

S.No - 47 of 26/6/25

BEFORE THE NATIONAL GREEN TRIBUNAL
EASTERN ZONE BENCH, KOLKATA

ORIGINAL APPLICATION NO. 239/2024/EZ

SUBHAS DATTA

.....APPLICANT(S)

VERSUS

THE STATE OF WEST BENGAL & ORS.

.....RESPONDENT(S)

REPORT ON AFFIDAVIT FILED BY THE
RESPONDENT No. 5, WEST BENGAL POLLUTION
CONTROL BOARD.

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Filed by

DIPANJAN GHOSH
ADVOCATE
HIGH COURT AT CALCUTTA

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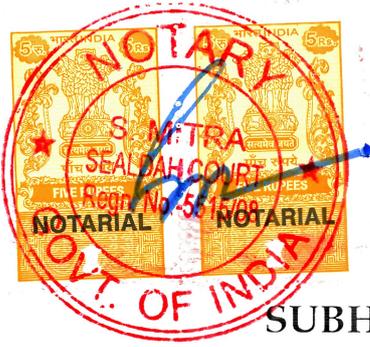
.....RESPONDENT(S)

REPORT ON AFFIDAVIT FILED BY THE
RESPONDENT No. 5, WEST BENGAL POLLUTION
CONTROL BOARD.

Most Respectfully Sheweth

I, Sri Swarup Kumar Mandal, son of Shri Barendra Mandal,
aged about 56 years, by Religion - Hindu, by Occupation-Service,
working for gain at West Bengal Pollution Control Board, having
office at 10A, Block- LA, Sector- III, Bidhannagar, Kolkata - 700
106, do hereby solemnly declare and say as follows:-

26 JUN 2025



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01. That, I am the Chief Engineer, West Bengal Pollution Control Board (hereinafter will be referred to as the 'State Board') and I am well acquainted with the facts and circumstances of the case. I have been duly authorized by the Respondent No. 5 to affirm this Affidavit on its behalf and as such, I am competent to do so.

02. That, this affidavit is being affirmed in pursuant to the order passed by this Hon'ble Tribunal dated 16.04.2025.

03. That, M/s. Mal Sub Divisional & Super Specialty Hospital (hereinafter referred to as the health care unit) located at Malbazar Road, P.O. & P.S. Mal, Dist.-Jalpaiguri, Pin-735221, is a health care unit (HCU).

04. That, the health care unit was called for a hearing on 29.04.2025 at the head office of the State Board. The Asst. Superintendent on behalf of the HCU, attended the hearing and submitted that presently proper segregation of bio-medical wastes is being done on a regular basis and lifting of municipal solid waste is being done by the Mal Municipality. He also submitted that a

26 JUN 2025

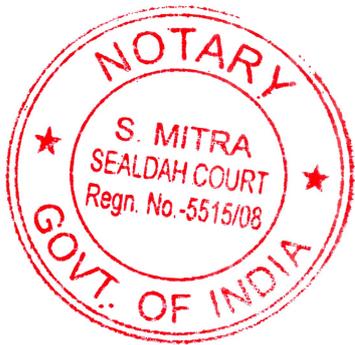


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committee has been formed for regular monitoring of proper segregation of Bio Medical Wastes.

05. That, considering the observations made in the Inspection Report dated 29.01.2025 and after hearing the official of the health care unit, the State Board issued the following directions on the health care unit :-

- (i) That, the health care unit (HCU) shall strictly abide by all the provisions of the Bio-medical Waste Management Rules, 2016 and its subsequent amendments and Guidelines for Management of Health Care Wastes as per Bio-Medical Waste Management Rules, 2016 published by the Central Pollution Control Board.
- (ii) That, the health care unit (HCU) shall segregate different categories of Bio-medical wastes at the point of generation and keep the same in colour-coded bags/containers as per the Bio Medical Waste Management Rules.
- (iii) That, the health care unit (HCU) shall always store its bio-medical wastes in the designated intermediate storage room and Bio Medical Waste (BMWs) should not be kept in the open place under any circumstances. All type of



26 JUN 2025

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BMW's should be disposed through authorized Common Bio-medical Waste Treatment Facility only.

(iv) That, the health care unit (HCU) shall ensure that bio-medical wastes will not be mixed with the general waste. Municipal solid waste should be kept in a proper manner and it is to be disposed through the concerned municipality.

(v) That, the health care unit (HCU) shall provide needle cutters in all concerned places and mutilate used disposable syringes. All the plastic disposable items like plastic made saline bottles, Tubings etc. shall be mutilated before disposal through authorized Common Bio Medical Waste Treatment Facility (CBMWTF).

(vi) That, the health care unit (HCU) shall maintain Bar code system of BWM bags and containers in compliance with the Bio-medical Wastes Management Rules, 2016 & its subsequent amendments and Guidelines for Bar Code System for Effective Management of Bio-Medical Waste published by the Central Pollution Control Board.



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(vii) That, the health care unit (HCU) shall take necessary steps for pre-treatment of highly infectious bio-medical wastes generated from the pathological laboratory and microbiological laboratory before disposal through authorized Common Bio Medical Waste Treatment Facility (CBMWTF).

(viii) That, the health care unit (HCU) shall develop a website for displaying the Monthly Report & Annual Report on its website according to the bio-medical waste generated in terms of category and colour coding as specified in Schedule-I of the Bio-medical Waste Management Rules, 2016 and its subsequent amendments.

(ix) That, the health care unit (HCU) shall submit a compliance report to the State Board in regard to the above directions within 15th June, 2025.

The Director of Health Services, Govt. of West Bengal and the Chief Medical Officer of Health, Jalpaiguri have been informed regarding improper management of bio-medical wastes in the hospital and taking appropriate action from their end.



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

06. That, the Mal S.D. Hospital vide Memo dated 26.05.2025 forwarded a compliance status report to the State Board in response to the directions issued by the State Board dated 30.05.2025 .

Copy of the compliance status report of Mal SD & SSH is annexed herewith and marked with letter "R2".

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

Swarup Kumar Mandal

DEPONENT

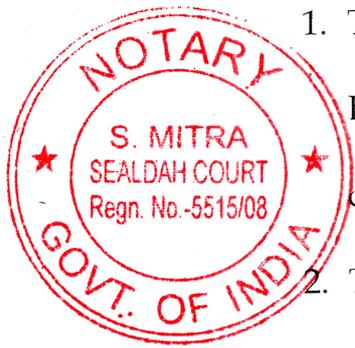
26 JUN 2025

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VERIFICATION

I, Sri Swarup Kumar Mandal, son of Shri Barendra Mandal, aged about 56 years, by Religion - Hindu, by Occupation-Service, working for gain at West Bengal Pollution Control Board, having office at 10A, Block- LA, Sector- III, Bidhannagar, Kolkata - 700 106, do hereby solemnly declare and say as follows:-

1. That, I am the Chief Engineer, West Bengal Pollution Control Board and I am well acquainted with the facts and circumstances of the instant Original Application.
2. That, the statements made in paragraph 1 of this affidavit is true to my knowledge and belief.
3. That, the statements made in paragraphs 2 to 6 of this affidavit are my information derived from the records available in the office of the State Board which I verily believe to be true and the rest are my respectful submission before this Hon'ble Tribunal.



Swarup Kumar Mandal
DEPONENT

Identified and corrected by me
Advocate *Dipankar Ghosh*
WBPCB

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

h
SARBANI MITRA
NOTARY
Regd. No.- 5515/08

26 JUN 2025



LiFE
Lifestyle for
Environment

WEST BENGAL POLLUTION CONTROL BOARD
(Department of Environment, Government of West Bengal)
Paribesh Bhawan, 10A, Block – LA, Sector III, Bidhannagar
Kolkata – 700 106, Ph. No.: 2202-3097/3096
Website: www.wbpcb.gov.in, Email: net.wbpcb-wb@bangla.gov.in

Memo No.

-WPB/SRO/NGT Case/293-2025

Date: /05/2025

DIRECTION

WHEREAS, M/s. Mal Sub Divisional & Super Speciality Hospital (hereinafter referred to as the health care unit) located at **Malbazar Road, P.O. & P.S.-Mal, Dist.-Jalpaiguri, Pin-735221** is a health care unit (HCU).

AND WHEREAS, the HCU was inspected by the **West Bengal Pollution Control Board** (hereinafter referred to as the State Board) official on 29/01/2025 in connection with Hon'ble National Green Tribunal (NGT) matter (O.A No. 239/2024/EZ, Subhas Dutta-vs-State of West Bengal & Ors). During inspection the following observations were made by the inspecting officials:-

- Mal S.D. Hospital had been merged with Mal Super Speciality Hospital with a total bed capacity of 400 nos. Mal S.D. Hospital has 100 nos. beds & Mal Super Speciality Hospital has 300 nos. beds. The merged entity is named as Mal Sub Divisional & Super Speciality Hospital. Total no of Wards is 10. Both the 'Consent to Operate' and 'Bio-Medical Waste Authorization' are valid upto 31/12/2029.
- During inspection it was observed that the bio- medical waste (BMW) is stored in a closed room in colour coded bags marked with bio-hazard symbol. Common Bio-medical Waste Treatment Facility (CBMWTF) picks up BMW from here.
- In the backyard of the hospital there is open to sky concrete platform where municipal solid waste is stored. The area is not closed as a result municipal solid waste was found to be scattered open. BMW was also found to be mixed with the municipal waste. Stray animals were found littering the waste.
- During inspection in random wards of the hospital, it was observed that segregation of BMWs was not done at source as per Schedule-I of Bio-Medical Waste Management Rules, 2016 and its amendments. In some wards, general wastes such as wrapper of syringes, medical boxes were found to be mixed with BMW.
- During inspection in random wards of the hospital, needle cutters were found to be defunct. Also, it was found that the saline bottles were not properly mutilated before disposal.
- No Bar Code system is present from the occupier's end for disposal of BMW to CBMWTF.
- No pre-treatment was found to be done for disinfecting the laboratory wastes, blood samples & blood bags before handling over to CBMWTF.
- Bio medical waste generation register is maintained by the hospital. It is observed that usually CBMWTF collects BMW on regular interval.
- A committee for monitoring the activities related to the management of BMW exists.
- Persons handling BMW are found aware about the methodology of BMW management. Session regarding the BMW management methodology is done once in every month.
- Website displaying of monthly report & annual report is not yet developed.
- Annual Report for the year 2023 has not been uploaded in the State Board's online portal. The representative of the unit has informed that they had submitted the hard copy of the Annual report for the year 2023 to the State Board on 16.07.2024.
- The hospital authority has installed a Sewage Treatment Plant (STP) comprising of equalization tank, aeration chamber, sedimentation tank, chlorination tank, filter media and discharge. During inspection STP was found operational.



~~X~~

AND WHEREAS, Hon'ble NGT directed the State Board to submit an action taken report against the hospital authority vide its order dated 16.04.2025. It is to be mentioned that the matter is listed for next hearing before the Hon'ble National Green Tribunal on 30.06.2025.

AND WHEREAS, the health care unit was called for a hearing on 29/04/2025 at the head office of the Board. The Asst. Superintendent on behalf of the HCU appeared in the hearing and submitted that presently proper segregation of bio-medical wastes is being done on a regular basis and lifting of municipal solid waste is being done by the Mal municipality. He also submitted that a committee has been formed for regular monitoring of proper segregation of BMWs. During hearing a copy of the inspection report dated 29.01.2025 was handed over to him and he was directed to submit point wise compliance report along with photographs to the State Board within 31st May, 2025. The said compliance report is yet to be submitted.

NOW THEREFORE, considering the above, **M/s. Mal Sub Divisional & Super Speciality Hospital** located at Malbazar Road, P.O. & P.S.-Mal, Dist.-Jalpaiguri, Pin-735221 is hereby directed as follows:-

1. **That**, the HCU shall strictly abide by all the provisions of the Bio-medical Waste Management Rules, 2016 and its subsequent amendments and Guidelines for Management of Health Care Wastes as per Bio-medical Waste Management Rules, 2016 published by the Central Pollution Control Board.
2. **That**, the HCU shall segregate different categories of bio-medical wastes at the point of generation and keep the same in colour-coded bags/containers as per the BMW Management Rules.
3. **That**, the HCU shall always store its bio-medical wastes in the designated intermediate storage room and BMWs should not be kept in the open place under any circumstances. All type of BMWs should be disposed through authorized Common Bio-medical Waste Treatment Facility only.
4. **That**, the HCU shall ensure that bio-medical wastes will not be mixed with the general waste. Municipal solid waste should be kept in a proper manner and it is to be disposed through the concerned municipality.
5. **That**, the HCU shall provide needle cutters in all concerned places and mutilate used disposable syringes. All the plastic disposable items like plastic made saline bottles, Tubings etc. shall be mutilated before disposal through authorized CBMWTF.
6. **That**, the HCU shall maintain Bar code system of BMW bags and containers in compliance with the Bio medical Wastes Management Rules, 2016 & its subsequent amendments and Guidelines for Bar Code System for Effective Management of Bio-Medical Waste published by the Central Pollution Control Board.
7. **That**, the HCU shall take necessary steps for pre-treatment of highly infectious bio-medical wastes generated from the pathological laboratory and microbiological laboratory before disposal through authorized CBMWTF.
8. **That**, the HCU shall develop a website for displaying the Monthly Report & Annual Report on its website according to the bio-medical waste generated in terms of category and colour coding as specified in Schedule I of the Bio-medical Waste Management Rules, 2016 and its subsequent amendments.
9. **That**, the HCU shall submit a compliance report to the State Board in regard to the above directions within **15th June, 2025**.

The Director of Health Services, Govt. of West Bengal and the Chief Medical Officer of Health, Jalpaiguri are being informed regarding improper management of bio-medical wastes in the hospital and taking appropriate action from their end.

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

This direction is issued in exercise of the powers conferred under the provision of Section 33A of Water (Prevention & Control of Pollution) Act, 1974, Section 31A of Air (Prevention & Control of Pollution) Act, 1981, the Environment (Protection) Act, 1986 and Rules made thereunder after being approved by the Competent Authority.

By Order,

Sd/-

Chief Engineer
(Operation & Execution)
West Bengal Pollution Control Board

Memo No. 10841 (7)-WPB/SRO/NGT Case/293-2025

Date: 30/05/2025

Copy forwarded for information and necessary action to:-

1. M/s. Mal Sub Divisional & Super Speciality Hospital, Malbazar Road, P.O. & P.S.-Mal, Dist.-Jalpaiguri, Pin-735221
2. The Director of Health Services, Govt. of West Bengal, Swastha Bhawan, GN-29, Sector-V, Bidhannagar, Kolkata-700 091
3. The Chief Medical Officer of Health, Jalpaiguri District, Jalpaiguri District Hospital Campus, 1st Floor, Hospital Road, Dist.-Jalpaiguri, Pin-735101
4. The Chief Engineer, Planning & EIM Cell, WBPCB
5. The Chief Engineer, Waste Management Cell, WBPCB
6. The Senior Law Officer, WBPCB
7. Smt. Pausali Mukherjee, Special Law Officer (NGT), WBPCB
8. The Asst. Environmental Engineer, Siliguri Regional Office, WBPCB
9. T.A. to the Member Secretary, WBPCB
10. P.A. to the Chairman, WBPCB
11. Technical Cell, WBPCB for updating the website
12. Environment Officer- Communication, WBPCB – for circulation through float file
13. Guard file of O & E Cell



[Signature] / 30.05.2025
Chief Engineer
(Operation & Execution)
West Bengal Pollution Control Board



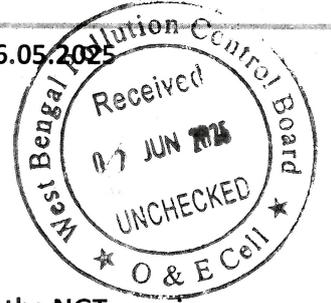
GOVERNMENT OF WEST BENGAL
 DEPARTMENT OF HEALTH & FAMILY WELFARE
 OFFICE OF THE SUPERINTENDENT
 MAL S.D. HOSPITAL
 & Secretary, Mal S.D. Hospital Rogi Kalyan Samiti
 MALBAZAR, JALPAIGURI. PIN: 735221
 Ph.03562-256087, 255123 email: *super.malsdh@gmail.com*



Memo No:1639

Date:26.05.2025

To
 The West Bengal Pollution Control Board
 (Department of Environment, Government of West Bengal)
 Paribesh Bhawan, 10A, Block- LA, Sec-III,
 Bidhannagar, Kol- 700106



Sub: Compliance status report of Mal SD & SSH in respect of Inspection Report w.r.t. the NGT case in O.A. No.239/2024/EZ (Subhas Datta Vs State of West Bengal & Ors)

The undersigned is hereby submitting this compliance status report:

- 1) **Bio medical waste storage room:** As per the Biomedical waste management rules-2016, there are three newly colour coded storage room built for biomedical waste storage, like Blue, Yellow, Red, after receiving complain from the pollution board, Siliguri. Previously there was no category wise waste storage room but only one single room where biomedical waste is stored in a closed room in category wise colour coded bags.
- 2) **Segregation of Bio medical waste:** After receiving complain from the inspection authority, the hospital authority took it as a serious issue and conduct a meeting with all category of staff regarding Bio medical waste management on an urgent basis and designated a nursing staff from each ward along with sister in charge to look after the proper waste management segregation under the supervision of Infection control Nurse and Quality Manager. Hospital authority conducts every month biomedical waste management training to all categories of staff like, nursing staff, ward boy/ward girl, housekeeping and others health care personnel.
- 3) **Mutilation and disinfection:** Now needle cutters are available in each and every ward to properly disinfect the used needle and saline bottles are properly mutilated before disposal by on duty staff.
- 4) **Pre treatment of laboratory waste /microbiological waste:** Pre treatment is done to pathological waste, laboratory waste, blood bags through disinfection or sterilization on site in the manner as prescribed by The World Health Organization (WHO) or National AIDS Control Organization (NACO) guidelines and then sent to the common bio- medical waste treatment facility for final disposal.
- 5) **Installation of Gate at the entrance and back side:** To prevent stray cattle and trespassers the hospital authority has installed two gates so that unclaimed animals could not enter the hospital premises.
- 6) **Maintenance of bio medical register:** Bio medical waste generation register has been maintained. CBWTF collects BMW on regular interval.
- 7) **Bio medical waste management committee:** Bio medical waste management committee already exists in the hospital. The committee conducts meeting related to biomedical waste management every quarterly in a year.
- 8) **Effluent and Liquid biomedical waste:** The hospital authority ensures proper treatment and disposal of liquid waste in accordance with the water (Prevention and Control of Pollution) Act, 1947.Sewage Treatment Plant (STP) is smoothly functional.
- 9) **General waste management:** There is a specific dedicated area for general municipal waste, where general waste is stored. The area is closed and ensures that biomedical waste is not mixed with general waste. Gates have been installed to prevent stray cattle. Effective communication between hospital authority and Local Municipality regarding lifting of general waste twice in a week.



SAB (O&E)
 14/04.06.2025
 CE (O&E)

Diary No 2514 Date 02/6/25
 Operator and Executive Cell
 West Bengal Pollution Control Board

✕

GOVERNMENT OF WEST BENGAL
DEPARTMENT OF HEALTH & FAMILY WELFARE
OFFICE OF THE SUPERINTENDENT
MAL S.D. HOSPITAL

&Secretary, Mal S.D. HospitalRogiKalyanSamiti
MALBAZAR, JALPAIGURI. PIN:735221

Ph.03562-256087, 255123 email: *super.malsdh@gmail.com*



10) Bar code system installation: There is no barcode system implemented at our Hospital in respect of biomedical waste management. We have communicated and informed the agency responsible for collecting waste from hospital to Common Biomedical Waste Treatment Facility.

11) Application No: ~~6927629~~ for biomedical waste annual return 2023

6942560

All documents are enclosed herewith:

[Signature]
Superintendent
Mal. S. D. & S. S. Hospital,
Malbazar, Jalpaiguri

Memo No: 1639/1(2)

Date: 26.05.2025

Copy forwarded for necessary information:

- 1) West Bengal Pollution Control Board, City Centre Mall, Block E, Matigara, Uttarayan Twp, Siliguri, West Bengal-734010
- 2) Office copy



[Signature]
Superintendent
Mal. S. D. & S. S. Hospital,
Mal. S. Mal, Jalpaiguri
Malbazar, Jalpaiguri

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BEFORE THE NATIONAL GREEN TRIBUNAL
EASTERN ZONE BENCH, KOLKATA

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