : secpwd@wb.gov.in

5. Howrah Municipal Corporation through its Commissioner having office at 4, M. G. Road, Howrah - 711101.

Email: commissioner.howrah@gmail.com

6. District Magistrate, Howrah having office at 7, Rishi Bankim Chandra Road, Howrah – 711101

Email: dmhowrahwb@gmail.com.

7. Kolkata Metropolitan Development Authority (KMDA) through its Chief Executive Officer having office at Unnayan Bhavan, DJ-11, Sec-II, Salt Lake, Kolkata – 700091

Email : ceokmda@gmail.com

.....Respondents

TO

THE HON'BLE CHAIRMAN AND HIS COMPANION  
MEMBERS OF THE NATIONAL GREEN TRIBUNAL.

HUMBLE APPLICATION SUBMITTED BY THE  
APPLICANT ABOVE NAMED

Synopsis

The Applicant is an Advocate by profession and has been working for, amongst others, all out protection of environment as a whole in the state of West Bengal.

The instant Application is filed by the Applicant against deliberate air pollution by Public Works Department, Government of West Bengal and Howrah Municipal Corporation in repairing of different stretches of at least two roads viz. G.T. Road (South) (under Shibpur Police Station area) by Public Works Department, Government of West Bengal and N. S. Road (partly under Bantra Police Station) by Howrah Municipal Corporation through polluting hot mix asphalt plant in gross violation of environmental norms and laws.

The Hon'ble National Green Tribunal vide solemn orders dated 18.09.2018 and 01.10.2018 in O.A. No. 171/2016/EZ was pleased to direct closure of all hot mix plants in Kolkata and Howrah. Whereas, in O.A. no. 83/2023/EZ filed by the Applicant Hon'ble Tribunal, however, directed, inter alia, West Bengal Pollution Control Board to ensure that Hot Mix Plants shall conform to the parameters and standards in stack emission as prescribed in the MoEF&CC Notification dated 18.05.2023. The Public Works Department, Government of West Bengal and Howrah Municipal Corporation daringly advanced not only to flout environmental norms but also to flout solemn orders passed by this Hon'ble Tribunal.



A plain look at the photographs annexed hereto reveals how badly the environment is being polluted by Howrah Municipal Corporation and the Public Works Department, Government of West Bengal.

It is submitted that the present Application is made seeking appropriate directions to restrain Public Works Department, Government of West Bengal and Howrah Municipal Corporation from using hot mix plants throughout their territorial limit immediately, and calculating and imposing exemplary Environmental Compensation for flouting environmental norms and order passed by this Hon'ble Tribunal.

The Public Works Department, Government of West Bengal and Howrah Municipal Corporation being the civic body instead of taking measures to ensure clean air quality in the city are themselves indulged in polluting air by way of using highly polluting hot mix plants for constructing/repairing public roads.

It is observed throughout Howrah city that hot mix plants are in operation rampantly and whenever the Applicant brought such violation to the notice of the authorities they speeded up their activities, completed the assigned works, and shifted/hidden the plants in use surreptitiously.

Upon finding operation of hot mix plant at two different locations in gross violation of environmental norms and laws and finding no other alternative the Applicant is compelled to approach this Hon'ble Tribunal for justice.



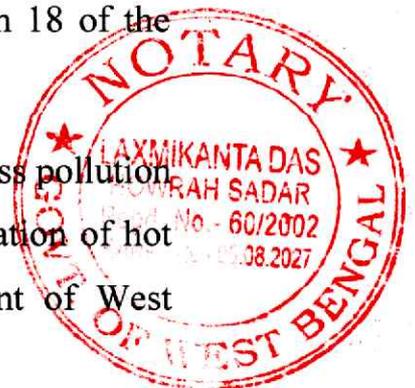
### List of Dates

18/05/2023	MoEF&CC notification was issued prescribing standards for hot mix plants.
16/07/2024	Orders were passed in O.A. No. 83 of 2023/EZ
10/01/2025	The Applicant lodged complaint with the Commissioner, Howrah Municipal Corporation.
09/05/2025	The Applicant visited hot mix plant located near Shalimar Railway Station.
13/05/2025	The Applicant visited hot mix plant located near "Dalal Pukur" and another plant near Shalimar Railway Station.

### FACTS IN BRIEF

MOST RESPECTFULLY SHEWETH :

1. That the Applicant is an Advocate by profession. The Applicant is working, amongst others, for the protection of the environment and water bodies and protection of the right to a clean environment for every citizen guaranteed under Article 21 of the Constitution of India, 1950 and in discharge of his duty under Article 51A he has raised his voice in past against many other illegalities throughout State of West Bengal, particularly against air pollution, filling of water bodies, pollution by fish markets, pollution of river Hooghly, etc. The Applicant is filing the instant application under Section 14 and 15 read with section 18 of the National Green Tribunal Act, 2010.
2. That the Applicant is filing this Application against gross pollution and environmental damages being caused due to operation of hot mix plant by Public Works Department, Government of West

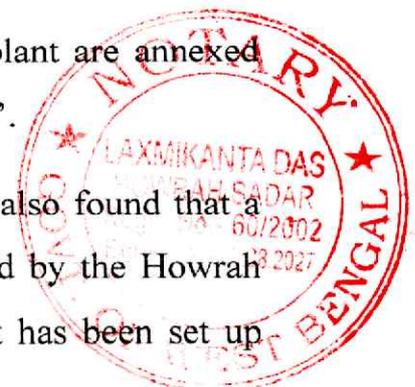


Bengal and Howrah Municipal Corporation i.e. the Respondent no. 4 and 5 herein for construction/repairing of G.T. Road (South) by Public Works Department, Government of West Bengal and N. S. Road by Howrah Municipal Corporation in heart of the city.

3. That the said G. T. Road (South) is at a stone throw distance from the house of the Applicant and on 09.05.2025 at about 13:00 hrs while passing along the said road the Applicant noticed that new layer of asphalt has been applied on a small stretch of G.T. Road (South) under the jurisdiction of Shibpur Police Station which prima facie appeared to have been applied using hot mix technology. The Applicant enquired from local residents and gathered that reconstruction of the road is being carried by Public Works Department, Government of West Bengal in wee hours and a hot mix plant has been set up near Shalimar Railway Station.
4. That the Applicant visited the site near Shalimar Railway Station and rail line crossing on 09.05.2025 at about 13:20 hrs and noticed that hot mix asphalt plant has been set up in violation of the MoEF&CC Notification dated 18.05.2023. The plant did not had any pollution abatement device and appeared to have been operational in the preceding night by a bare look, burnt wood and ashes were visible at the spot. The Applicant was unable to find any display board showing names of any contractor engaged by the Public Works Department, Government of West Bengal or any other Department.

Some photographs of the said hot mix plant are annexed herewith and marked by the letter and figure 'P-1'.

5. The Applicant on 13.05.2025 at about 23:55hrs also found that a stretch of N. S. Road is also being reconstructed by the Howrah Municipal Corporation and that a hot mix plant has been set up



behind “Dalal Pukur” on a lane connecting with Mahendra Bhattacharjee Road being the extended part of N. S. Road.

6. That the Applicant immediately rushed to said “Dalal Pukur” on 14.05.2025 at about 00:11 hrs and noticed that a huge hot mix plants has been set up behind the said lake emitting thick black smoke. The Applicant noticed that rampant air and noise pollution was being carried on thereat due to use of the hot mix plant. Wood were being used as fuel for the plant. The Applicant was unable to find any display board showing names of any contractor engaged by the Howrah Municipal Corporation, if any. The Applicant on the same day again visited the site at about 11:56 hrs and found that newly cut wood logs of trees were placed alongside the hot mix plant to be used as fuels.

Some photographs of showing gross pollution due to operation of said hot mix are annexed herewith and marked by the letter and figure ‘P-2’.

7. That the Applicant on an earlier occasion i.e. on 10.01.2025 also found similar rampant pollution upon Bankim Setu beside the head office of Howrah Municipal Corporation, and being a socially conscious citizen the Applicant brought the issue to the notice of the statutory authorities vide email dated 10.01.2025. However, no stern steps were taken. Instead, the work continued in much greater speed and subsequently the work got completed within a few days, and the plant was shifted from the site to a distant undisclosed location.

A photocopy of the said email dated 10.01.2025 is annexed herewith and marked by the letter and figure ‘P-3’



8. That the Applicant also found from the website of the Public Works Department, Government of West Bengal that tenders have been floated for repairing G. T. Road under Shibpur area with the condition that burning of old tyres in hot mix plant as a fuel during construction and repairing of the roads for melting coal tar is not permissible which canvasses that use of hot mix plants was insisted without, however, using old tyres in hot mix plant as a fuel.

A photocopy of the one such tender notice is annexed herewith and marked by the letter and figure 'P-4'

9. That the hot mix plant of Public Works Department, Government of West Bengal has been shifted/hidden on 13.05.2025 however, the hot mix plant of the Howrah Municipal Corporation is still present and is in full operation. More repair works using hot mix plants are about to be undertaken by the Public Works Department, Government of West Bengal as gathered from their website and tender notices.

10. That the Applicant vide email dated 14.05.2025 brought the matter to the notice of the Commissioner, Howrah Municipal Corporation as well as the West Bengal Pollution Control Board requesting not to allow running of the polluting hot mix plant at all.

A photocopy of the said email is annexed herewith and marked by the letter and figure 'P-5'.

11. That the acts and actions of the Public Works Department, Government of West Bengal and Howrah Municipal Corporation are contemptuous in nature and tantamount to showing utter disregard to the solemn order passed by this Hon'ble Tribunal as



well as to environmental norms and laws which every person is obliged to abide by.

12. That if the Public Works Department, Government of West Bengal and Howrah Municipal Corporation themselves are showing repetitively such scant disregard to the environment, wrong message would be sent to the society.
13. That it is evident from the acts and actions of the Public Works Department, Government of West Bengal and Howrah Municipal Corporation that they are deliberately flouting order of the Hon'ble Tribunal and polluting the environment.
14. That the West Bengal Pollution Control Board nor the Dept. of Environment, West Bengal can alone solve air pollution in the state without active participation of the other authorities of the state and the citizens of the state. However, in this present case there has been active participation by the Public Works Department, Government of West Bengal and Howrah Municipal Corporation in devastating the environment and grossly polluting the air.
15. That due to the example being set by the Public Works Department, Government of West Bengal and Howrah Municipal Corporation citizens throughout Howrah city are flouting environmental norms in whatever ways, particularly by stacking construction materials openly in dry condition upon public lanes.
16. That it is a settled fact that hot mix asphalt plants cause gross air pollution and release toxic carcinogenic fumes into the air. The Hon'ble National Green Tribunal directed closure of all hot mix plant in Kolkata and Howrah vide solemn orders dated 18.09.2018 and 01.10.2018 in O.A. No. 171/2016/EZ as gleaned from solemn



order dated 02.05.2022 passed by this Hon'ble Tribunal in M.A. No. 57/2018/EZ in O.A. No. 171/2016/EZ. The Applicant filed O.A. no. 83 of 2023/EZ wherein on 16.07.2024 the Hon'ble Tribunal, inter alia, directed West Bengal Pollution Control Board to ensure that Hot Mix Plants shall conform to the parameters and standards in stack emission as prescribed in the MoEF&CC Notification dated 18.05.2023.

Photocopy of solemn orders dated 02.05.2022, 16.07.2024 and MoEF&CC notification dated 18.05.2023 are annexed herewith and collectively marked as 'P-6'. The Applicant was unable to download/obtain copy of solemn order dated 18.09.2018 & 01.10.2018.

17. That unless hefty Environmental Compensation and penal steps are taken against Public Works Department, Government of West Bengal and Howrah Municipal Corporation they will be encouraged to continue to flout the solemn orders passed by this Hon'ble Tribunal and environmental norms and laws.
18. Your Applicant states that various other less polluting methods are available for constructing roads such as cold mix asphalt technology or use of concrete road. However, the Public Works Department, Government of West Bengal and Howrah Municipal Corporation are flamboyantly flouting environmental norms by using age old and traditional polluting hot mix asphalt plants instead of cold mix asphalt technology.
19. That it is evident from the scale of pollution that no Consent to Establish or Consent to Operate has been obtained from the West Bengal Pollution Control Board to run the said hot mix plants.
20. That due to the acts and omissions of Public Works Department, Government of West Bengal and Howrah Municipal Corporation, and absence of vigilance on the part of Department of

Environment, Government of West Bengal and other statutory authorities the environmental yard sticks in the state of West Bengal have become a hoax to encourage violations compared to other states of the country.

21. That the air quality of Howrah City is being devastated due to operation of hot mix asphalt plants by the Public Works Department, Government of West Bengal and Howrah Municipal Corporation.
22. Appropriate directions of varied dimensions and of serious consequences in accordance with the law are required to be passed by this Hon'ble Tribunal to stop air pollution being caused by Public Works Department, Government of West Bengal and Howrah Municipal Corporation, and such other or further orders to penalize the persons sitting in high places of the Public Works Department, Government of West Bengal and Howrah Municipal Corporation involved in polluting the air by running hot mix plants.
23. It is submitted that conducts of Public Works Department, Government of West Bengal and Howrah Municipal Corporation are contrary to environmental laws and principles of environmental protection. In spite of being requested by the Applicant to stop operations of hot mix plant on past occasion as well as being aware about orders passed by this Hon'ble Tribunal in O.A. no. 83 of 2023/EZ the Howrah Municipal Corporation indulged in setting up more hot mix plants for their own reasons. The Public Works Department, Government of West Bengal is also desperately and similarly flouting order of this Hon'ble Tribunal and environmental norms and laws for their own private reason.



24. It is submitted that the Respondents are oblivious to the fact that rampant use of polluting hot mix plant is a grave concern which needs no elaboration.
25. It is submitted that due to aforesaid activities the air quality of Howrah City is deteriorating to a great extent.
26. It is submitted that the Public Works Department, Government of West Bengal and Howrah Municipal Corporation are deliberately flouting the orders passed by this Hon'ble Tribunal.
27. That having felt it necessary to protect the environment of the city from being devastated as a result of the actions and acts of Public Works Department, Government of West Bengal and Howrah Municipal Corporation your Applicant begs to move the present application on the following amongst other grounds :

### GROUND

- A. For that the Public Works Department, Government of West Bengal and Howrah Municipal Corporation have miserably neglected and failed to perform its duties by running old polluting hot mix asphalt plant in areas under its jurisdiction.
- B. For that the Applicant has enough evidence to prove gross air pollution being caused by Public Works Department, Government of West Bengal and Howrah Municipal Corporation.
- C. For that government authorities ought to have taken necessary legal actions against Public Works Department, Government of West Bengal and Howrah Municipal Corporation for causing gross air polluting and for flouting orders passed by this Hon'ble Tribunal.



D. For that by running polluting hot mix asphalt plants and causing gross air pollution Public Works Department, Government of West Bengal and Howrah Municipal Corporation have rendered itself liable to pay hefty environmental compensation in consonance with the concept of "Polluter pays the Principal".

E. For that the Respondent Authorities have a duty under the law to protect the environment.

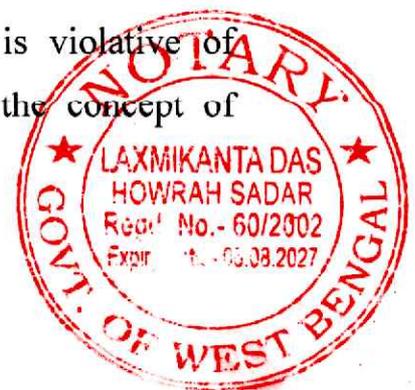
F. For that the inactions of the Respondent Authorities to perform their duties has resulted in the present predicament and violation of several environmental laws.

G. For that Public Works Department, Government of West Bengal and Howrah Municipal Corporation are causing gross air pollution throughout Howrah city by running old polluting hot mix plants in various parts of the city.

H. For that the Respondent Authorities ought to have been more vigilant in monitoring operation of polluting hot mix plants in city area, and not sitting tight even after receiving information of violations.

I. For that Public Works Department, Government of West Bengal and Howrah Municipal Corporation ought to have used available alternative methods of road construction/repairing other than old polluting hot mix technology.

J. For that the failure of the respondents is violative of several environmental laws. It is also against the concept of sustainable development.



K. For that section 18 (1) read with section 14 & 15 of the National Green Tribunal Act, 2010, the Hon'ble Court has ample jurisdiction to adjudicate this matter.

L. For that under section 18 (2) of the National Green Tribunal Act, 2010, your Applicant is competent to file this application before the Hon'ble Tribunal.

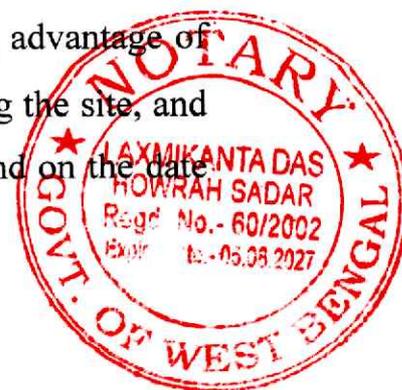
#### **LIMITATION:**

The Applicant declares that as per the National Green Tribunal Act 2010 this application is well within the prescribed time.

#### **INTERIM RELIEF :**

Pending disposal of the Application, the Applicant prays that this Hon'ble Tribunal be pleased to :

A. Constitute a committee comprising of officials from West Bengal Pollution Control Board, Department of Environment Government of West Bengal and District Administration to immediately cause an inspection of the two hot mix plants and to calculate total environmental compensation to be levied upon the Public Works Department, Government of West Bengal and Howrah Municipal Corporation for flouting environmental norms and orders of this Hon'ble Tribunal, and submit report before this Hon'ble Tribunal with special direction to set up an inspection date so that wrongdoers cannot befool them taking advantage of time of delay caused by the committee in inspecting the site, and to ascertain if reconstruction as would may be found on the date



of inspection is recent one and if mark of asphaltting by use of hot mix plant has taken place ;

B. Direct Public Works Department, Government of West Bengal and Howrah Municipal Corporation to immediately stop operation of all hot mix plants throughout Howrah ;

C. Issue Directions for booking concerned officers of Public Works Department, Government of West Bengal and Howrah Municipal Corporation under relevant provisions of the Prevention of Money Laundering Act, 2002 ;

D. And pass any such further order or orders as this Hon'ble Tribunal may deem fit proper upon considering the facts and circumstances of the case.

### PRAYER

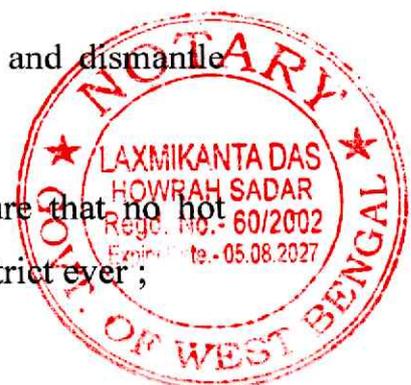
For the reasons stated above, it is humbly prayed that this Hon'ble Tribunal may be pleased to :

A. Admit the Application and issue notice upon the Respondents ;

B. Direct Public Works Department, Government of West Bengal and Howrah Municipal Corporation to immediately stop operation of all hot mix plants throughout areas under its jurisdiction ;

C. Direct the Respondent authorities to seize and dismantle all hot mix plants located in Howrah City area ;

D. Direct the Respondent Authorities to ensure that no hot mix asphalt plant is being operated in Howrah District ever ;



E. Direction to impose exemplary penalty upon Public Works Department, Government of West Bengal and Howrah Municipal Corporation i.e. the polluters in consonance with the concept of "Polluter pays Principal" for road construction/repair using polluting hot mix plant ;

F. Direct the Respondent Authorities to take all remedial measures for recovering damage to the air quality caused due to operation of hot mix plants by Public Works Department, Government of West Bengal and Howrah Municipal Corporation;

And pass any such further order or orders as this Hon'ble Tribunal may deem fit proper and necessary upon considering the facts and circumstances of the case.



## VERIFICATION

I, Ankur Sharma son of Shri Ambooj Sharma, aged about 28 years, residing at 13/3, Dr. P.K. Banerjee Road, P.S. & District – Howrah, West Bengal, PIN – 711101 state that I am the Applicant of this Application. I do hereby verify the contents of paragraphs no. 1 to 13, and the rest are true to the best of my knowledge, and are my humble prayers before your Lordship and I have not suppressed any material facts herein.

Date: 14/05/2025

Ankur Sharma

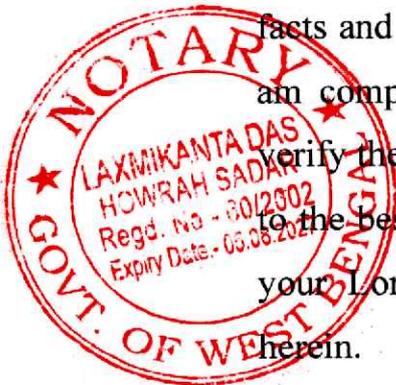
Place: Howrah

Applicant

BEFORE THE NOTARY PUBLIC  
HOWRAHSL. NO. K/ May / 350/25

## AFFIDAVIT

I, Ankur Sharma son of Shri Ambooj Sharma, aged about 28 years, residing at 13/3, Dr. P.K. Banerjee Road, P.S. & District – Howrah, West Bengal, PIN – 711101 state that I am the Applicant of this Application and I am well conversant with the facts and circumstances of the instant Original Application and I am competent to swear and affirm this Affidavit. I do hereby verify the contents of paragraphs no. 1 to 13, and the rest are true to the best of my knowledge, and are my humble prayers before your Lordship and I have not suppressed any material facts herein.



Date: 14/05/2025

Ankur Sharma

Place: Howrah

Applicant

SOLEMNLY AFFIRMED & DECLARED  
BEFORE ME BY THE DEPONENT, ON  
IDENTIFICATION OF ADVOCATEPlace Judges' Court  
Howrah - 711101  
W.B. IndiaLAXMIKANTA DAS  
NOTARY HOWRAH  
Govt. of West Bengal

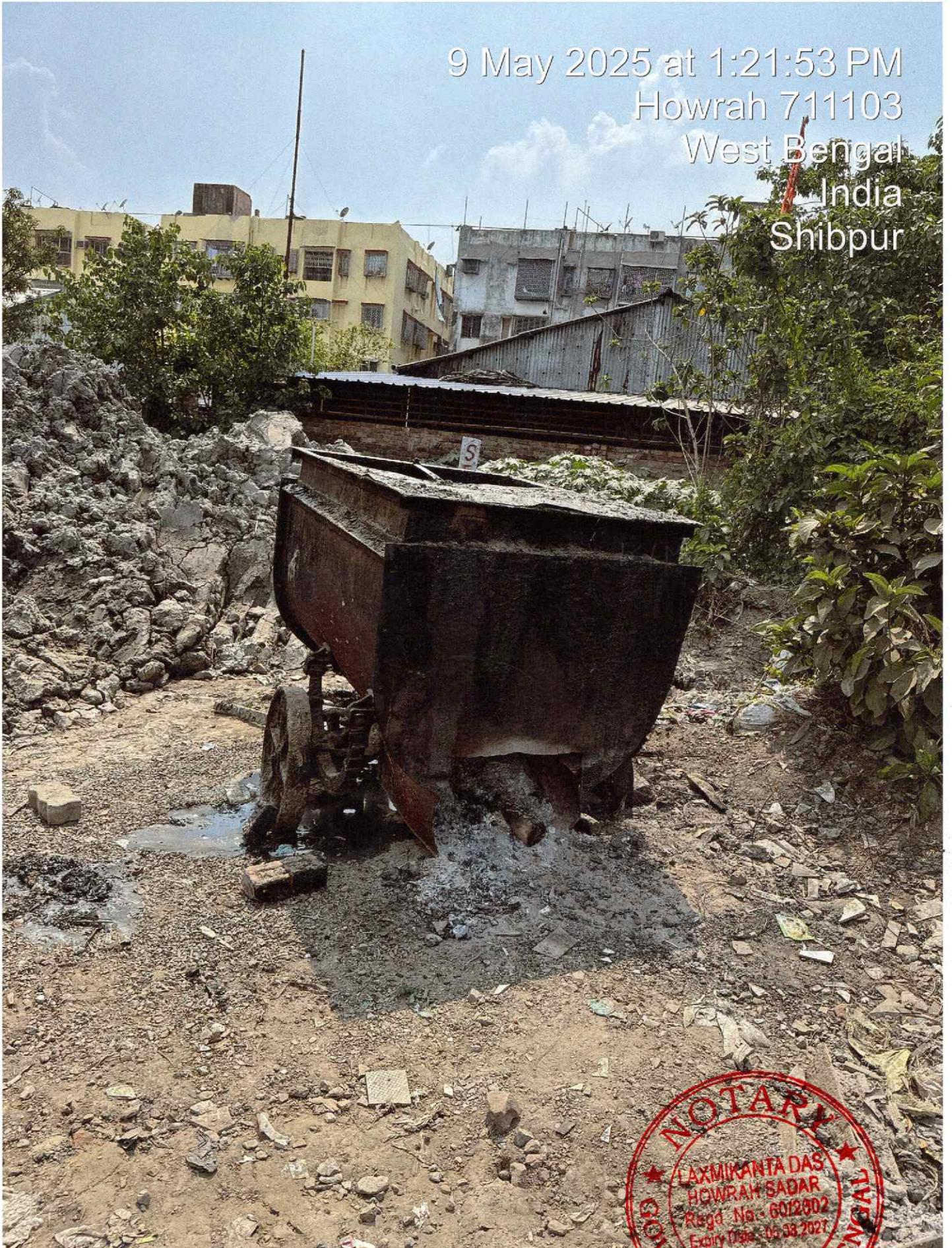
Identified by me

Ayushi Kakarania

F/498/371/2021

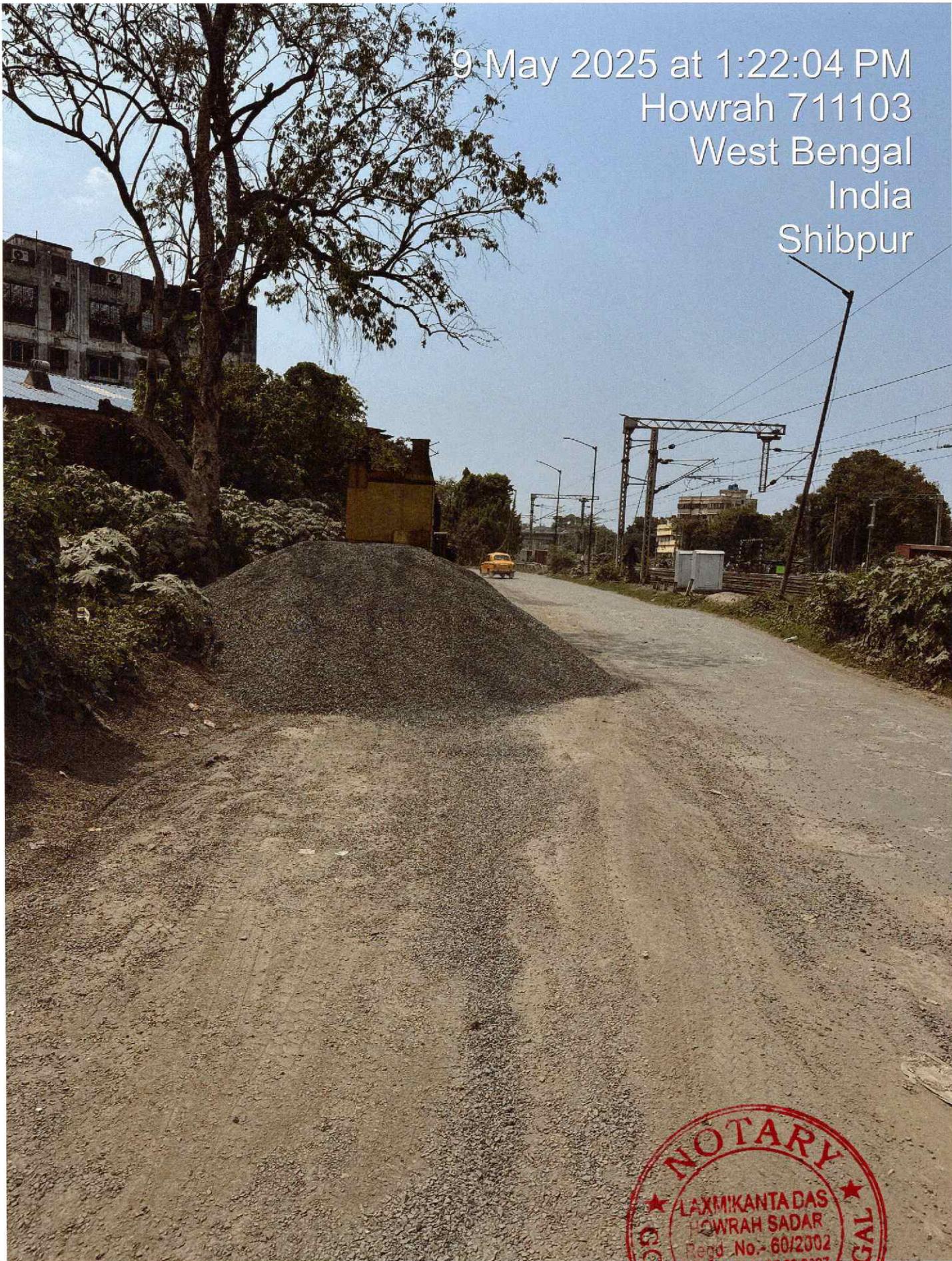
14 MAY 2025

9 May 2025 at 1:21:53 PM  
Howrah 711103  
West Bengal  
India  
Shibpur



NOTARY  
LAXMIKANTA DAS  
HOWRAH SADAR  
Regd. No. - 6012802  
Expiry Date - 05-31-2027  
GOVT. OF WEST BENGAL

9 May 2025 at 1:22:04 PM  
Howrah 711103  
West Bengal  
India  
Shibpur



**NOTARY**  
★ LAXMIKANTA DAS ★  
HOWRAH SADAR  
Regd. No.- 60/2302  
Expiry Date.- 05.08.2027  
**GOVT. OF WEST BENGAL**

-22-



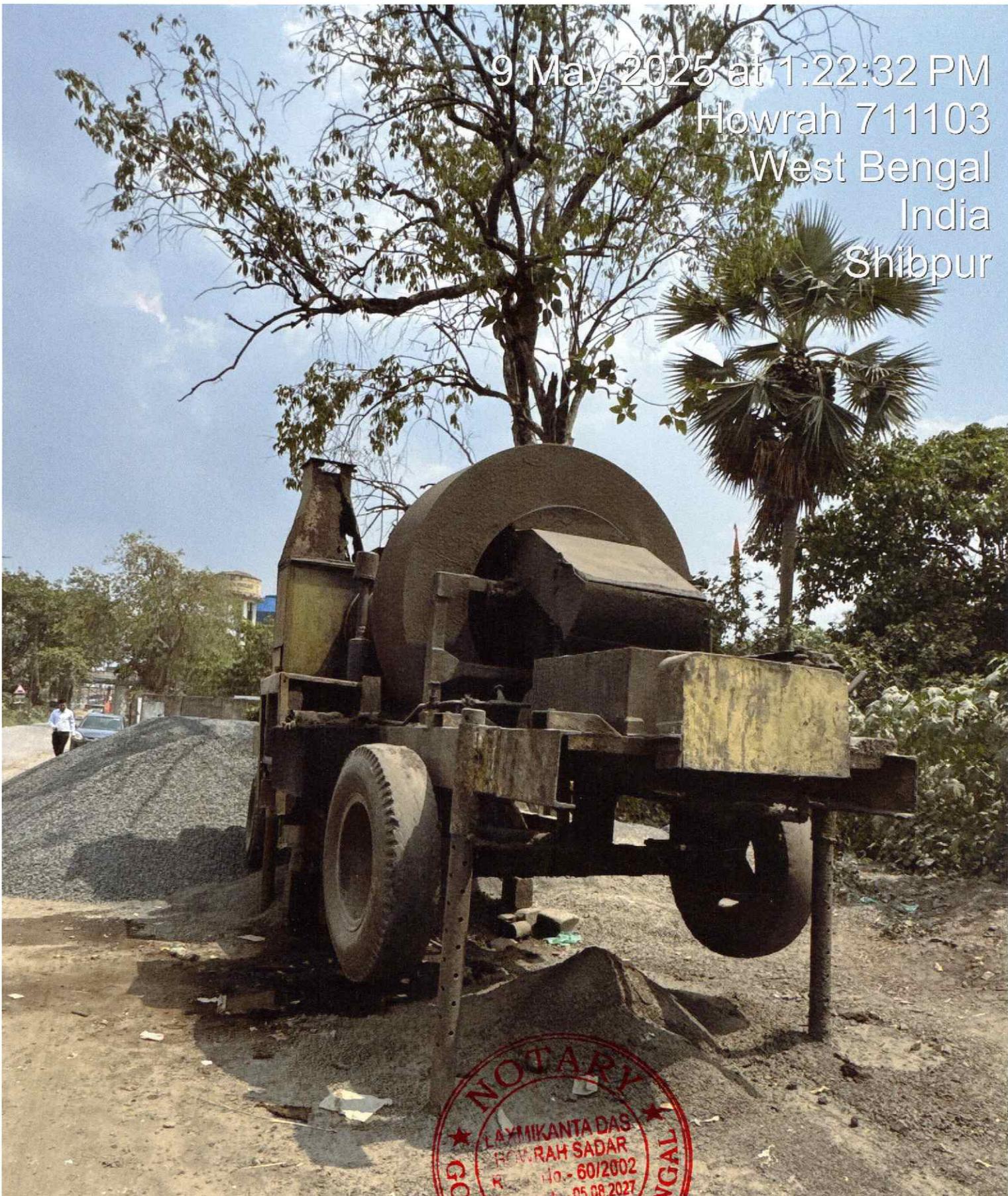
9 May 2025 at 1:22:21

Howrah

West Bengal

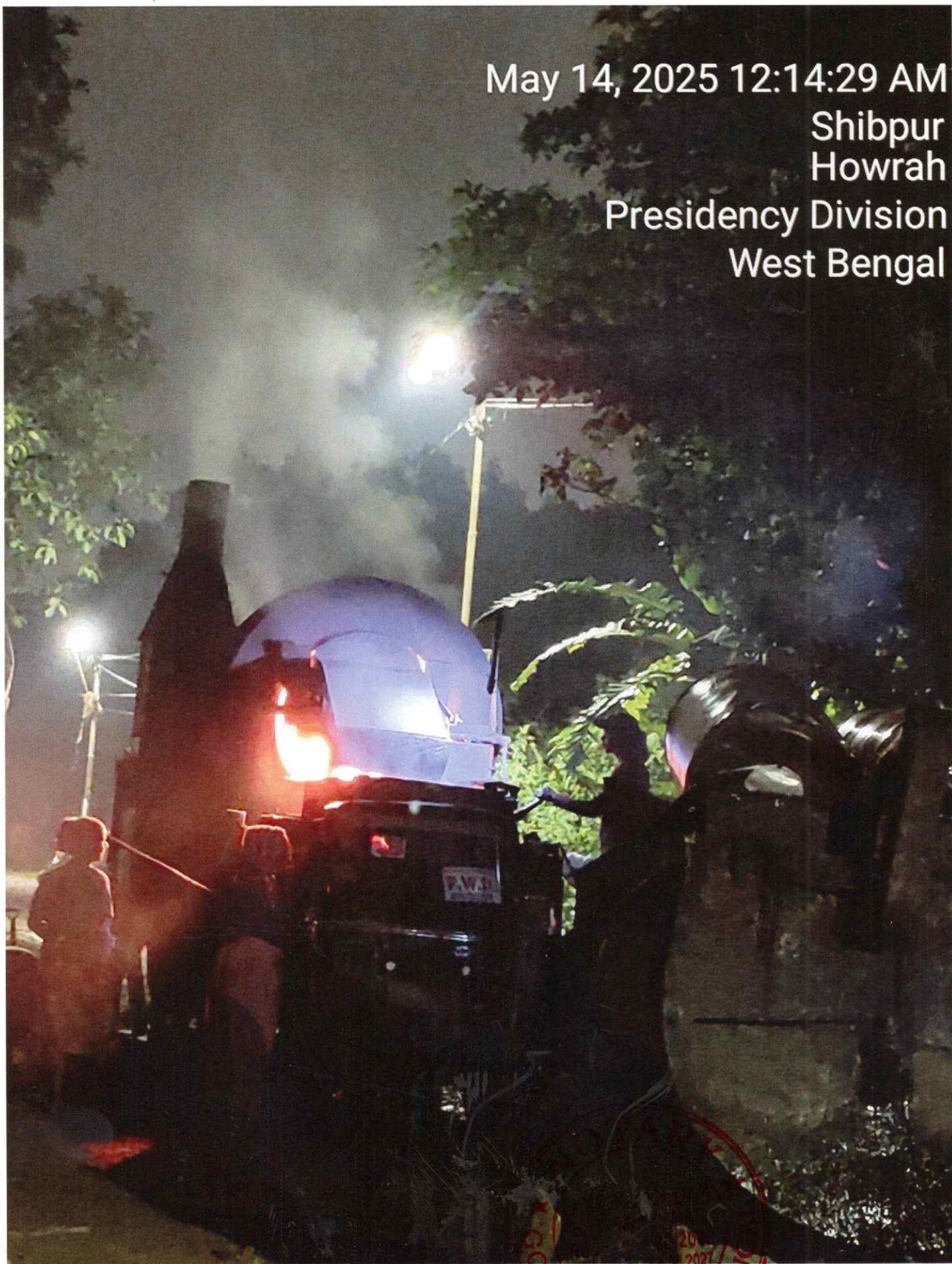
**NOTARY**  
★  
SANKHANTA DAS  
HOWRAH SADAR  
No. - 90/2032  
Date - 05.05.2025  
★  
**GOVT. OF WEST BENGAL**

9 May 2025 at 1:22:32 PM  
Howrah 711103  
West Bengal  
India  
Shibpur

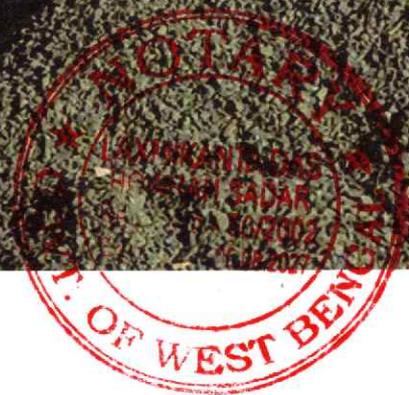
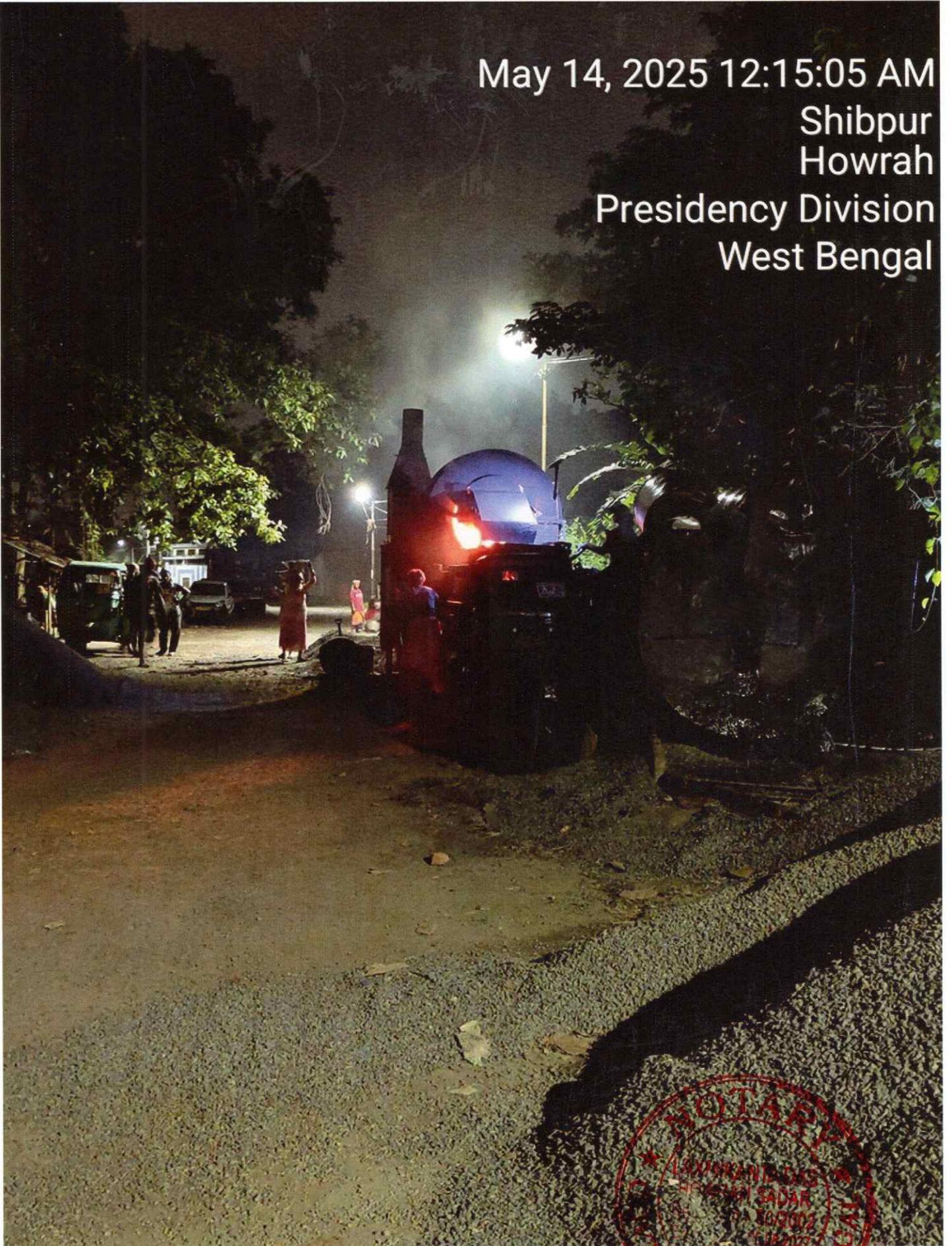


NOTARY  
LAXMIKANTA DAS  
HOWRAH SADAR  
No. - 60/2002  
05.08.2027  
GOVT. OF WEST BENGAL

May 14, 2025 12:14:29 AM  
Shibpur  
Howrah  
Presidency Division  
West Bengal



May 14, 2025 12:15:05 AM  
Shibpur  
Howrah  
Presidency Division  
West Bengal



14 May 2025 at 11:57:37 AM  
Howrah 711104  
West Bengal  
India  
Shibpur



14 May 2024 11:57:51 AM  
28 Tanjibara Lane  
Howrah 711104  
West Bengal  
India



NOTARY  
LAXMIKANTA DAS  
HUMBAH SADAR  
R. No. 60/2002  
08 2027  
GOVT. OF WEST BENGAL



Ankur Sharma &lt;adv.ankursharma9@gmail.com&gt;

**MOST URGENT : Flouting of solemn order dated 16.07.2024 by Kolkata Metropolitan Development Authority (KMDA) by way of operating polluting hot mix plant within its area in violation of the siting criteria.**

Ankur Sharma &lt;adv.ankursharma9@gmail.com&gt;

Fri, Jan 10, 2025 at 12:08 PM

To: chrnmn.wbpcb-wb@bangla.gov.in, ms.wbpcb-wb@bangla.gov.in

Cc: secy-moef@nic.in, cs-westbengal@nic.in, environmentwb@gmail.com, dmhowrahwb@gmail.com, ceokmda@gmail.com, commissioner.howrah@gmail.com

**MOST URGENT**The Chairman  
West Bengal Pollution Control BoardThe Member Secretary  
West Bengal Pollution Control Board

Sub : Flouting of solemn order dated 16.07.2024 by Kolkata Metropolitan Development Authority (KMDA) by way of operating polluting hot mix plant in violation of the siting criteria.

Sir,

I am reluctantly constrained to attach one solemn order dated 16.07.2024 in O.A. No. 83 of 2023/EZ passed by the Hon'ble National Green Tribunal Eastern Zone Bench at Kolkata together with some photographs captured today i.e. on 10.01.2025 at about 11:38 hrs on the south flank of Bankim Setu beside new building of the Howrah Municipal Corporation only within stone throw distance from the District Magistrate's Residence and office as a mark of exhibition of desperate mindset of Kolkata Metropolitan Development Authority (KMDA) authority to devastate not only the environment but also to frustrate the solemn order of the Eastern Zone Bench of Hon'ble National Green Tribunal.

Even after winning the national title of Dirtiest City of the Country people of the city are being called by outsiders in bad name as residents of a lawless city. In paragraph no. 23 of the attached solemn order Hon'ble Tribunal directed the West Bengal Pollution Control Board to ensure compliance of environmental norms by hot mix plants in light of other previous orders of the Tribunal clearly mentioned therein.

In spite of orders by the Hon'ble Tribunal, requests made by me, Notification issued by Ministry of Environment, Forests and Climate Change, Govt of India officers of Kolkata Metropolitan Development Authority (KMDA) are continuously flouting laws, norms and solemn orders by operating polluting hot mix plant in densely populated areas within their jurisdiction showing thumb to the rule of law and canvassing how easy it is to flout laws and solemn orders of the judiciary, now in the process of repairing portion/stretch of Bankim Setu.

In view of above, you are requested to cause an inspection at site immediately and take stern legal steps aiming to book the culprits and initiate disciplinary proceedings under the provisions of the Air (Prevention and Control of Pollution) Act, 1981, Environment Protection Act, 1986 against the erring public servants.

Thanking you,  
Yours faithfully,Ankur Sharma  
13/3, Dr. P. K. Banerjee Road  
Howrah, West Bengal  
PIN - 711101  
Mob : 9433883322

Attachments : As stated above.

cc :

The Secretary  
Ministry of Environment, Forests and Climate Change  
Government of India

- with a request to take necessary steps.



The Chief Secretary  
Government of West Bengal

- with a request to investigate how public servants of this government are sabotaging the image of the government, and initiate disciplinary proceedings against each of them.

The Chief Environment Officer  
Department of Environment  
Government of West Bengal

- with a request to take necessary steps.

The District Magistrate  
Howrah

- for appropriate appreciation of gravity of the matter.

The Chief Executive Officer  
Kolkata Metropolitan Development Authority (KMDA)

- with a request to save the soul of Howrah city well before unpleasant development takes place.

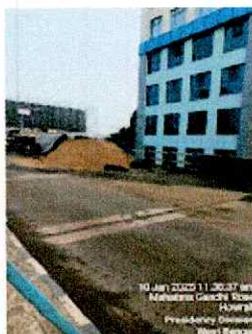
The Commissioner  
Howrah Municipal Corporation

- for kind information and necessary steps.

**6 attachments**



**PHOTO-2025-01-10-11-40-32.jpg**  
227K



**PHOTO-2025-01-10-11-39-00.jpg**  
241K



**PHOTO-2025-01-10-11-41-18.jpg**  
299K



-30-



**PHOTO-2025-01-10-11-50-21.jpg**  
314K



**PHOTO-2025-01-10-11-41-19.jpg**  
308K



**Hot Mix Plant final order (1).pdf**  
362K





Phone No. -2688 - 0230

Email id: eepwdhowrahdivision@gmail.com

GOVERNMENT OF WEST BENGAL  
OFFICE OF THE EXECUTIVE ENGINEER  
HOWRAH DIVISION, P.W.D.  
ONKARMAL JETIA ROAD HOWRAH - 711103

Memo. No.1046

Dated: 29.04.2025

NOTICE INVITING TENDER (ON LINE)  
NO. WBPWD/EE/HD/NieT\_06/2025\_26

The Executive Engineer, Howrah Division, Public Works Directorate, invites e-tender for the work detailed in the table below. (Submission of Bid through **online**)

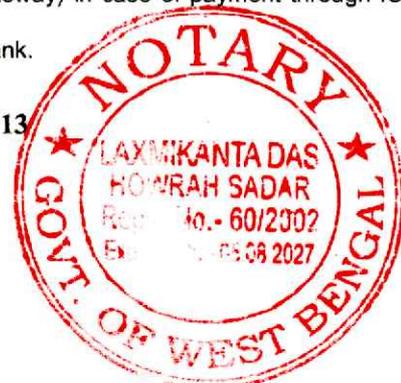
Sl. No.	Name of work	Estimated Amount	Earnest Money	Cost of Documents	Period of completion	Name of concerned Sub-Division	Eligibility of Bidder
		(In Rs.)	(In Rs.)	(In Rs.)			
1	Urgent road restoration in part stretches near 3 no rail gate at College Road under Shibpur Sub Division under Howrah Division, PWD during the year 2025-2026.	Rs. 4,95,986.00	Rs. 9,920.00	NIL	15(Fifteen) Days	Shibpur Sub-Division under Howrah Division, PWD	Bonafied eligible contractors having credential minimum 40% in a single similar nature of job for last SEVEN (vide memo no 4185 dt. 28/11/2023 of CE (HQ), PWD) years and specified as per G.O. no.03-/PW/O/10C-02/14 dated. 12.03.2015.
2	Urgent road restoration in part stretches near Kazipara crossing at G.T. Road under Shibpur Sub Division under Howrah Division, PWD during the year 2025-2026.	Rs. 4,92,928.00	Rs. 9,859.00	NIL	15(Fifteen) Days	Shibpur Sub-Division under Howrah Division, PWD	Bonafied eligible contractors having credential minimum 40% in a single similar nature of job for last SEVEN (vide memo no 4185 dt. 28/11/2023 of CE (HQ), PWD) years and specified as per G.O. no.03-/PW/O/10C-02/14 dated. 12.03.2015.

1. A bidder desirous of taking part in a part in a tender shall login to the e-Procurement Portal of the Government of West Bengal <http://wbtenders.gov.in> using his login ID and Password and thereafter may download the tender document from the website directly with the help of Digital Signature Certificate.

As per G.O. No. 416(8)-W(C)/1M-291/16 dated 03.08.2016 of the Joint Secretary, Works Branch, PWD in concurrence to G.O. No. 3975-F(Y) dated 28.07.2016 of the Secretary, Audit Branch, Finance Department a bidder should initiate payment of pre-defined EMD for the tender by selecting from either of the following payments modes:

- i) **Net Banking** (any of the banks listed in the ICICI Bank Payment Gateway) in case of payment through ICICI Bank Payment Gateway;
- ii) **RTGS/NEFT** in case of offline payment through bank account in any Bank.

NieT No. 06 of 2025-2026 Page 1 of 13



I) Earnest Money Payment Procedure :

a) Payment by Net Banking (any listed bank) through ICICI Bank Payment Gateway:

- i. On selection of net banking as the payment mode, the bidder will be directed to ICICI Bank Payment Gateway webpage (along with a string containing a Unique ID) where he will select the Bank through which he wants to do the transaction.
- ii. Bidder will make the payment after entering his Unique ID and Password of the Bank to process the transaction.
- iii. Bidder will receive a conformation message regarding success/failure of the transaction.
- iv. If the transaction is successful, the amount paid by the bidder will get credit in the respective pooling account of the State Government/PSU/Autonomous Body/Local Body/PRIs, etc. maintained with the Focal Point Branch of ICICI Bank R.N. Mukherjee Road, Kolkata for collection of EMD/Tender Fees.
- v. If the transaction is failure, the bidder will again try for payment by going back to the first step.

b) Payment through RTGS/NEFT :

- i. On selection of RTGS/NEFT as the payment mode, the e-Procurement portal will show a pre-filled challan having the details to process RTGS/NEFT transaction.
- ii. The bidder will print the challan and use the pre-filled information to make RTGS/NEFT payment using his Bank account.
- iii. Once payment is made, the bidder will come back to the e-Procurement portal after expiry of a reasonable time to enable the NEFT/RTGS process to complete, in order to verify the payment made and continue the bidding process.
- iv. If verification is successful, the fund will get credit to the respective pooling account of the state Government/PSU/Autonomous Body/Local Body/PRIs, etc. maintained with the Focal Point Branch of ICICI Bank at R.N. Mukherjee Road, Kolkata for collection of EMD/Tender Fees.
- v. Hereafter, the bidder will go to e-Procurement portal for submission of his bid.
- vi. But if the payment verification is unsuccessful, the amount will be returned to the bidder's account.

II) Earnest Money Refund/Settlement Process :

- i. The EMD of the Bidders disqualified at Technical Evaluation will be refund through an automated process to respective bidder's Bank Accounts from which they made the payment transaction.
  - ii. Once the financial bid evaluation is electronically processed in the e-Procurement portal, EMD of the technically qualified bidders other than that of the L<sub>1</sub> and L<sub>2</sub> bidders will be refunded, through an automated process, to the respective bidders' bank accounts from which they made the payment transaction.
  - iii. If the L<sub>1</sub> bidder accepts the LOI and the same is processed electronically in the e-Procurement portal, EMD of the L<sub>2</sub> bidder will be refunded through an automated process, to his bank account from which he made the payment transaction.
  - iv. As soon as the L<sub>1</sub> bidder is awarded the contract (AOC) and the same is processed electronically in the e-Procurement portal, EMD of the L<sub>1</sub> bidder will automatically get transferred from the pooling account to the State Government deposit Head through GRIPS along with the bank particulars of the L<sub>1</sub> bidder.
2. Both **Technical bid and Financial Bid** are to be submitted in technical (Statutory & Non- Statutory) and financial folder concurrently duly digitally signed in the website <http://etender.wb.nic./>.
3. **The Technical document and Financial Bid** submission (online) on or before **12/05/2025 up to 01.00 PM.**
4. The **FINANCIAL OFFER** of the prospective tenderer will be considered only if the **TECHNICAL Document** of the tenderer found qualified by the Executive Engineer, Howrah Division, PWD. The decision of the Executive Engineer, Howrah Division, PWD will be final and absolute in this respect. The both list of Qualified Bidders will be displayed in the website and also in the Notice Board of the office of the Executive Engineer, Howrah Division, PWD, on the scheduled date and time.
5. Where there is a discrepancy between the unit rate & the line item total resulting from multiplying the unit rate by the quantity, the unit rate quoted shall govern.



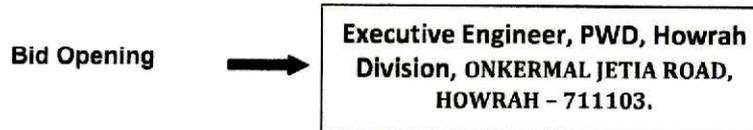
- 6. Running payment for the work may be made to the executing agency as per availability of fund. The executing agency may not get a running payment unless the gross amount of running bill is at least 30% of the tendered amount. Provisions in clause(s) 7,8&9 contained in W.B. Form No.2911(ii) so as far they relate to quantum and frequency of payment are to be treated as superseded.
- 7. Bids shall be remain valid for a period not less than 120(One hundred twenty)days after the dead line date for Financial Bid submission.

**8.A :- Important information**

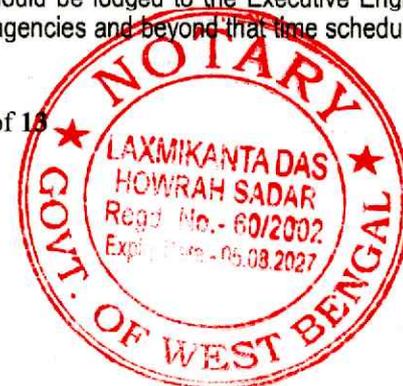
**Date & Time schedule**

Sl. No.	Particulars	Date & Time
1.	Date of uploading of N.I.T. Documents online) (Publishing Date)	01.05.2025 at 09:00 AM
2.	Documents download/sale start date (Online)	03.05.2025 at 09:00 AM
3.	Documents download/sale end date (Online)	12.05.2025 at 01.00 PM
4.	Bid submission start date (On line)	05.05.2025 at 09:00 AM
5.	Bid Submission closing (On line)	12.05.2025 at 01.00 PM.
6.	Bid opening date for Technical Proposals (Online)	14.05.2025 at 01.00 PM.
7.	Date of uploading list for Technically Qualified Bidder(online)	To be notified later.
8.	Date & Place for opening of Financial Proposal (Online)	To be notified later
9.	Date of uploading of list bidders along with the offer rates through (on line),	To be notified later

**8.B. LOCATION OF CRITICAL EVENT**



- 8. The Bidder, at his own responsibility and risk is encouraged to visit and examine the site of works and its surrounding and obtain all information that may be necessary for preparing the Bid and entering into a contract for the work as mentioned in the Notice Inviting Tender, before submitting offer with full satisfaction. The cost of visiting the site shall be at his own expense.
- 9. The intending Bidders should clearly understand that whatever may be the out come of the present invitation of Bids, no case of Bidding shall be reimbursable by the Department. The Executive Engineer, Howrah Division reserve the right to reject any or all the application(s) for purchasing Bid Documents and/or to accept or reject any or all the offer(s) without assigning any reason whatsoever and is not liable for any cost that might have been incurred by any Tenderer at the stage of Bidding.
- 10. The intending tenderers are required to quote the rate **online only. No offline tender will be submitted.**
- 11. Contract shall have to comply with the provisions of (a) the contract labour (Regulation Abolition) Act 1970 (b) Apprentice Act 1961 and (c) minimum Wages Act 1948 of the modification thereof or any other laws relating thereto and the rules made and order issued there under from time to time.
- 12. During the scrutiny, if it comes to the notice to the tender inviting authority that the credential(s) and/or any other paper(s) has / have been of any bidder found incorrect / manufactured / fabricated, that bidder will not be allowed to participate in the tender and that application will be outright.
- 13. In case of any decision regarding pre-qualifying an Agency that should be lodged to the Executive Engineer within 1 (one) day from the date of publication of the list of qualified agencies and beyond that time schedule no objection will be entertained.



- 14. Before issuance of the **WORK ORDER** , the tender inviting authority may verify the credential(s) and / or other document(s) of the lowest tenderer, if found necessary. After verification, if it is found that the document(s) submitted by the lowest tenderer is / are either manufactured or false, the work order will not be issued in favour of the said tenderer.
- 15. If any discrepancy arises between two similar clauses on different notification(s), the clause as stated in later notification will supersede the former one in the following sequences:  
 i) Form No. 2911                    ii) N.I.T.

16. Printed Schedule of Rate applicable for execution of the work : Current Schedule of Rates for Building Works(volume-I), S&P Works(volume-II), (Roads & Bridge Works (volume-III) (including Materials, Labour & Carriage) Effective from 01.11.2017

17. With whom the acceptance of the tender sent.      Executive Engineer, Howrah Division, PWD.

**18.A Additional Performance Security:-** As per the Memorandum no. 4608-F(4) dated 18<sup>th</sup> July, 2018 of the Finance Department, Government of West Bengal the additional performance security @10% of the tendered amount by the successful bidder shall be submitted in form of Bank Guarantee from any scheduled Bank before issuance of the Work Order when Bid rate is 80% or less of the estimated amount put to tender.

**18.B DEFECT LIABILITY PERIOD :** As per Notification No. 5784-PW/L&A/2M-175/2017 dt. 12.09.2017 of Principal Secretary, PWD the following partial modification in the **West Bengal Form No.: 2911/2911 (i)/2911 (ii)** (herein after referred to as printed Tender Form), in cancellation of earlier Notification No. 177-CRC/2M-57/2008, dt. 12.07.2012 are made:-

1) **Clause 17 of CONDITIONS of CONTRACT** of the Printed Tender Form shall be substituted by the following :-  
**Clause 17** – If the contractor or his workmen or servants or authorized representatives shall break, deface, injure, or destroy any part of building, in which they may be working, or any building, road, road-curbs, fence, trees, grass, or grassland or cultivated ground contiguous to the premises on which the work of any part or it is been executed , or if any damage shall happen to the work from any cause whatsoever or any imperfection become apparent in it at any time whether during its execution or within a period of **three months or one year or three years or five years, as the case may be hereinafter referred to as the Defect Liability Period**, from the actual date of completion of work as per completion certificate issued by the Engineer-in-charge, the contractor shall make the same good at his own expenses, or in default, the Engineer-in-charge may cause the same to be made good by other workmen and deduct the expenses (of which the certificate of the Engineer-in-charge shall be final and binding on all concerned) from any sums, whether under this contract or otherwise , that may be then , or at any time thereafter become due to the contractor from the Government of from his Security Deposit, either full or of a sufficient portion thereof and if the cost, in the opinion of the Engineer-in-charge (which opinion shall be final and conclusive against the contractor), of making such damage or imperfection good shall exceed the amount of such security deposit and / or such sums, it shall be lawful for the Government to recover the excess cost from the contractor in accordance with the procedure prescribed by any law for the time being in force.

Provided further that the Engineer-in-charge shall pass the '**Final Bill**' and certify thereon, within a period of **thirty days** with effect from the date of submission of the final bill in **acceptable form** by the contractor, the amount payable to the contractor under this contract and shall also issued a separate completion certificate mentioning the actual date of completion of the work to the contractor within the said period of **thirty days**. The certificate of the Engineer-in-charge whether in respect of the amount payable to the contractor against the "**Final Bill**" or in respect of completion of work shall be final and conclusive against the contractor. However, the security deposit of the work held with the Government under the provision of **Clause-I** hereof shall be refundable to the contractor in the manner provided here under:-

- a) For work with **three months Defect Liability Period** : (For the work of patch repair or patch maintenance in nature or a combination thereof)
  - (i) **Full** security deposit shall be refunded to the contractor on expiry of **three months** from the actual date of completion of the work.
- b) For work with **one year Defect Liability Period** :(Thorough Bituminous surfacing work with bituminous thickness less than 40mm, Repair & Rehabilitation of any road/bridge/culvert/building/sanitary & plumbing work)



- (ii) Full security deposit shall be refunded to the contractor on expiry of **one year** from the actual date of completion of the work.
- c) For work with **three years Defect Liability Period** : (Extension of building/bridge/culvert, construction of new flexible pavement up to bituminous level which has been designed for period of 3 years or more, widening and Strengthening of flexible pavement designed for a period of 3 years or more, Improvement of riding quality/ strengthening of flexible pavement designed for a period of 3 years or more; providing only mastic asphalt layer over existing bituminous surface without providing bituminous profile corrective course/ bituminous base course.)
  - (i) 30% of the security deposit shall be refunded to the contractor on expiry of **two years** from the actual date of completion of the work.
  - (ii) The balance **70%** of the security deposit shall be refunded to the contractor on expiry of **three years** from actual date of completion of the work.
- d) For work with **five years Defect Liability Period** : (Construction of new building/new bridge/new culvert, Reconstruction of building /bridge/culvert including construction of approach roads for bridge/culvert/ construction of rigid pavement, Reconstruction of rigid pavement, Reconstruction of rigid pavement, construction of new flexible pavement covered by mastic work which has been designed for period of 5 years or more, widening and strengthening of flexible pavement covered by mastic work which has been designed for a period of 5 years or more, Improvement of riding quality/ strengthening of flexible pavement covered by mastic work which has been designed for period of 5 years or more.)
  - (i) No security deposit shall be refunded to the contractor **1<sup>st</sup> three years** from the actual date of completion of the work.
  - (ii) **30%** of the security deposit shall be refunded to the contractor on expiry of **four years** from the actual date of completion of the work.
  - (iii) The balance **70%** of the security deposit shall be refunded to the contractor on expiry of **five years** from the actual date of completion of the work.

2) The following paragraph shall be added to the **interpretation clause or CONDITION of CONTRACT:-**  
 "The word 'Government' means the Government of the State of West Bengal in Public Works Department."

- 18. Intending tenderers are required to submit attested / self-attested photocopies of valid partnership deed (in case of partnership firm) Or Partnership Firm shall be registered by the respective competent authority from the Registrar of Firms, society, Non-Trading Corporation , Registrar of Companies etc & copy of Registration Certificate (with allotment of Registration No.) will have be submitted , otherwise the Technical Bid will not be considered for qualification & Financial Bid shall not be opened, current Professional Tax Deposit Challan / Professional Tax Clearance Certificate, PAN Card, Goods and Services Taxpayer Identification Number (GSTIN), Trade License from the respective Municipality, Panchayet etc. [Non statutory documents].
- 19. If the dates fall on holidays or on days of bandh or natural calamity, the dates defer to next working days.
- 20. **All tenderers are requested to be present online during opening of tenders positively. If considered necessary, instant online bid may be conducted immediately after opening of tenders to lower down rates and in no case his / their absence will stand against holding the same.**
- 21. In case of inadvertent typographical mistake found in the specific price schedule of rates, the same will be treated to be so corrected as to conform with the prevailing relevant schedule of rates and / or technically sanctioned estimate.
- 22. The intending tenderer is required to quote the rate in figures as well as in words as percentage above / below than or at par with the relevant prices schedule of rates.
- 23. Conditional / incomplete tender will not be entertained.
- 24. The accepting authority reserves the right to reject any or all the tenders without assigning any reason whatsoever and he will not be bound to accept either the lowest tender or any of the tenders.
- 25. **Issuance of work order as well as payment will depend on availability of fund and no claim whatsoever will be entertained for delay of issuance of work order as well as payment. If any, intending tenderer may consider the criteria quoting their rates.**



26. If any tenderer withdraws his offer before acceptance or refuse within a reasonable time without giving any satisfactory explanation for such withdrawals, necessary action will be initiated against him as the memorandum no. 547-W(C)/1M-387/15 dated 16<sup>th</sup> November, 2015 of Public Works Department.
27. Cess @ 1% (One percent) of the cost of construction works will be deducted from the bills of the contractors on all contracts awarded on or after 01.11.2006 in pursuant with G.O. No. 599A-4M-28/06 dated 27.09.2006.
28. Successful Tenderers will be required to obtain valid Registration certificate & Labour License from respective Regional Labour Offices where construction work by them are proposed to be carried out as per Clauses u/s 7 of West Bengal; Building & other Construction Works' Act, 1996 and u/s 12 of Contract Labour Act.
29. Power of Attorney holders are not allowed to sign Tender documents unless otherwise approved by Government.
30. Clause 25 of the conditions of contract of the West Bengal Form No. 2911/2911(ii) may be treated to be omitted and there is no provision for arbitration for resolution or disputes that may arise out of the contracts to be entered into by the Department with the contractors for the purpose of carrying out execution of public works as per G.O. No. 55H/SPW dated 13.12.2011 of P.W.D.
31. Successful tenderers will have to produce original documents of credentials and etc. for verification prior to issuance of Work Order.
32. Successful tenderers will be required to observe the following conditions strictly:
- Employees' Provident Fund and Miscellaneous Provisions Act, 1952 and Employees State Insurance Act, 1948 should be strictly allowed to wherever such Acts become applicable.
  - Minimum wages to the workers shall be paid according to the rates modified and / or revised by the State Government from time to time under the Minimum Wages Act, 1948 in respect of scheduled employments, within the specified time as per law. Payment of bonus, wherever applicable, has to be made.
  - Adequate safety and welfare measures must be provided as per the provisions of the Building and other Construction Workers' (Regulation of Employment & Conditions of Service) Act, 1996 with West Bengal Building and Other Construction Workers (Regulation of Employment and Conditions of Service) Rules 2004.
  - All liabilities arising out of engagement of workers are duly met before submission of bills for payment. If there is any violation of any or all the relevant above criteria during execution of the job, it will render the concerned agencies ineligible for the work then and there or at any subsequent stage or may be found convenient.
33. For roof treatment works by 3mm thick APP membrane, the successful tenderer will have to provide a service warranty of 10 (Ten) years after the satisfactory completion of the work and the Security Deposit deducted from progressive bills will be released after the said 10 (Ten) years security period is over.
34. Rate quoted by the bidders shall inclusive of all taxes as may be levied upon by the respective authority as per the existing rules.
35. **Contractor should have to ensure the engagement of job card holders as per Kolkata Gazette Notification no 1140 PRD-33011/1/2024-MGNREGA SEC Dated 07/03/2024**
36. **No tenderer will be deemed fit for consideration unless the tender documents and Annexures are duly filled up and uploaded.**
37. **Preventive measures to be taken :-**
- Wrapping of construction area / buildings with geotextile fabric, installing dust barriers , or other actions, as appropriate for the location.
  - Applying water and maintain soil in visible damp or crusted condition for temporary stabilization.
  - Applying water prior to leveling or any other earth moving activity to keep the soil moist throughout the process.
  - Limiting vehicle speeds to 15 mph on the work site.
  - Cleaning wheels and undercarriage of haul trucks prior to leaving construction site.
  - Applying and maintaining dust suppressant on haul routes.



- g) Applying a cover or screen to stockpiles and stabilize stockpiles at completion of activity by water and maintain a dust palliative to all outer surfaces of the stockpiles.
- h) Stabilizing surface soils where loaders, support equipment and vehicles should operate by using water and maintain surface soils in a stabilized condition where loaders , support equipment and vehicles will operate.
- i) Stabilizing adjacent disturbed soils following paving activities with immediate landscaping activity or installation of vegetative or rock cover.
- j) Maintaining dust control during working hours and clean track at the end of the work shift / day.
- k) Stabilizing sloping surfaces using soil binders vegetation or ground cover can effectively stabilize the slope.
- l) Disposal of debris in consultation with the local authorities following proper environmental management practice.
- m) During construction work, including cutting of marbles , ambient noise level should not exceed more than 65 db (A).

**Practice to be discarded :-**

- a) Disposal of debris indiscriminately.
- b) Allowing the vehicles to run at high speed within the work site.
- c) Cutting materials without proper dust control / noise control facility.
- d) Keeping materials without effective cover.
- e) Allowing access to the work area except workers to limit soil disturbance Access may be prevented by fencing , ditches, vegetation, berms or other suitable barrier.
- f) Leaving the soil , sand and cement stack uncovered.
- g) Keeping materials or debris on the roads or pavements.
- h) Burning of old tyres in hot mix plant as a fuel during construction and repairing of the roads for melting coal tar.



**Annexure – I**

**Pre-qualification APPLICATION**

To  
The Executive Engineer,  
Howrah Division, P.W.D.

Ref:- Tender for

\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_

NIT No.: ..... (Sl. No. ....) of 2025-26 of Executive Engineer, Howrah Division, PWD.

Dear Sir,

Having examined the statutory, Non statutory & NIT documents, I/We hereby submit all the necessary information and relevant documents for evaluation.

The application is made by me/us on behalf of \_\_\_\_\_ in the capacity \_\_\_\_\_ Duly authorized to submit the order.

The necessary evidence admissible by law in respect of authority assigned to us on behalf of group of firms for Application and for completion of the contract documents is attached herewith.

We are interested in bidding for the work(s) given in Enclosure to this letter.

We understand that :

- (a) Tender Inviting and Accepting Authority/Engineer-in-charge can amend the scope & value of the contract bid under this project.
- (b) Tender Inviting and Accepting Authority/Engineer-in-charge reserve the right to reject any application without assigning any reason.

Encl:- e-Filing:-

- 1. Statutory Documents
- 2. Non Statutory Documents

Date:-

Signature of applicant including title and capacity in which application is made

Seal and Signature of the Tenderer

Executive Engineer,  
Howrah Division, P.W.D.



Annexure – II

STRUCTURE AND ORGANISATION

- A.1 Name of applicant :
- A.2 Office Address :
- Telephone No. and Cell Phone No. :
- Fax No. :
- E-mail :
- A.3 Details of Bank Accounts
  - i) Name of Bank :
  - ii) Name of Branch and Address with Phone No. :
  - iii) Account No. :
  - iv) MICR No. :
  - v) IFSC Code :
- A.4 Attach proof of Photo ID and Qualification of technical staff. :

Signature of applicant including title and capacity in which application is made

Seal and Signature of the Tenderer

Executive Engineer,  
Howrah Division, P.W.D.



**INSTRUCTION TO BIDDERS**  
**SECTION - A**

**I. General guidelines for e-Tendering**

Instructions / Guidelines for tenders for electronic submission of the tenders online have been annexed for assisting the contractors to participate in e-Tendering.

**1. Registration of Contractor**

Any contractor willing to take part in the process of e-tendering will have to be enrolled & registered with the Government e-Procurement system, through logging on to <https://etender.wb.nic.in> (web portal of Public Works Department).

**2. Digital Signature Certificate (DSC)**

Each contractor is required to obtain a class-II or Class-III Digital Signature Certificate (DSC) for submission of tenders, from the approved service provider of the National Information's Centre (NIC) on payment of requisite amount details are available at the Web Site stated in Clause-2 of Guideline to Bidder DSC is given as a USR e-Tender.

3. The contractor can search and download NIT & Tender Documents electronically from computer once he logs on to the website mentioned in Clause-2 using the Digital Signature Certificate. This is the only mode of collection of Tender Documents.

**4. Participation in more than one work**

A prospective bidder shall be allowed to participate in the job either in the capacity of individual or as a partner of a firm. If found to have applied severally in a single job, all the applications will be rejected for that job.

**5. Submission of Tenders**

General process of submission: Tenders are to be submitted through online to the website stated in Clause-2 in two folders at a time for each work, one in Technical Proposal & the other in Financial Proposal before the prescribed date & time using the Digital Signature Certificate (DSC). The documents are to be uploaded (virus scanned copy) duly Digitally signed. The documents will get encrypted (transformed into non-readable format).

**A. Technical Proposal**

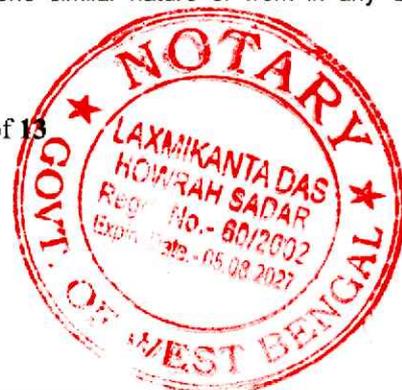
The Technical Proposal should contain scanned copies of the following in two covers (folders).

**A-1. Statutory Cover filing containing -**

- i. Earnest money (EMD) as prescribed in the NIT against each of the serial of work in favour of the Executive Engineer, Howrah Division, PWD.
- ii. Tender Form No. 2911(ii) & NIT (properly uploaded and Digitally Signed). The rate will be quoted in the BOQ. Quoted rate will encrypted in the BOQ under Financial Bid. In case quoting any rate in 2911(ii) the tender is liable to be summarily rejected).

**A-2. Non statutory / Technical Documents.**

- i. Professional Tax Clearance Certificate / Professional Tax (PT) deposit receipt challan for the financial year 2024-25 , Pan Card.
- ii. Registered Deed of Partnership Firm.
- iii. Trade License from the respective Municipality / Panchayet etc.
- iv. Requisite Credential Certificate for completion of at least one similar nature of work in any Govt. Department.



Note : Failure of submission of any of the above mentioned documents will render the tender liable to be rejected for both Statutory and Non statutory cover.

THE ABOVE STATED NON-STATUTORY / TECHNICAL DOCUMENTS SHOULD BE ARRANGED IN THE FOLLOWING MANNER.

Click the check boxes beside the necessary documents in the my document list and then click the tab "Submit Non-statutory Documents" to send the selected documents to Non-statutory folder. Next click the "Click to encrypt and upload" and then click the "Technical" folder to upload the technical documents.

Sl. No.	Category Name	Sub-Category Description	Details
I	DECLARATION	Declaration 1	1. APPLICATION
		Declaration 2	2.FINANCIAL STATEMENT
II	CERTIFICATES	CERTIFICATES	1 PAN
			2.Valid P TAX CHALLAN
3. ITR-(Saha) for current <b>Assessment Year</b> ,i.e Financial year 2024-25.			
		GST Registration Certificate	1. Valid 15-Digit Good and Services Taxpayer Identification Number (GSTIN) under GST Act 2017
III	COMPANY DETAILS	COMPANY DETAILS 1.	1. PROPRIETORSHIP FIRM (TRADE LICENCE)
			2. PARTNERSHIP FIRM (PARTNERSHIP DEED, TRADE LICENCE)
			3. LTD. COMPANY (INCORPORATION CERTIFICATE, TRADE LICENCE)
			4. SOCIETY (SOCIETY REGISTRATION COPY, TRADE LICENCE).
			5. POWER OF ATTORNEY
IV	CREDENTIAL (in applicable cases)	CREDENTIAL1	Documents of Credential showing satisfactory completion of a <b>similar nature job</b> in any Govt. (preferably P.W.D, C.P.W.D and other Engineering dept. of Govt. Of West Bengal) Department .

VI	MAN POWER	TECHNICAL PERSONNEL	LIST OF TECHNICAL STAFFS ALOGNWITH STRUCTURES & ORGANZATION (ASPER NIT)
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i. **Opening of Technical proposal:** - Technical proposals will be opened by the Executive Engineer, Howrah Division, PWD and his authorized representative electronically from the web site stated using their Digital Signature Certificate. 'Technical Bid' of the tenderers will be evaluated by the 'Tender Evaluation Committee' formed by the Executive Engineer, Howrah Division, PWD. The decision of Tender Evaluation Committee will be final and absolute in this respect.



ii. Intending tenderers may remain present if they so desire.

**C. Financial proposal**

- i. The financial proposal should contain the following documents in one cover (folder) i.e. Bill of Quantities (BOQ). The contractor is to quote the rate (Offering above / Below / As per) online through Computer in the space marked for quoting rate in the BOQ.
- ii. Only downloaded copies of the above documents are to be uploaded virus scanned and Digitally Signed by the contractor.

Executive Engineer  
Howrah Division, PWD

Memo No 1046/1(40)

Date: 29.04.2025

Copy forwarded for information to:

- 1 The Sabhadhipati, Howrah Zilla Parishad. 2) The Superintending Engineer, Nabanna Circle / Presidency Circle / Central / Southern / Eastern / Bidhanagar, PWD. 3) The District Magistrate, Howrah. 4) Executive Engineer. City Division / Alipur – I & II / Kolkata North/Kolkata East/Kolkata West / Hooghly / Howrah Construction Division / Howrah Highway Division, /Howrah Electrical Division PWD 5) The Assistant Engineer, Shibpur / Howrah / Uluberia/ Nabanna Sub-Division, PWD. 6) Accounts Section / Estimating Section / Head Clerk / Notice Board of this Division.

Executive Engineer  
Howrah Division, PWD



**DECLARATION BY THE TENDERER**

I/We have inspected the site of work and have made myself/ourselves fully acquainted with local conditions in and around the site of work. I /We have carefully gone through the Notice Inviting Tender and other tender documents mentioned therein along with the drawing attached. I/We have also carefully gone through the 'Priced schedule of Probable Items and Quantities'.

My/Our tender is offered taking due consideration of all factors regarding the local site conditions stated in this Detailed Notice Inviting Tender to complete the proposed construction as per drawings referred to above in all respects.

I/We promise to abide by all the stipulations of the contract documents and carry out and complete the work to the satisfaction of the department.

I/We also agree to procure tools and plants, at my/our cost required for the work.

**Signature of Tenderer**

**Postal address of the Tenderer**

**EXECUTIVE ENGINEER  
HOWRAH DIVISION, P.W.D.**



Annexure P-5-44-



Ankur Sharma &lt;adv.ankursharma9@gmail.com&gt;

**RE : Flouting of solemn order dated 16.07.2024 of the Hon'ble National Green Tribunal Eastern Zone Bench by Howrah Municipal Corporation by way of operating polluting hot mix plant behind "Dalal Pukur" (Mahendra Bhattacharjee Road).**

Ankur Sharma &lt;adv.ankursharma9@gmail.com&gt;

Wed, May 14, 2025 at 1:23 PM

To: chrnm.wbpcb-wb@bangla.gov.in, ms.wbpcb-wb@bangla.gov.in, commissioner.howrah@gmail.com, hmcrcds20@gmail.com

Cc: secy-moef@nic.in, cs-westbengal@nic.in

**MOST URGENT**

The Chairman  
West Bengal Pollution Control Board

The Member Secretary  
West Bengal Pollution Control Board

The Commissioner  
Howrah Municipal Corporation

The Assistant Engineer (Roads)  
Howrah Municipal Corporation

Sub : Flouting of solemn order dated 16.07.2024 of the Hon'ble National Green Tribunal Eastern Zone Bench by Howrah Municipal Corporation by way of operating polluting hot mix plant behind "Dalal Pukur" (Mahendra Bhattacharjee Road).

Sir/Madam,

I am reluctantly constrained to attach one solemn order dated 16.07.2024 in O.A. No. 83 of 2023/EZ passed by the Hon'ble National Green Tribunal Eastern Zone Bench at Kolkata together with some photographs captured today i.e. on 14.05.2025 at about 00:02 hrs behind Dalal Pukur as a mark of exhibition of desperate mindset of Howrah Municipal Corporation authority to devastate not only the environment but also to frustrate the solemn order of the Eastern Zone Bench of Hon'ble National Green Tribunal.

In paragraph no. 23 of the attached solemn order Hon'ble Tribunal directed the West Bengal Pollution Control Board to ensure compliance of environmental norms by hot mix plants in light of other previous orders of the Tribunal clearly mentioned therein.

In spite of orders by the Hon'ble Tribunal, requests made by me, Notification issued by Ministry of Environment, Forests and Climate Change, Govt of India officers of Howrah Municipal Corporation are continuously flouting laws, norms and solemn orders by operating polluting hot mix plant in densely populated areas within their jurisdiction showing thumb to the rule of law and canvassing how easy it is to flout laws and solemn orders of the judiciary, now in the process of repairing portion/stretch of N. S. Road.

In view of above, I request you not to allow running of the polluting hot mix plant at all and take necessary steps as may be warranted.

Thanking you,  
Yours faithfully,

Ankur Sharma  
13/3, Dr. P. K. Banerjee Road  
Howrah, West Bengal  
PIN - 711101  
Mob : 9433883322

Attachments : As stated above.

The Secretary  
Ministry of Environment, Forests and Climate Change  
Government of India  
- with a request to take necessary steps.

The Chief Secretary  
Government of West Bengal  
- with a request to investigate how public servants of this government are sabotaging the image of the government, and initiate disciplinary proceedings against each of them.



5 attachments



**HOT MIX 14.05 (3).JPG**  
163K



**HOT MIX 14.05 (2).JPG**  
198K



**HOT MIX 14.05 (4).JPG**  
116K



**HOT MIX 14.05 (1).JPG**  
114K

 **Hot Mix Plant final order (1) (1).pdf**  
362K



Item No.07

Court No.1

**BEFORE THE NATIONAL GREEN TRIBUNAL  
EASTERN ZONE BENCH, KOLKATA  
(THROUGH PHYSICAL HEARING WITH HYBRID MODE)**

Original Application No.83/2023/EZ

**IN THE MATTER OF:**

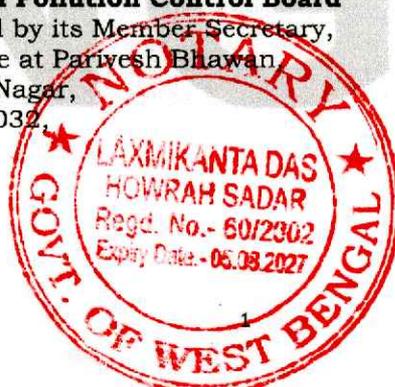
**Ankur Sharma,**  
S/o Shri Ambooj Sharma,  
Resident of 13/3, Dr. P. K. Banerjee Road,  
P.O., P.S. & District – Howrah,  
West Bengal,  
Pin – 711101,

.... Applicant(s)

Versus

- 1. State of West Bengal,**  
Represented by the Chief Secretary,  
Government of West Bengal  
Having office at Nabanna (13<sup>th</sup> Floor),  
325, Sarat Chatterjee Road, Shibpur,  
Howrah – 711102,
- 2. The Principal Secretary,**  
Department of Environment,  
Government of West Bengal  
Having office at Pranisampad Bhawan,  
Block (5<sup>th</sup> Floor), LB-II, Salt Lake, Sector – III,  
Bidhannagar, Kolkata,  
Pin – 700106,
- 3. West Bengal Pollution Control Board**  
Represented by its Member Secretary,  
Having office at Paribesh Bhavan,  
10A, Block – L.A., Sector – III, Salt Lake,  
Howrah – 700106,
- 4. Howrah Municipal Corporation**  
Through its Commissioner,  
Having office at 4, M. G. Road,  
Howrah – 711101,
- 5. The Central Pollution Control Board**  
Represented by its Member Secretary,  
Having office at Parivesh Bhawan,  
East Arjun Nagar,  
Delhi – 110032,

.... Respondent(s)



Date of hearing: 16.07.2024

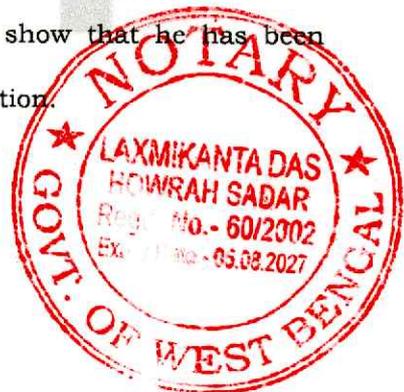
**CORAM: HON'BLE MR. JUSTICE B. AMIT STHALEKAR, JUDICIAL MEMBER  
HON'BLE DR. ARUN KUMAR VERMA, EXPERT MEMBER**

For Applicant(s) : Mr. Ankur Sharma, in person

For Respondent(s): Mr. Sudip Kumar Dutta, Adv. for R-1 & 2 (in Virtual Mode),  
Mr. Dipanjan Ghosh, Advocate for R-3,  
Mr. Amrita Pandey, Adv. for R-4, (in Virtual Mode),  
Mr. Surendra Kumar, Advocate for R-5,

**ORDER**

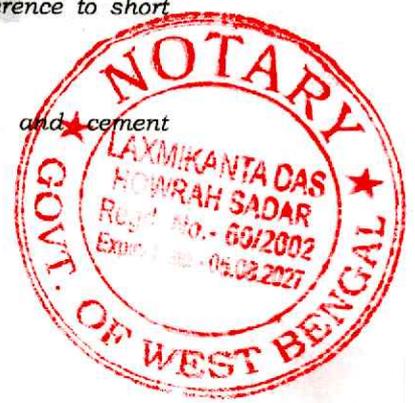
1. Mr. Ankur Sharma, the Applicant, is present in person.
2. This Original Application has been filed by the Applicant alleging that within the Howrah Municipal Corporation, Hot Mix Plants are in operation near 'Dalal Pukur' on Mahendra Bhattacharya Road, which is an extension of N. S. Road close to the house of the Applicant. It is stated that a new layer of asphalt has been applied on a small stretch of N. S. Road within the jurisdiction of the Howrah Police Station using Hot Mix technology.
3. It is further stated that on 19.07.2023 the Applicant noticed that hot mix asphalt was being brought on polluting three wheelers and was being laid on a stretch of the said Road and on enquiry it was informed that reconstruction of N. S. Road is being carried out and a Hot Mix Plant has been set-up near 'Dalal Pukur' on Mahendra Bhattacharya Road being the extension of N. S. Road.
4. It is stated that the Applicant thereafter rushed to Dalal Pukur and noticed a huge Hot Mix Plant had been set-up near the lake emitting thick black smoke in which plastic and wood were being used as fuel. The name of the contractor was not available anywhere through any display board to show that he has been engaged by the Howrah Municipal Corporation.



5. It is further stated that on 11.12.2022 while passing along Deshpran Shasmal/Panchanantala Road, Howrah, the Applicant noticed that gross pollution was being caused out by the Howrah Municipal Corporation due to the use of Hot Mix Plant emitting thick black smoke which was causing considerable air pollution in the area.
6. It is stated that thereafter the Applicant sent a complaint vide e-mail dated 20.07.2023 at 10:45 hours (Annexure-P-2 to the Original Application), to the Commissioner, Howrah Municipal Corporation and the West Bengal Pollution Control Board, but no action has been taken till date. It is also stated that another complaint letter vide e-mail dated 12.12.2022 at 11:45 PM was sent by the Applicant to the Commissioner, Howrah Municipal Corporation, copy of which has been filed at page no. 27 of the paper book. Photographs have also been filed as Annexure-P-1 & P-2 (page nos. 18, 19, 20, 21, 24 & 26) to the Original Application.
7. The Applicant has also referred to the directions given by the Tribunal in its order dated 02.05.2022 passed in Original Application No.171/2016/EZ with M.A. No. 57/2018/EZ (*Subhas Dutta Vs. State of West Bengal & Ors.*), wherein the Tribunal had taken note of emissions emerging from Hot Mix Plants. Para 13 of the order reads as under:-

*"13. Kolkata - Howrah twin Cities (in KMDA) are included in the nonattainment cities (NACs). They are required to execute Clean Air Action Plan, 2020 under NCAP which includes identification sources contributing to air pollution. The relevant information particularly relating to Hot Mix Plants with reference to short and medium term actions are given:*

*"1.5 Hot-mix plants for road construction and cement batching*



Kolkata Municipal Corporation, as well as the Kolkata Metropolitan Development Area have been witnessing a boom. Greenfield projects, in terms of commercial, residential and mixed land-use area development, as well as expansion of existing areas has led to the intensive increase in emissions emerging from concrete batching as well as from asphalt mixing plants, known as hot-mix plants.

The Eastern Zone bench of the NGT took notice of the emissions emerging from these hot-mix plants, and in a series of orders dated 18 September 2018 and 01 October 2018, banned the operation of all Hot Mix plants within Kolkata and Howrah. The order also asks the state government, KMC, and the WB PWD to 'adopt more environment friendly and cleaner methods for the purpose'. The KMC also moved the NGT on 01 October 2018 to get a 4-month window to continue to operate the KMC run hot-mix plants within Kolkata. The deadline of 31 January 2019 has been set for these plants by the KMC to finish the ongoing repair of roads across Kolkata and Howrah. However, it must be noted that the longer term plan of the KMC for its hotmix plants is to relocate these to areas such as Dum Dum and Rajarhat that are outside the jurisdiction of KMC. While this may suffice for the purpose of the NGT order, the emissions from these re-located plants, along with others within the KMDA will continue to affect air quality in the Kolkata-Howrah airshed. The KMC has begun implementation of this order, through the constitution of a panel of experts from WBPCB, IIT-Kharagpur, KMDA, Hooghly River Bridge Commissioners (HRBC) and KMC, with a mandate to monitor emissions from existing hot-mix plants, and suggest technical, technological and other measures to reduce the emissions from this sector.

xxx .....xxx.....xxx

**3. BRICK KILNS, HOT-MIX PLANTS AND STONE CRUSHERS**

Sr. no.	Action points	Agency responsible	Timeline



<b>Short-term priority action</b>			
3.1	<i>There are about six brick kilns in close vicinity of the city. Enforce restrictions on operations of brick kilns within urban airshed zones during high pollution periods; allow only those brick kilns that comply with rectangular zig-zag design with induced draft or those with improved technology. Initiate phasing out of traditional brick kilns.</i>	<i>Dept. of land and Land Reform WBPCB, KMDA, HMC, Department of MSME</i>	<i>6 months</i>
3.2	<b>Relocate and discourage any hot-mix plants within Howrah boundaries. Shut down small and mobile hot-mix plants.</b>	<b>HMC, WB PWD, NHAI and other road operating agencies</b>	<b>Immediately</b>
<b>Medium-term action</b>			
3.3	<i>Identify and convert all brick kilns to rectangular design zigzag technology. If any FCBT natural draft kilns are found they need to be converted to induced draft kilns with rectangular zigzag</i>	<i>Department of Land and Land Reform, WBPCB, CPCB, ICE and MSME</i>	<i>1 year</i>



	<i>design.</i>		
3.4	<i>Prescribe design specifications for improved kilns and ensure compliance checking of conversion. Ensure provision of infrastructure in terms of viewing platform and chimney emission testing point for compliance.</i>	<i>CPCB, WBPCB, Department of ICE, MSME</i>	<i>1 year</i>
3.5	<b>Establish a protocol for using cleaner fuels &amp; technology for asphalt mixing and minimizing the number of hot-mix plants.</b>	<b>MoRTH, HMC, WB PWD, NHAI and other road operating agencies</b>	<b>2 years"</b>

8. The Tribunal while disposing of the said Original Application, had constituted a Joint Committee comprising of; (i) Secretary Environment, Government of West Bengal, (ii) Secretary Transport, Government of West Bengal, (iii) Secretary Urban Development, Government of West Bengal, (iv) Secretary Local Bodies, Government of West Bengal, (v) Central Pollution Control Board, and (vi) State Pollution Control Board, to prepare/update Action Plan for Kolkata Metropolitan Area for control of air pollution with Secretary Environment, Government of West Bengal, as the Nodal Agency for compliance. This Joint Committee was directed to come up with an updated plan within three months. Para 16 of the order reads as under:-



*“16. In the light of above discussion, we direct constitution of a joint Committee comprising Secretary Environment, Secretary Transport, Secretary Urban Development, Secretary Local Bodies, (all West Bengal Govt), CPCB and State PCB to prepare/update action plan for Kolkata metropolitan Area for control of air pollution. Secretary Environment will be nodal agency for compliance. The joint Committee may meet within one month and finalise/update its plan within three months. It may consider outline of suggested plans in the order dated 8.10.2018, quoted in para 11 and 12 above and other plans finalised by AQMC in respect of NACs in the State of West Bengal, in pursuance of the said order. It will be open to any stake holder to put forward suggestions for consideration of the Committee. The Committee will also be free to interact with any other expert/institution/department on the subject.”*

9. The two orders of the Tribunal dated 18.09.2018 and 01.10.2018 referred to in para 13 of the final order of the Tribunal dated 02.05.2022 read as under:-

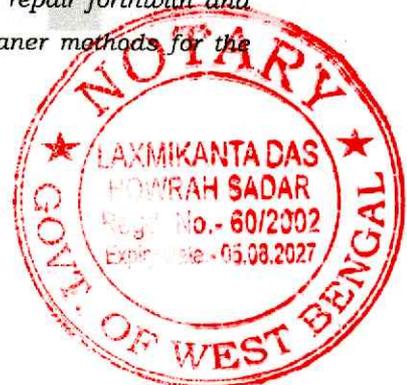
***“(Order dated September 18, 2018)***

.....xxx.....xxx.....xxx.....

*2. The affidavits filed by the respondents in reply to the application appear to contain statements which are unsatisfactory and grossly wanting of compliance of the directions issued in Original Application No.33/2014. This would be evident from the supplementary affidavit filed by the applicant on 24.11.2017 which illustrates the brazen violation of the directions. Hot mix plants appears to be in use rampantly for road repairs and also use of fossil fuel in the heart of the city of Kolkata adding tremendously to the already polluted air.*

.....xxx.....xxx.....xxx.....

*4. We, therefore, direct the state respondents, the State Public Works Department and the Kolkata Municipal Corporation to ensure that the use of Hot Mix Plants and burning of fossil fuel is discontinued for road construction and repair forthwith and adopt more environment friendly and cleaner methods for the purpose as already directed earlier.”*



**“(Order dated October 01, 2018)”**

.....XXX.....XXX.....XXX.....  
4. We reiterate our order dated 18.09.2018 and direct closure of all Hot Mix Plants failing which exemplary penalty of not less than Rs. 5 lakh shall be imposed upon the Kolkata Municipal Corporation and other authorities apart from taking appropriate steps against the erring officers for non-compliance of the directions.”

10. At the stage of admission, this Tribunal constituted a Committee comprising of the following Members:-

- (i) Senior Scientist, West Bengal Pollution Control Board,
- (ii) Senior Scientist, Central Pollution Control Board,
- (iii) Principal Secretary, Department of Environment, Govt. of West Bengal, or his nominee of a senior rank, and
- (iv) Municipal Commissioner, Howrah Municipal Corporation, or his nominee of a senior rank,

11. The Committee was directed to visit the site in question and submit its Report. The Committee was also directed that in case violations are found, it shall not only determine the Environmental Compensation against the violator but also recommend disciplinary action against the officer responsible for disregarding the orders of the Tribunal.

12. The West Bengal Pollution Control Board, Respondent No.3, has filed affidavit dated 19.09.2023 bringing on record the Inspection Report of an inspection carried out on 29.08.2023. The Inspection Report reads as under:-

**“Report in the matter of Original Application No. 83/2023/EZ (Regarding operation of hot mix plant within Howrah Municipal Corporation, Mr. Ankur Sharma Vs The State of**



**West Bengal & Ors.) vide Hon'ble NGT order (Eastern Zone Bench, Kolkata) dated 02.08.2023.**

The Hon'ble National Green Tribunal, Eastern Zone Bench constituted a Committee, comprising Senior Scientist, West Bengal Pollution Control Board, Senior Scientist, Central Pollution Control Board, Principal Secretary, Department of Environment, Govt. of West Bengal or his nominee, Municipal Commissioner, Howrah Municipal Corporation or his nominee, in the matter. The Howrah Municipal Corporation was to act as the nodal agency for all logistic purpose.

Pursuant to the order of the Hon'ble NGT, the Committee comprising of the following members was constituted as per nominations received from the participating departments/offices.

1. Sri Pradip Acharyya, WBCS (Exe.), Additional Secretary, Environment Department
2. Sri Sandeep Roy, Scientist-D, Regional Directorate, Central Pollution Control Board
3. Smt. Rita Datta, Environmental Engineer, Howrah Regional Office, WBPCB
4. Sri Manas Das, Secretary, Howrah Municipal Corporation representing the Commissioner, HMC

Accordingly, the members of the committee accompanied by Sri Prithwish Roy, Exe. Engineer (Roads) & Sri goutam Nag, Asst. Engineer (Roads), HMC visited the areas on 29.08.2023 at 13:00 hrs.

**The observations of the constituted Committee are as follows:**

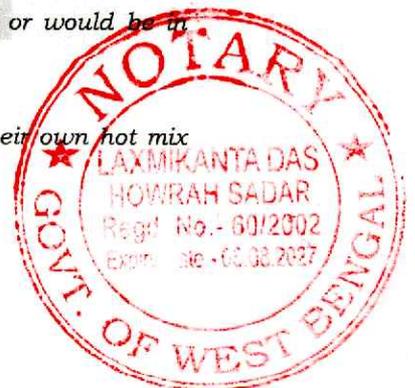
1. The site near "Dalalpukur" where the hot mix plant had been set up as physically identified by the HMC engineers was found to be clear and no such plant was spotted in the area.
2. The work for which the hot mix plant was used was improvement of a stretch of road. As per the documents available to the committee the following work was undertaken.

<b>Name of work</b>	Improvement of "Netaji Subhash Road" by Bituminous Mastic
---------------------	---



	Asphalt) work from Mullick Fatak to Shymasree Cinema Hall (Jn. Of N.S. Road) under ward no-24,26,27 & 28 HMC
<b>Contractor allotted work order</b>	Soumik Enterprise 7, Kankrapara Lane, Santragachi, Howrah-711104
<b>Issue Date of work order</b>	05.07.23

3. The area of the above work was at least at an approx. distance of 1.5 km from the site and it was informed during the visit that wheel barrows were used for carrying the material to the place of work.
4. The work had been carried out at night time as it is a very congested stretch. Also the hot mix plant had been set up on Mahendra Bhattacharya Road which is an extension of N.S. Road near a water body locally known as Dalalpukur, in a place which was likely to cause less congestion.
5. As per the Howrah Municipal Corporation, initial road dressing was started on 09.07.2023. Later bituminous work was started. The Bituminous work was stopped on 08.08.2023.
6. The area where the work was undertaken as identified by the HMC engineers was also visited and it was observed that no work was being carried out at the time.
7. As per the Howrah Municipal Corporation no communication was received by them regarding the non-operation of hot mix plant. However a clause was included in the contract to abide by all applicable clauses rules regulations laws acts etc. in force at present and or any other applicable rules in force which are relevant in the context of the job or would be in force during the period of contract.
8. As per the Howrah Municipal Corporation their own hot mix plant has stopped functioning long back.



On the day of inspection, i.e. 29.08.2023, a committee found no evidence of operation of Hot Mix Plant as Howrah Municipal Corporation already directed them to stop the operation of Hot Mix Plant, as Howrah Municipal Corporation received Public Complaint (PGC) in this regard.

Considering the environment violation in past (from 20<sup>th</sup> July - 5<sup>th</sup> Aug 23), the Committee members were in opinion to calculate Environmental Compensation (EC) based on methodology given in "Report of the CPCB In-house Committee on Methodology for Assessing Environmental Compensation and Action Plan to Utilize the fund" formulated in response to OA No. 593/2017(PB), for an industry can be assessed using the following formulae:

$$EC = PI \times N \times R \times S \times LF$$

Where,

EC is Environmental Compensation in ₹

PI = Pollution Index of industrial sector

N = Number of days of violation took place

R = A factor in Rupees (₹) for EC

S = Factor for scale of operation

LF = Location factor

The above formulae incorporate the anticipated severity of environmental pollution in terms of Pollution Index, duration of violation in terms of number of days, scale of operation in terms of micro & small/medium/large industry and location in terms of proximity to large habitations.

Based on the concept of Pollution Index (PI) as used by CPCB for classification (Final Document on Revised Classification of Industrial Sectors Under Red, Orange, Green and White Categories, February 29, 2016) of industries Hot Mix Plant considered under orange Category. Any of the industrial sector having only air pollution (A) the score will be normalized to 100 as per the following formula -

$$\text{Normalized Score} = \{100 \times A\} / 40$$



Thus Hot Mix Plant has a normalized PI of 50.

Further, N is the number of days of violation i.e., the period between the date of start of Improvement Work for improvement of Netaji Subhash Road by Bituminous (Mastic Asphalt) and the date of close down of the mentioned job. Therefore N is 30 days.

R is a factor in rupees for estimating environmental compensation which as per CPCB guidelines is taken as Rs.250.

S is a factor representing the scale of operation of the industry and in this case it is considered as small scale and therefore value of S is 0.5.

LF is the location factor depending on the population of the area as per recent census 2011 is below 1 million, so LF may be taken as 1.25 following CPCB's guidelines.

S. No.	Population * (million)	Location Factor# (LF)
1	1 to <5	1.25
2	5 to <10	1.5
3	10 and above	2.0

\*Population of the city/town as per the latest Census of India  
 #LF will be 1.0 in case unit is located >10km from municipal boundary  
 LF is presumed as 1 for city/town having population less than one million

Now, using formulae (1), environmental compensation is:

$$EC = PI \times N \times R \times S \times LF$$

$$EC = 50 \times 30 \times 250 \times 0.5 \times 1.25$$

$$= \text{INR } 2,34,375$$

**(Rupees Two lakh thirty four thousand three hundred seventy five only)**

As the work had been allotted by Howrah Municipal Corporation to a contractor and it had been mentioned in the contract that they were to abide by all applicable clauses rules regulations laws acts



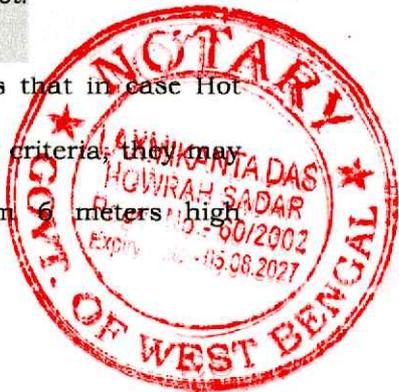
etc. it is a negligence on the part of contractor in compliance of existing order.”

13. The Central Pollution Control Board, Respondent No.5, in its affidavit dated 07.12.2023 has stated that the Ambient Air Quality of Howrah, West Bengal, reported during January, 2023, to July, 2023, in terms of PM<sub>10</sub> and PM<sub>2.5</sub> were found to be in the range of 13 to 407 µg/m<sup>3</sup> and 5 to 237 µg/m<sup>3</sup>, respectively. It was also observed that during January, 2023 to March, 2023, on most of the occasions, the air quality in terms of PM<sub>10</sub> and PM<sub>2.5</sub> exceeded the National Ambient Air Quality Standards but no direct conclusions can be drawn regard impact on ambient air quality due to operation of the Hot Mix Plant. It is also stated that the ambient air quality may also have been influenced by local factors such as – vehicular traffic, natural dust, DG sets etc. rather than the emissions from the Hot Mix Plant.

14. The Central Pollution Control Board has also placed on record the Notification dated 18.05.2023 issued by the Ministry of Environment, Forests and Climate Change (‘MoEF&CC’ for short), which requires that Hot Mix Plant shall be installed on the following siting criteria:-

- (a) 1 kilometer from boundary of cities and towns;
- (b) 0.5 kilometer from habitation;
- (c) 0.2 kilometer from National or State Highways (from Centre Line)
- (d) 0.5 kilometer from Schools or Colleges and Temples;
- (e) 1 kilometer from Hospital, Court and Tourist spot.

15. The Notification dated 18.05.2023 also provides that in case Hot Mix Plants are not able to meet the above siting criteria, they may be allowed with the condition that minimum 6 meters high



compound wall of GI sheets along the periphery shall be installed. The Notification further enjoins that the Hot Mix Plants shall be equipped with appropriate air pollution control devices to ensure optimum efficiency to achieve the standards, namely:-

- (a) *Drum Type: Cyclone or multi-clones with wet scrubber,*
- (b) *Batch Type: Multi-clones with bag filters.*

16. The Applicant has filed rejoinder affidavit dated 16.03.2024 stating that in the affidavit of the West Bengal Pollution Control Board it is disclosed that the Howrah Municipal Corporation has accorded work for improvement of Netaji Subhas Road by Bituminous (Mastic Asphalt) in favour of one M/s Souvik Enterprise vide work order dated 05.07.2023 but it did not hold the Howrah Municipal Corporation liable for environmental violations carried out by the contractor. It is stated that Howrah Municipal Corporation did not accord work for improvement of road using Cold Mix Technology and thereby the Howrah Municipal Corporation has itself violated the order passed by the Tribunal.
17. The Applicant has also made certain suggestions regarding use of Concrete/Pavement Quality Concrete (PQC) roads whose live span is stated to be more than 20 years.
18. The Howrah Municipal Corporation, Respondent No.4, has filed affidavit dated 12.07.2024, wherein it is stated that concrete made Portland cement, aggregate (stone), reinforcing steel and water is the most common alternative to bitumen (asphalt) for hard surface road construction, however, for that the entire existing structure/road has to be removed and it is very expensive and moreover it will result in more carbon emission in order to remove the existing road. It is also stated that in the matter of repair of



roads presently undertaken, patchworks of craters such as - potholes is being carried out by fixing small cement blocks but due to heavy rains and plying of heavy vehicles, the same is not sustaining.

- 19. We have heard the learned Counsel for the parties and perused the documents on record.
- 20. The Tribunal by its order dated 02.05.2022 passed in Original Application No.171/2016/EZ with I.A. No.57/2018/EZ (*Subhas Datta Vs. State of West Bengal & Ors.*), had taken note of emissions emerging from Hot Mix Plants and had given certain directions which have been extracted hereinabove and, therefore, need not be repeated for sake of brevity. Directions were also given to relocate and discourage of Hot Mix Plants within the boundaries of Howrah; to shift and to shut down small and mobile Hot Mix Plants; and establish a protocol for using cleaner fuels and technology for asphalt mixing and minimizing the number of Hot Mix Plants.
- 21. The MoEF&CC in its Notification dated 18.05.2023 has prescribed standards of Particular Matter Concentration (mg/Nm<sup>3</sup>) in stack emission, namely, Batch Type Hot Mix Plant which has prescribed standard of 150 and for Drum Type Hot Mix Plant the standard prescribed is 300. The Notes (i) to (x) to the Notification for Hot Mix Plant reads as under:-

".....xxx.....xxx.....xxx....."

**Notes:**

(i) The minimum stack height for Hot Mix Plant shall be calculated as: Stack height (Hs) = 14(Q)<sup>0.3</sup>, where, Q is the SO<sub>2</sub> emission rate in kg/hr.

(ii) Only approved fuel as specified by State Pollution Control Boards or Pollution Control Committees shall be used.



(iii) Dust emission from material handling shall be contained with water sprinkling or by covering the points of dust emission.

(iv) The internal roads, working platform, loading and unloading areas in premises should be paved and kept clean all times.

(v) Provisions of the Noise Pollution (Regulation and Control) Rules, 2000 shall be followed and workers shall be provided with personal protective equipments.

(vi) The green belt shall be developed along the periphery.

(vii) Use of Recycled Asphalt Pavement (RSP) shall be allowed in the aggregates.

(viii) Any process rejects or left over of the hot mix shall be recycled in the process.

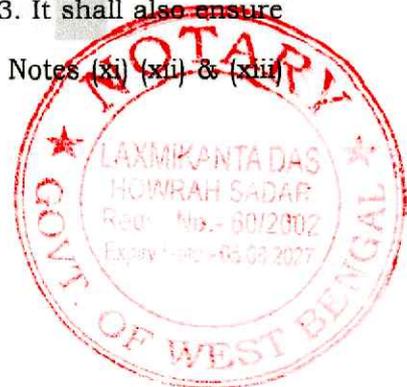
(ix) The site shall be reinstated at the end of operation phase i.e. after dismantling the plant.

(x) State Pollution Control Boards or Pollution Control Committees may decide the size and capacity to permit hot mix plants based on available technology and prevailing environmental conditions.”

22. It is noticed that while carrying out patchwork repair of roads small Hot Mix Plants are used on the road itself which are pulled out from place to place. However, it is common knowledge that such Hot Mix Plants cause large quantities of black soot to emerge from its chimneys thereby causing immense pollution in the area.

23. The following directions are, therefore, being issued:-

A. The West Bengal Pollution Control Board is directed to ensure that such Hot Mix Plants shall conform to the parameters and standards in stack emission as prescribed in the MoEF&CC Notification dated 18.05.2023. It shall also ensure that the siting criteria laid down in the Notes (xi) (xii) & (xiii)



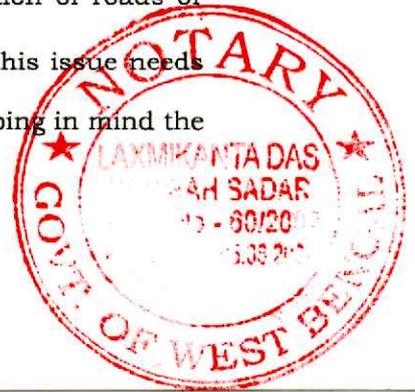
to the said Notification are strictly observed and complied meaning thereby that all Hot Mix Plants shall be situate;

- (i) At least 0.5 kilometers from habitation,
- (ii) 0.5 kilometers from Schools or Colleges and Temples,
- (iii) 1 kilometer from Hospital, Court and Tourist spot,
- (iv) 0.2 kilometers from National or State Highways (from Centre Line), and
- (v) 1 kilometer from boundary of cities and towns, as the case may be.

B. The West Bengal Pollution Control Board shall also ensure that such Hot Mix Plants during their operation shall have a 6 meters high wall of GI sheet along its periphery as provided in Note (xii) to the Notification and shall be equipped with appropriate air pollution control devices such as - Drum Type/Batch Type as provided in Note (xiii) to the Notification, so as to ensure optimum efficiency to achieve standards, namely, cyclone or multi-clones with wet scrubber for Drum Type and multi-clones with bag filters for Batch Type.

C. The West Bengal Pollution Control Board shall also ensure that the chimneys of such Hot Mix Plants shall possess the necessary smoke emission devices for control of smoke/SO<sub>2</sub> and the prescribed Particular Matter Concentration (mg/Nm<sup>3</sup>) shall at all times maintain standards of 150 for Batch Type Hot Mix Plan and 300 for Drum Type Hot Mix Plant.

D. So far as the suggestions of the Applicant that Pavement Quality Concrete shall be used for construction of roads or even during its preparation, in our opinion, this issue needs to be addressed by the State Government keeping in mind the



efficacy of Pavement Quality Concrete for small items of work also bearing in mind all times that preservation of a clean environment should be of the utmost concern for the State Government for which budgetary constraints cannot be taken as a plea to perpetuate environmental degradation.

24. With the aforesaid directions, the Original Application No.83/2023/EZ is disposed of.
25. I.As. if any, stand disposed of accordingly.
26. There shall be no order as to costs.

.....  
**B. Amit Sthalekar, JM**

.....  
**Dr. Arun Kumar Verma, EM**

July 16, 2024,  
Original Application No.83/2023/EZ  
AK

NGT



(xiii) हॉट मिक्स संयंत्र नीचे उल्लिखित उपयुक्त वायु प्रदूषण नियंत्रण उपकरणों से युक्त होने चाहिए ताकि मानकों को प्राप्त करने के लिए इष्टतम दक्षता सुनिश्चित की जा सके :

- क. ड्रम के प्रकार: वेट स्क्रबर सहित साइक्लोन/मल्टी-क्लोन
- ख. बैच के प्रकार: बैग फिल्टर्स सहित मल्टी-क्लोन

[फा. सं. क्यू-15017/14/2018-सीपीडब्ल्यू]

नरेश पाल गंगवार, अपर सचिव

टिप्पणी : मूल नियम, भारत के राजपत्र, असाधारण, भाग II, खंड 3, उपखंड (i) में तारीख 19 नवंबर, 1986 द्वारा प्रकाशित किए गए थे और अधिसूचना संख्या सा.का.नि. 373(अ), 16 मई, 2023 द्वारा अंतिम बार संशोधित किए गए।

MINISTRY OF ENVIRONMENT, FOREST AND CLIMATE CHANGE

NOTIFICATION

New Delhi, the 18th May, 2023

G.S.R. 376(E).—Whereas, certain draft rules, namely the Environment (Protection) Amendment Rules, 2022 were published in the Gazette of India, Extraordinary, Part II, Section 3, Sub-section (i) as required under sub-rule (3) of rule 5 of the Environment (Protection) Rules, 1986, vide notification of the Government of India, Ministry of Environment, Forest and Climate Change, number G.S.R. 805 (E), dated the 04<sup>th</sup> November, 2022, inviting objections or suggestions from any person likely to be affected thereby within a period of sixty days from the date on which copies of the Gazette containing the said notification were made available to the public;

And whereas, copies of the Gazette containing the aforesaid notification were made available to the public on the 07<sup>th</sup> November, 2022;

Now, therefore, in exercise of the powers conferred by sections 6 and 25 of the Environment (Protection) Act, 1986 (29 of 1986), the Central Government hereby makes the following rules further to amend the Environment (Protection) Rules, 1986, namely: -

1. Short title and commencement.-(1) These rules may be called the Environment (Protection) Second Amendment Rules, 2023.

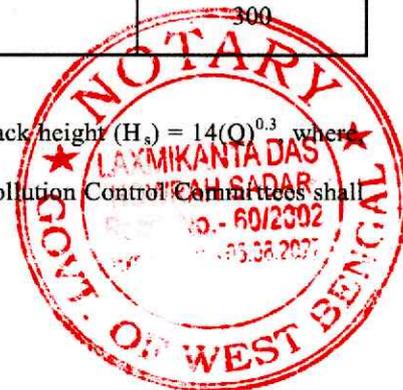
(2) They shall come into force on expiry of period of six months from the date of publication of this notification in the Official Gazette.

2. In the Environment (Protection) Rules, 1986, in Schedule-I, after serial number 115 and the entries relating thereto, the following serial number and entries shall be inserted, namely: -

Sl. No.	Industry	Parameter	Standards
(1)	(2)	(3)	(4)
"116	Hot Mix Plant	Particulate Matter Concentration (mg/Nm <sup>3</sup> ) in stack emission	
		Batch type Hot Mix Plant	150
		Drum type Hot Mix Plant	300

Notes:

- (i) The minimum stack height for Hot Mix Plant shall be calculated as: Stack height (H<sub>s</sub>) = 14(Q)<sup>0.3</sup> where Q is the SO<sub>2</sub> emission rate in kg/hr.
- (ii) Only approved fuel as specified by State Pollution Control Boards or Pollution Control Committees shall be used.



- (iii) Dust emission from material handling shall be contained with water sprinkling or by covering the points of dust emission.
- (iv) The internal roads, working platform, loading and unloading areas in premises should be paved and kept clean all times.
- (v) Provisions of the Noise Pollution (Regulation and Control) Rules, 2000 shall be followed and workers shall be provided with personal protective equipments.
- (vi) The green belt shall be developed along the periphery.
- (vii) Use of Recycled Asphalt Pavement (RSP) shall be allowed in the aggregates.
- (viii) Any process rejects or left over of the hot mix shall be recycled in the process.
- (ix) The site shall be reinstated at the end of operation phase i.e. after dismantling the plant.
- (x) State Pollution Control Boards or Pollution Control Committees may decide the size and capacity to permit hot mix plants based on available technology and prevailing environmental conditions.
- (xi) The Hot Mix Plant shall be installed from the following siting criteria, namely:-
- (a) 1 km from boundary of cities and towns;
  - (b) 0.5 km from habitation;
  - (c) 0.2 km from National or State Highways ( from Centre Line);
  - (d) 0.5 km from Schools or Colleges and temples;
  - (e) 1 km from Hospital, court and tourist spot.
- (xii) In case existing hot mix plants are not able to meet above siting criteria at para (xi) above, the unit may be allowed with the condition that minimum 6 metre high compound wall of GI sheets along plot periphery shall be installed.
- (xiii) The hot mix plant shall be equipped with appropriate air pollution control devices as mentioned below so as to ensure optimum efficiency to achieve the standards, namely:-
- (a) Drum Type: Cyclone or multi-clones with wet scrubber;
  - (b) Batch Type: Multi-clones with bag filters.

[F. No. Q-15017/14/2018-CPW]

NARESH PAL GANGWAR, Addl. Secy.

**Note :** The principle rules were published in the Gazette of India, Extraordinary, Part II, Section 3, Sub-section (i), vide number S.O. 844 (E) dated the 19<sup>th</sup> November 1986 and last amended, vide notification number G.S.R. 373(E) dated the 16<sup>th</sup> May 2023.



Item No. 02

(Court No. 1)

**BEFORE THE NATIONAL GREEN TRIBUNAL  
SPECIAL BENCH**

(By Video Conferencing)

Original Application No. 171/2016/EZ  
with M.A. No.57/2018/EZ

Subhas Dutta

Applicant

Versus

State of West Bengal

Respondent

Date of hearing: 02.05.2022

**CORAM: HON'BLE MR. JUSTICE ADARSH KUMAR GOEL, CHAIRPERSON  
HON'BLE MR. JUSTICE SUDHIR AGARWAL, JUDICIAL MEMBER  
HON'BLE MR. JUSTICE B. AMIT STHALEKAR, JUDICIAL MEMBER  
HON'BLE MR. SAIBAL DASGUPTA, EXPERT MEMBER  
HON'BLE PROF. A. SENTHIL VEL, EXPERT MEMBER**

Applicant: Applicant in person  
Respondent(s): Mr. Sibojyoti Chakraborty, Advocate for R-1 & 2  
Mr. Dipanjan Ghosh, Advocate for R-3  
Mr. Partha Sarthi Mullick, Advocate for R-4  
Mr. Ashok Kumar Banerjee, Sr. Advocate a/w Ms. Paushali  
Banerjee, Advocate and Mr. Sibojyoti Chakraborty, Advocate for  
R-6,  
Mr. Surendra Kumar, Advocate for CPCB

**ORDER**

**The Issue**

1. Grievance in this application is against air pollution in Kolkata metropolitan area on account of various activities, including burning of firewood and tyres for road repair, plying of heavily loaded vehicles, construction activities, dumping of soil dug for making tunnels by the Metro Railway Authority, burning of fossil fuel, leaves and solid waste, transportation of garbage, plying of old vehicles, absence of synchronization of traffic signals, illegal commercial exploitation of

roads and footpaths, absence of solar power for lighting the sign boards/bill boards, etc. Thus, the applicant has referred to the well-known sources of pollution on account of road repairing, vehicles, construction activities, combustion, road dust, garbage dump sites.

**Procedural History**

2. The application was filed on 21.11.2016 and was first considered on 29.11.2016. The Tribunal issued notice to the respondents, including the State of West Bengal, State PCB and MoEF&CC who have filed their respective replies. The matter has been considered by several orders but reference may be made to a few. Vide order dated 01.10.2018, the Tribunal directed closure of all hot mix plants operating on old technology which were considered to be one of the sources of pollution. Vide order dated 18.12.2018, PWD, Municipal Corporation and State of West Bengal were required to furnish performance guarantee in the sum of Rs. 02 Crores each to ensure adopting new technology for the hot mix plants. Later, an action taken report was filed to the effect that new technology was adopted. Vide order dated 20.12.2021, the Tribunal noted switching over to new technology of Micro Surfacing in addition to White-Topping as follows:-

*"4. Mr. Sibojyoti Chakraborty, learned Counsel for the State Respondents, submits that the length of 18.93 Kilometers in the District of Howrah has been completed by using 'Micro Surfacing' Technology. Learned Counsel further submits that another work of widening and strengthening of the Diamond Harbour road in the city of Kolkata was taken up through 'Micro Surfacing' Technology and that road has also been completed. It is also stated that, in addition to 'White-Topping' and 'Micro Surfacing' Technology, the State Respondents are also going to execute another environment friendly road construction alternative in the roads of Kolkata city which is the 'Mechanised Mastic Asphalt' Technology in which the asphaltic mix is yielded through a batch mix plant located much away from the city and fitted with built-in modern pollution control devices and the mastic asphalt mix is transported through covered thermo-containers. It is also stated that the notice inviting tender has been issued with a mandatory condition that the contractor has to obtain due permission from the West Bengal Pollution Control Board regarding operation of*

*'Batch Mix Plant'. The proposed site for installation and commissioning of the said Mechanised Mastic Asphalt Plant is at Techno City (Hatisala), P.O.- Akandakeshari, Kolkata - 700135."*

3. Considering the above, the performance guarantees were released.
  
4. We may now refer to some of the affidavits filed by the statutory authorities. As per affidavit filed by the State PCB on 22.12.2021, inspection was carried out in respect of the hot mix plants and the operation of hot mix plants was found to be within norms. However, it was suggested that proper dust collection and disposal system with batch mixing plant to avoid fugitive emission from bag house hopper should be provided.
  
5. CPCB in its affidavit filed on 30.03.2022 has referred to a study undertaken by the National Productivity Council (NPC) on the subject in March 2016. Expert Committee at MoEF&CC considered the proposal in its meeting held on 09.08.2019 and agreed for draft notification. Draft Notification of Environmental Standards for Hot Mix Plants was published vide G.S.R 16 (E) dated 8<sup>th</sup> January, 2020 in the Gazette of India. Proposal for finalization of environmental standards for hot mix plants was considered in Expert Committee of MoEF&CC in its meeting held on 20.05.2020 and suggested CPCB to have a comprehensive analysis on the following points and submit revised/modified draft notification to MoEF&CC for consideration:
  - i. Minimum stack height especially for mobile/portable Hot Mix Plants needs to be proposed
  - ii. Examine the impact of usage of furnace oil and rubber process oil
  - iii. Fugitive dust emission aspects need to be further examined

- iv. Noise emission aspects
- v. Regulation on minimum size of Hot Mix Plants based on environmental consideration may be proposed
- vi. Harmonization of proposed regulation with the Consent to Operate conditions imposed by various SPCBs to the existing operating Hot Mix Plants may be carried out for having consistency across States.

6. It is further stated that the revised proposed standards for finalization were considered by reconstituted Expert Committee of MoEF&CC in its meeting held on 20.03.2021 and suggested CPCB to revise the proposal considering the following points:

- i. A study taking reference from NCAP should be carried out by CPCB to determine the capacity and size of hot mix plants to be permitted on site in city areas
- ii. The ozone concentration near the plants should be analyzed, standards for small plants have been proposed that release the fumes which are carcinogenic, therefore the study should also cover this aspect considering the size of plants to be permitted in field for operation vis-a-vis mobile and static plants
- iii. Standards for VOCs and Ozone should be prescribed
- iv. The study should also include techno-economic feasibility of suggested technologies for controlling emission
- v. Possibility of prescribing use of green fuels should be analysed
- vi. The scrubbing of fumes generates large amount of sludge the treatment of sludge is also challenge for smaller units. The study should include recommendations of remedial measures

along with testing of water from scrubbers and contaminated soil near such plants.

7. MoEF&CC vide its letter dated 14.07.2021 suggested to the CPCB to take up the matter with the newly constituted Peer and Core Committee on 11.06.2021 for deliberation and finalization.

8. I.A No. 21/2022/EZ has been filed with seeking permission to use old technology for hot mix plants for the repair of Rabindra Setu (Howrah Bridge). The Tribunal constituted a Committee to seek its opinion. The Committee has not yet completed its deliberations. However, this Tribunal cannot specify which technology is to be preferred which is for the administrative and statutory authorities to decide. Only concern of the Tribunal is that laid down air quality standards should not be violated. The I.A No. 21/2022/EZ will stand disposed of accordingly.

**Consideration of the matter and finding**

9. The question to be considered is measures to control air pollution particularly in the context of hot mix plants which have clear and acknowledged potential for air pollution. Since MoEF&CC and CPCB have conducted study and proposed standards, such standards need to be finalised expeditiously, preferably within three months. Pending such finalisation, the same may be followed by all concerned, except where a conscious decision is taken for any valid reason by the statutory regulators.

10. The statutory regulators and the State authorities need to take measures identified in action plans for 124 identified non-attainment cities, under the directions of this Tribunal in O.A No. 681/8218, *News Item Published In "The Times of India" Authored by Shri. Vishwa Mohan Titled "NCAP with Multiple Timelines to Clear Air in 102 Cities to be released*

71 -

around August 15” in the context of adequacy of National Clean Air Program (NCAP) of the Government of India. State of West Bengal also has NACs, including Howrah for which action plans to achieve air quality norms have been prepared with reference to different action points, including the dust control, vehicular pollution, traffic management, monitoring mechanism, emergency response systems, clearing of legacy waste sites, carrying capacity studies, afforestation, awareness programs, etc. The action plan should provide for stopping of activities resulting in violation of air quality norms and regulating such activities which cannot be stopped, so as to minimize the air pollution. The Tribunal referred to the Comprehensive Action Plan (CAP) and Graded Response Action Plan (GRAP) applicable to NCR, envisaging stopping of certain activities when the AQ levels increased beyond specified thresholds. Hot mix plants are one of the issues forming part of such regulation.

11. Relevant extract from order 08.10.2018 in OA 681/2018 is as follows:

- i. *All the States and Union Territories with non-attainment cities must prepare appropriate action plans within two months aimed at bringing the standards of air quality within the prescribed norms within six months from date of finalization of the action plans.*
- ii. *The Action Plans may be prepared by six-member committee comprising of Directors of Environment, Transport, Industries, Urban Development, Agriculture and Member Secretary, State Pollution Control Board or Committee of the concerned State. The Committee may be called Air Quality Monitoring Committee (AQMC). **The AQMC will function under the overall supervision and coordination of Principal Secretary, Environment of the concerned State/Union Territory. This may be further supervised by the Chief Secretaries concerned or their counterparts in Union Territories by ensuring intra-sectoral co-ordination.***
- iii. *The Action Plans may take into account the GRAP, the CAP and the action plan prepared by CPCB as well as all other relevant factors. The Action Plans may be forwarded to the CPCB by 31.12.2018. The same may be placed before the Committee as directed in direction no. vi. **The Action Plan will include components like identification of source and its apportionment considering sectors like vehicular***

**pollution, industrial pollution, dust pollution, construction activities, garbage burning, agricultural pollution including pollution caused by burning of crop residue, residential and indoor pollution etc.** The action plan shall also consider measures for strengthening of Ambient Air Quality (AAQ) monitoring and steps for public awareness including issuing of advisory to public for prevention and control of air pollution and involvement of schools, colleges and other academic institutions and awareness programmes.

- iv. **The Action Plan will indicate steps to be taken to check different sources of pollution having speedy, definite and specific timelines for execution.**
- v. **The Action Plan should be consistent with the carrying capacity assessment of the non-attainment cities in terms of vehicular pollution, industrial emissions and population density, extent of construction and construction activities etc. The carrying capacity assessment shall also lay emphasis on agricultural and indoor pollution in rural areas. Depending upon assessed carrying capacity and source apportionment, the authorities may consider the need for regulating number of vehicles and their parking and plying, population density, extent of construction and construction activities etc. Guidelines may accordingly be framed to regulate vehicles and industries in non-attainment cities in terms of carrying capacity assessment and source apportionment.**
- vi. The Committee comprising of (a) Shri. Prashant Gargava, Member Secretary, CPCB, (b) Dr. Mukesh Khare, Professor, IIT Delhi, and (c) Dr. Mukesh Sharma, Professor, IIT Kanpur shall examine the Action Plans and on the recommendations of the said Committee, the Chairman, CPCB shall approve the same by 31.01.2019.
- vii. The Chief Secretaries of the State and Administrators/ Advisors to Administrators of the Union Territories will be personally accountable for failure to formulate Action Plans, as directed.
- viii. The CPCB, SPCBs and State Pollution Control Committees shall develop a public grievance redressal portal for redressal of public complaints on air pollution along with a supervisory mechanism for its disposal in a time bound manner. Any visible air pollution can be reported at such portal by email/SMS.
- ix. The CPCB and all the State Pollution Control Boards and Pollution Control Committees shall collectively workout and design a robust nationwide ambient air quality monitoring programme in a revised format by strengthening the existing monitoring network with respect to coverage of more cities/towns. The scope of monitoring should be expanded to include all twelve (12) notified parameters as per Notification No B-29016/20/90/PCI-L dated 18th November, 2009 of CPCB. The continuous Ambient Air Quality Monitoring Stations (AAQMS) should be preferred in comparison to manual monitoring stations. The CPCB and States shall file a composite action plan with timelines for its execution which shall not be more than three months. It is expected that all such AAQMS shall be connected to central server of CPCB for reporting analysis of results in a form of Air Quality Bulletin for general

public at regular intervals atleast on weekly basis and ambient air quality on continuous basis on e-portal. MoEF&CC will provide requisite funds for the purpose. MoEF&CC in consultation with Ministry of Housing and Urban Affairs, MoRTH, Ministry of Petroleum and Natural Gas, Ministry of Agriculture, Cooperation and Farmers Welfare or any other Ministry to lay down such guidelines as may be considered necessary for improvement of air quality in the country.”

12. The said matter has been finally dealt with by this Tribunal vide order dated 08.04.2021. The Tribunal concluded as follows:-

**“VIII. Consideration of way forward and Directions:**

56. As shown from the resume of orders dated 8.10.2018, 15.03.2019, 06.08.2019, 20.11.2019 and 21.8.2020 in the present matter and other orders in related matters and above discussion, specific action points stand identified. There are action plans prepared by six member Air Quality Monitoring Committees (AQMCs) in States/UTs, overseen by the Chief Secretaries and approved by Expert Committee comprising Member Secretary CPCB, Prof Mukesh Khare, IIT Delhi and Prof. Mukesh Sharma, IIT Kanpur. The subject was also discussed with the Chief Secretaries of all the States/UTs during their appearance before the Tribunal in pursuance of order dated 16.1.2019. On further review, 15 specific directions were issued on 6.8.2019 including setting up of online Continuous Ambient Air Quality Monitoring Stations (CAAQMS), undertaking Source Apportionment (SA) and Carrying Capacity (CC) studies, reviewing of master plans consistent with such studies, closing/shifting industrial units from residential/non-conforming areas consistent with the directions of the Hon’ble Supreme Court, developing public grievance redressal portals and incorporating compensation regime against the violators. The Tribunal also took cognizance of the noise pollution which is also covered under the Air (Prevention and Control of Pollution) Act, 1981 and 2000 Rules under the EP Act. Further issues considered include revamping of CPCB and State PCBs for effective monitoring. Progress was reviewed on 20.11.2019 and further 16 specific directions were issued, including compensation for defaults. Further issue of regulating parking in the light of capacity of the road infrastructure was dealt with vide order dated 26.2.2020, as already mentioned earlier. Finally, on 21.8.2020 comprehensive review was undertaken and 18 specific directions were issued. The compliance status does not show significant achievements and there continue to be huge gaps in what is required to be done and what has been done.

57. That 124 major cities in the country are continuously noncompliant with the prescribed standards of air quality for more than five years is a matter of serious national concern which needs to be addressed urgently at all levels by involvement of highest authorities. Challenge is equally serious for areas where pollution levels are as high as above poor even though outside 125 NACs. Challenge of control of noise pollution also confronts the citizens. Thus, the concerned authorities

have to perform their responsibility, including public awareness and involvement.

58. In the light of above detailed discussion, holistic and coordinated efforts at all levels in the government is dire need of the hour. Accountability in terms of adverse entries in the ACRs and recovery of compensation for non-compliance are imperative for fixing accountability. This requires authorities at higher level to function as trustees for discharge of constitutional and statutory obligation to the citizens. There is no other magic wand to protect people against acknowledged sorry state of affairs. As shown from the observations of Hon'ble Supreme Court quoted in para 53 above, India has world's highest death rate from chronic respiratory diseases. About 1.5 million people in India die annually due to air pollution. The Hon'ble Supreme Court also observed that 40% school children suffer from lung damage. Air pollution can lower children's IQ, hurt their test scores and increase the risks of autism, epilepsy, diabetes and even adult-onset diseases. Severe air pollution is leading to diseases and irreversible damage to health. There are other health related issues like allergies, temporary deafness. Various experts have pointed towards multiple adverse effects of air pollution on human health like premature deaths, rise in mortality rates, palpitation, loss of vision, arthritis, heart ailments, cancer, etc. This is resulting in deprivation of constitutionally embedded rights. Grim situation is affecting right to education, work, health and ultimately, the right to life of the citizens. There are further reports<sup>1</sup> that air pollution is resulting in fatalities and economic losses. Remedial action is thus utmost for protecting health of the citizens.

**Need for a High-level National Task Force for Monitoring**

59. The matter has been monitored by the Tribunal for about two and a half years. Primarily the Tribunal is an adjudicatory body and beyond giving directions necessary for protection of environment under section 15 of the NGT Act, execution has to be by administrative authorities. Under public trust doctrine, the State authorities are under obligation to take effective measures to control pollution. Tribunal monitoring cannot be for indefinite period. Road map has crystallised to an extent. The Tribunal has formulated direction and conducted review five times with the assistance of data available with it. The ownership of monitoring must be now taken over by the statutory and

<sup>1</sup> (i) Air pollution killed 1.7 million Indians in 2019: Lancet report: (<https://www.downtoearth.org.in/news/air/amp/air-pollution-killed-1-7-million-indians-in-2019-lancet-report-74737#aoh=16178975512221&referrer=https%3A%2F%2Fwww.google.com&%amp;tf=From%20%251%24s>)  
ii) AIR POLLUTION RELATED DISEASE, DEATHS CoST INDIA RS 260,000 CRORES IN ECONOMIC LOSS: REPORT (<https://www.firstpost.com/tech/science/air-pollution-relateddisease-deaths-cost-india-rs-260000-crores-in-economic-loss-report-9159281.html>)  
(iii) 1.7 million deaths in India were attributable to air pollution in 2019, says study: (<https://www.thehindu.com/news/national/17-million-deaths-in-india-were-attributable-to-air-pollution-in-2019-says-study/article33394600.ece>)  
(iv) Air pollution in India caused 1.7 million deaths in 2019: (<https://www.medical.net/news/20201223/Air-pollution-in-India-caused-167-million-deaths-in-2019.aspx>) (<https://www.ncws-medical.net/news/20201223/Air-pollution-in-India-caused-167-million-deaths-in-2019.aspx>)  
(v) Air pollution caused 54,000 deaths, \$8.1 billion loss in Delhi in 2020 (<https://www.businesstoday.in/current/economy-politics/air-pollution-claimed-54000-lives-in-delhi-last-year-one-death-per-500-people-claims-greenpeace-study/story/431766.html>)

- 75 -

*administrative authorities for enforcement of rule of law for which a national level task force needs to be constituted. Thus, we find it necessary to give effect to the principle of Sustainable Development, in the interest of protection of environment and public health, to direct constitution of an eight-member National Task Force (NTF) to be headed and coordinated by the Secretary MoEF&CC with nominees of Ministries from Housing and Urban Development, Road Transport, Petroleum, Power, Agriculture, Health and CPCB with a view to monitor remedial steps to improve the status of air quality in NACs consistent with the action plans already prepared and approved by the Expert Committee and directions of this Tribunal, referred to above, including the last order dated 21.08.2020 and also to monitor compliance of noise control norms. The NTF may hold its first meeting within one month and thereafter evolve mechanism for monitoring by quarterly meetings with Chief Secretaries of concerned States/UTs. The NTF may coordinate and work in tandem with the Committees already constituted under NCAP at National and State levels. Needless to say that the Chief Secretaries must continue to monitor progress in execution of action plans at State level with the assistance of monitoring cells in their offices and the AQMCs so as to effectively provide positive feedback to the NTF. The State level monitoring must include action at the ground as per directions to be implemented by the District Magistrates or other concerned departments. The monitoring may include all associated issues, including road dust control by appropriate sprinkling of water (utilizing treated water, instead of potable water), planting herbs and shrubs, and all sources of pollution, including fire crackers.*

**Directions**

60. Our directions are summed up as follows:

- i. *We direct constitution of an eight-member National Task Force (NTF) to be headed and coordinated by the Secretary MoEF&CC with nominees (not below the rank of Joint Secretaries) of Ministries from Housing and Urban Development, Road Transport, Petroleum, Power, Agriculture, Health and Chairman, CPCB with a view to monitor remedial steps to improve the status of air quality in NACs consistent with the action plans already prepared and approved by the Expert Committee and directions of this Tribunal, referred to above, including the last order dated 21.08.2020 and also to monitor compliance of noise control norms. NTF may also monitor enforcement of laid down air quality standards beyond NACs in other identified air polluted areas where air quality is poor and above.*
- ii. *The NTF may hold its first meeting within one month and thereafter evolve mechanism for monitoring by quarterly meetings with Chief Secretaries of concerned States/UTs. The NTF may coordinate and work in tandem with the Committees already constituted under NCAP at National and State levels.*
- iii. *Monitoring by NTF may be with reference to the action plans of 124 NACs. The components include installation of*

monitoring stations, completion of CC and SA studies, shifting, prohibiting and regulating activities beyond carrying capacity (such as shifting to cleaner fuel and declaring regulated/no vehicle zones so as to ensure that the air quality does not go beyond 'poor' for protection of health of the citizens), effectiveness of PGRPs, timelines for execution of the action plans and recovery of compensation for delay, addressing gap in control of noise pollution, afforestation drives utilizing CAMPA funds, effective implementation of ERS, revamping of PCBs/PCCs and other monitoring mechanism, remediation of legacy waste sites and effective steps for management of other waste, including biomedical, plastic and e-waste, dust control, public awareness and community involvement programmes and setting up of data grids on all levels. NTF may also evolve and oversee parameters for interse ranking of success of remedial action for 124 NACs and other air polluted areas where air quality is poor and above. Further, accountability for failures and incentives for success also needs to be monitored. NTF is free to take up any other incidental issues.

- iv. *Consistent with Digital India initiatives, MoEF&CC/ CPCB may consider setting up and periodically updating National Environment Data Grid (NEDG) linked to the State Environment Data Grids (SEDGs) and District Environment Data Grids (DEDGs) and further linked to available portals like online air quality, Sameer and other monitoring stations to facilitate analysis, research and planning on the subject. It may be further interlinked to National Air Quality Monitoring Programme (NAMP). Based on above data, the MoEF&CC may lay down guidelines for classifying cities/districts in terms of air quality in different categories such as 'red', 'orange' and 'green'. On that basis, a National Air Quality Atlas may be compiled and published on the websites of MoEF&CC, CPCB and State PCBs/PCCs annually.*
- v. *The Chief Secretaries of all States/UTs may continue to monitor progress in execution of action plans at State level with the assistance of monitoring cells in their offices and the AQMCs. The State level monitoring must include action at the ground as per directions to be implemented by the District Magistrates or other concerned departments. The monitoring may include all associated issues, including road dust control by appropriate sprinkling of water (utilizing treated water, instead of potable water), planting herbs and shrubs, and all sources of pollution, including fire crackers. The issue of noise pollution also needs to be addressed, as earlier directed."*

13. Kolkata - Howrah twin Cities (in KMDA) are included in the non-attainment cities (NACs). They are required to execute Clean Air Action Plan, 2020 under NCAP which includes identification sources contributing

to air pollution. The relevant information particularly relating to Hot Mix Plants with reference to short and medium term actions are given:

**“1.5 Hot-mix plants for road construction and cement batching**

*Kolkata Municipal Corporation, as well as the Kolkata Metropolitan Development Area have been witnessing a boom. Greenfield projects, in terms of commercial, residential and mixed land-use area development, as well as expansion of existing areas has led to the intensive increase in emissions emerging from concrete batching as well as from asphalt mixing plants, known as hot-mix plants.*

*The Eastern Zone bench of the NGT took notice of the emissions emerging from these hot-mix plants, and in a series of orders dated 18 September 2018 and 01 October 2018, banned the operation of all Hot Mix plants within Kolkata and Howrah. The order also asks the state government, KMC, and the WB PWD to ‘adopt more environment friendly and cleaner methods for the purpose’. The KMC also moved the NGT on 01 October 2018 to get a 4-month window to continue to operate the KMC run hot-mix plants within Kolkata. The deadline of 31 January 2019 has been set for these plants by the KMC to finish the ongoing repair of roads across Kolkata and Howrah. However, it must be noted that the longer term plan of the KMC for its hot-mix plants is to relocate these to areas such as Dum Dum and Rajarhat that are outside the jurisdiction of KMC. While this may suffice for the purpose of the NGT order, the emissions from these re-located plants, along with others within the KMDA will continue to affect air quality in the Kolkata-Howrah airshed. The KMC has begun implementation of this order, through the constitution of a panel of experts from WBPCB, IIT-Kharagpur, KMDA, Hooghly River Bridge Commissioners (HRBC) and KMC, with a mandate to monitor emissions from existing hot-mix plants, and suggest technical, technological and other measures to reduce the emissions from this sector.*

xxx .....xxx.....xxx

**3. BRICK KILNS, HOT-MIX PLANTS AND STONE CRUSHERS**

Sr. no.	Action points	Agency responsible	Timeline
<b>Short-term priority action</b>			
3.1	There are about six brick kilns in close vicinity of the city. Enforce restrictions on operations of brick kilns within urban airshed zones during high pollution periods; allow only those brick kilns that comply with rectangular zig-zag design with induced draft or	Dept. of land and Land Reform, WBPCB, KMDA, HMC, Department of MSME	6 months

- 78 -

	those with improved technology. Initiate phasing out of traditional brick kilns.		
3.2	<b>Relocate and discourage any hot-mix plants within Howrah boundaries. Shut down small and mobile hot-mix plants.</b>	<b>HMC, WB PWD, NHAI and other road operating agencies</b>	<b>Immediately</b>
<b>Medium-term action</b>			
3.3	Identify and convert all brick kilns to rectangular design zigzag technology. If any FCBT natural draft kilns are found they need to be converted to induced draft kilns with rectangular zigzag design.	Department of Land and Land Reform, WBPCB, CPCB, ICE and MSME	1 year
3.4	Prescribe design specifications for improved kilns and ensure compliance checking of conversion. Ensure provision of infrastructure in terms of viewing platform and chimney emission testing point for compliance.	CPCB, WBPCB, Department of ICE, MSME	1 year
3.5	<b>Establish a protocol for using cleaner fuels &amp; technology for asphalt mixing and minimizing the number of hot-mix plants</b>	<b>MoRTH, HMC, WB PWD, NHAI and other road operating agencies</b>	<b>2 years</b>

14. The Tribunal has also dealt with issue of measures for control of air pollution including, clearing of legacy dump site, regulating old vehicles and strengthening the monitoring mechanism vide order dated 01.10.2020 in O.A No. 33/2014/EZ, *Subhas Datta v. State of West Bengal & Ors.*

15. Further, AQMC constituted in pursuance of orders in OA681/2018 must have prepared action plan for the NACs of West Bengal. The same may need to be updated so as to include the area which is subject matter of this Application.

16. In the light of above discussion, we direct constitution of a joint Committee comprising Secretary Environment, Secretary Transport, Secretary Urban Development, Secretary Local Bodies, (all West Bengal Govt), CPCB and State PCB to prepare/update action plan for Kolkata

metropolitan Area for control of air pollution. Secretary Environment will be nodal agency for compliance. The joint Committee may meet within one month and finalise/update its plan within three months. It may consider outline of suggested plans in the order dated 8.10.2018, quoted in para 11 and 12 above and other plans finalised by AQMC in respect of NACs in the State of West Bengal, in pursuance of the said order. It will be open to any stake holder to put forward suggestions for consideration of the Committee. The Committee will also be free to interact with any other expert/institution/department on the subject.

The Application is disposed of.

M.A. No. 57/2018/EZ will also stand disposed of.

A copy of this order be forwarded to the Chief Secretary, West Bengal, Secretaries Environment, Transport, Urban Development, and Local Bodies of West Bengal, CPCB and State PCB by e-mail for compliance.

Adarsh Kumar Goel, CP

Sudhir Agarwal, JM

B. Amit Sthalekar, JM

Saibal Dasgupta, EM

Prof. A. Senthil Vel, EM

May 02, 2022  
Original Application No. 171/2016/EZ  
M.A.No.57/2018/EZ  
AB