

SL NO.



BEFORE THE HON'BLE NATIONAL GREEN TRIBUNAL

EASTERN ZONE BENCH, KOLKATA

ORIGINAL APPLICATION NO. 52/2025/EZ

In The Matter of:

Hemanta Tah & Ors

... APPLICANT



VERSUS

State of West Bengal & Ors.

... RESPONDENT(S)

FACT FINDING REPORT IN THE FORM OF AFFIDAVIT ON BEHALF OF THE RESPONDENT NUMBER 02, DISTRICT MAGISTRATE & COLLECTOR, HOWRAH.

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Filed by

Sibojyoti Chakrabarti

SIBOJYOTI CHAKRABARTI

Advocate

For The State of West Bengal

Email: subho.advocate@gmail.com

(M): 9007035534





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Hemanta Tah & Ors

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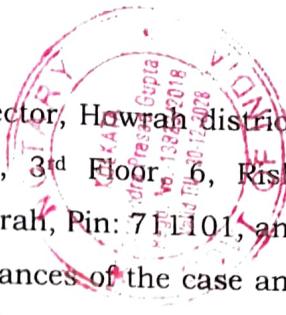
VERSUS

State of West Bengal & Ors.

... RESPONDENT(S)

FACT FINDING REPORT IN THE FORM OF AFFIDAVIT ON BEHALF OF THE RESPONDENT NUMBER 02, DISTRICT MAGISTRATE & COLLECTOR, HOWRAH.

I, Deepap Priya, D/o Sri I. Palraj, by faith- Hindu, by occupation-service, presently posted as District Magistrate & Collector, Howrah, having office at New Collectorate Building, 3rd Floor, 6, Rishi Bankim Chandra Road, P.O & P.S & District: Howrah, Pin: 711101, do hereby solemnly affirm and declare as follows:-

- 
1. That, I am working as District Magistrate & Collector, Howrah district, having my office at New Collectorate Building, 3rd Floor 6, Rishi Bankim Chandra Road, P.O & P.S & District: Howrah, Pin: 711101, and I am well acquainted with the facts and circumstances of the case and as such I am competent to swear, sign and affirm this fact-finding report in the form of affidavit.
 2. That this report of the Fact-Finding Committee in the form of affidavit is filed in compliance to the Solemn Order dated 07.04.2025, passed by the Hon'ble National Green Tribunal, Eastern Zone Bench, Kolkata.
 3. That the present original application has been taken up by the Hon'ble Tribunal on the basis of a letter petition filed by the applicants as stated therein being residents of Howrah, Salkia alleging constant pollution issues from an aluminium factory namely M/s Tiger Metal operating at 55, Dharmtala Road, Salkia, Howrah- 711106, within Malipanchghara police station.
 4. That the Hon'ble Tribunal in paragraph 13 of the Solemn Order dated 07.04.2025 (hereinafter referred to as the said Solemn Order) has been pleased to constitute a Fact-Finding Committee comprising of the following members: -
 - (i) Senior Scientist, West Bengal Pollution Control Board,
 - (ii) District Magistrate & Collector, Howrah or his representative not below the rank of Additional District Magistrate (ADM).

That in paragraphs 14 and 15 of the said Solemn Order the Hon'ble Tribunal has been pleased also to interalia direct the Committee to visit the site in question and submit a Fact-Finding Report with regard to the allegations as stated in the original application and the District Magistrate Howrah shall be the Nodal office for all logistic purposes and for filing the Fact-Finding Report on affidavit.

5. That in pursuance to the Solemn Order dated 07.04.2025, passed by the Hon'ble Tribunal, accordingly Committee has been constituted comprising of the following members:

- (i) Sri Azar Zia, ADM (LR) & D. L. & L. R. O, Howrah
- (ii) Sri Bhim Tikadar, Assistant Environmental Engineer, WBPCB, Howrah Regional office

The Committee inspected the site in question on 10.05.2025 and made the following observations.

(a) The instant original application was filed against M/s Tiger Metal. However, no unit by the name of M/s Tiger Metal was found at 55, Dharmatala Road, P.O-Salkia, Howrah- 711106. Instead, M/s Swastik Aluminium Industries was found in the same premises.

(b) This Aluminium utensil manufacturing unit make utensils from scrap aluminium/aluminium ingot using LDO fired melting furnace. As per Central Pollution Control Board's classification of industrial activities, it comes under Orange Category of industries (dry process only).

(c) The unit possess one number LDO Fired pot furnace. The furnace is provided with suction hood, Id fan, water scrubber as Air Pollution Control Device (APCD) and a stack of height 18m from ground level. The unit has one LPG fired annealing furnace. The unit has lathe /spinners m/cs -05 no.s cutting m/c -01 number rolling m/c-02 nos. & hydraulic punch m/c-01 no. etc to carry out machining and engineering activity.

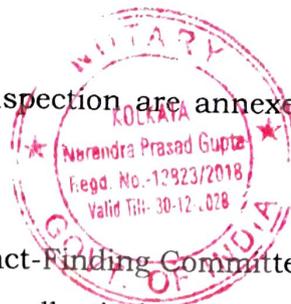
(d) During inspection pot furnace and other machinery were not in operation. But sorting of scrap aluminium utensil and polishing of finished utensils were going on. During inspection it was observed that the unit has started modification of suction hood by providing enclosure at all three sides and repairing of water pump duct and water scrubber. But the work has not yet been completed within the time period as directed by the West Bengal

Pollution Control Board. The Committee has also observed that the duct connection of suction hood has been bifurcated. One is connected to APCD and chimney while other line is connected to the chimney directly bypassing the APCD, which is not a recommended practice.

- (e) Consent to Operate was found to be valid up to 31.05.2028.
- (f) It is to be mentioned here that previously a complaint was lodged before the WBPCB against the unit. As per notification No. 563 (8) -5L/WPB-2024/S-5552 dated 16.04.2025 of the Assistant Environmental Engineer PG Cell West Bengal Pollution Control Board. M/s Swastik Industries was directed to install proper APCD to control emission of the black smoke from the unit by 30.04.2025 and obtain proper trade license from the local authority. A copy of the said Record of Proceedings is enclosed.
- (g) During inspection it was observed that the unit has not yet installed proper APCD for LDO Fired pot furnace to control emission of the black smoke from the unit. A show cause letter has been issued by the West Bengal Pollution Control Board to the unit for non-compliance of order. Copy of the show cause is enclosed.
- (h) The unit also failed to submit proper trade licence from local authority on the date of inspection.
- (i) It has been decided that the show cause notice along with the observations of this Committee and previous inspection reports of WBPCB shall be forwarded to the Sub Divisional Magistrate (Sadar), Howrah for further action under relevant provisions of the Bharatiya Nagarik Suraksha Sanhita (BNSS), 2023. Accordingly a reference was made to the SDO (Sadar), Howrah vide letter no. s125/Env. /Howrah dated 19.05.2025. the said letter is also enclosed.



Photographs taken during the course of inspection are annexed herewith.



Photocopy of the Inspection Report of the Fact-Finding Committee along with coloured photographs are collectively annexed herewith and marked with the letter 'R-1'.

6. That on 16.04.2025 the West Bengal Pollution Control Board had conducted a hearing on the same issue against the same unit and issued certain directions to the unit vide its Record of Proceedings and had interalia directed the Commissioner, Howrah Municipal Commissioner, The Environmental Engineer Howrah regional office of the West Bengal Pollution Control Board and Officer-in-Charge, Malipanchghora Police Station to oversee the compliance and in case of failure to take steps according to law.

Photocopy of the Record of Proceedings issued by the WBPCB dated 16.04.2025 is annexed herewith and marked with the letter 'R-2'.

7. That on 16.05.2025 a show cause notice had been issued to the alleged unit for non-compliance of the previous directions issued by the WBPCB in its earlier Record of Proceedings.

Photocopy of the Show cause notice dated 16.05.2025 issued by the WBPCB to the unit is annexed herewith and marked with the letter 'R-3'.

8. That thereafter the Additional District Magistrate (Environment) & District Land & Land Reforms Officer (D. L. & L. R. O) had informed the Sub Divisional Magistrate (Sadar), Howrah to take appropriate steps against the alleged unit as per the provisions as contained in the BNSS, 2023 for alleged violations, vide letter dated 19.05.2025.

Photocopy of the letter written by the Additional District Magistrate (Environment) & District Land & Land Reforms Officer (D. L. & L. R. O)

7. That it is pertinent to mention at this juncture that the applicant has filed a writ petition before the Hon'ble High Court, at Calcutta being WPA (P) 453 of 2024 (Sarbani Brahma Versus The Secretary, Panchayat and Rural Development & Ors.) and the same has been dismissed vide Solemn Order dated 09.01.2025, by the Hon'ble Court just on the next date this original application has been admitted and moreover in the said writ petition has been filed between the same parties and on the self same cause of action.

Photocopy of Server Copy of the Solemn Order dated 09.01.2025 passed in WPA (P) 453 of 2024, by Hon'ble High Court, at Calcutta is annexed herewith and marked with the letter 'R-2'.

8. That 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.

Identified by me

Sibojyoti Chakrabarti
Advocate 30.06.2025

For The State of West Bengal

Sarbjyoti
Deponent

District Magistrate
&
Collector, Howrah

L.T.I.(s)/Signatures(s) of the
Executants attested by me on identification

~~NARENDRA PRASAD GUPTA, NOTARY
Advocate, HIGH COURT, KOLKATA
Regd. No.-13923/2018, Govt. India~~

7
NARENDRA PRASAD GUPTA
NOTARY
GOVERNMENT OF INDIA
REGN. NO. 13923/2018
&
ADVOCATE, HIGH COURT CALCUTTA
8, Old Post Office Street (Ground Floor)
Opp. F-Gate (High Court)
Mob.-8910576874
9883135090

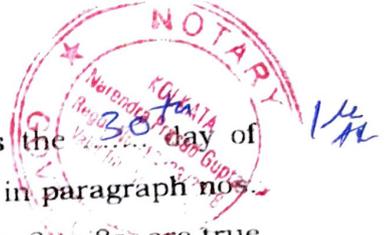
30 JUN 2025





VERIFICATION

Verified at Kolkata by the deponent above named on this the 30th day of June, 2025 and say that the contents of this affidavit made in paragraph nos. 1 is true to my knowledge and those made in paragraphs no. 2 to 8s, are true to my information derived from the office records and rest are my respectful submission before this Hon'ble Tribunal.



Identified by me

Sibojyoti Chakrabarti
30.06.2025
Advocate
For The State of West Bengal

S. Periya
Deponent
District Magistrate
&
Collector, Howrah



- ✕ -

Amrta - R-1

Report of the Committee constituted by Hon'ble National Green Tribunal, Eastern Zone Bench Kolkata vide order dated 07.04.2025 in connection with O.A. No. 52 /2025 / EZ in the matter between Hemanta Tah & Ors. - vs - State of West Bengal & Ors.

In compliance of the solemn order passed by Hon'ble NGT, Eastern Zone Bench Kolkata on 07.04.2025, an inspection on the site in question was conducted on 10.05.2025 at 12.00 noon by the committee constituted by the Hon'ble Tribunal comprising the following members:

1. Shri Azar Zia, Additional District Magistrate (LR) and District Land & Land Reforms Officer, Howrah
2. Shri Bhim Tikader, Asst. Environmental Engineer, WBPCB, Howrah Regional Office, West Bengal Pollution Control Board.

During the inspection, the following was revealed:

1. The instant O.A. was filed against M/s Tiger Metal. However, no unit by the name of M/s. Tiger Metal was found at 55, Dharmatala Road, PO: Salkia, Howrah -711106. Instead, **M/s. Swastik Aluminium Industries** was found in the same premises.
2. This Aluminum utensils manufacturing unit make utensils from scrap aluminum/ aluminum ingot using LDO fired melting furnace. As per Central Pollution Control Board's classification of industrial activities, it comes under 'Orange' category of industries (dry process only).
3. The unit possesses one no. of LDO fired pot furnace. The furnace is provided with suction hood, Id fan, water scrubber as Air Pollution Control Device (APCD) and a stack of height 18m from G.L. The unit has one LPG fired annealing furnace. The unit has lathe/spinners m/cs -05 nos., cutting m/c -01 no., rolling m/c -02 nos., & hydraulic punch m/c -01 no. etc. to carryout machining and engineering activity.
4. During inspection, pot furnace and other machinery were not in operation. But sorting of scrap aluminum utensil and polishing of finished utensils were going on. During inspection it was observed that the unit has started modification of suction hood by providing enclosure at three sides and repairing of water pump, duct, and water scrubber. But the work has not yet been completed within the time period as directed by the West Bengal Pollution Control Board. The committee has also observed that duct connection of suction hood has been bifurcated. One is connected to APCD and chimney while other line is connected to the chimney directly bypassing the APCD, which is not a recommended practice.

- X -

5. Consent to Operate was found to be valid up to 31.05.2028.
6. It is to be mentioned here that previously a complaint was lodged before the WBPCB against the unit. As per notification no. 563 (8)-5L/WPB-2024/S-5552 dated 16-04-2025 of the Assistant Environmental Engineer, P.G. Cell, West Bengal Pollution Control Board M/s Swastik Aluminium Industries was directed to -(i) install proper APCD to control emission of the black smoke from the unit by 30-04-2025 and (ii) obtain proper trade licence from the local authority. The said notification is annexed herewith and marked as "A-1".
7. During inspection it was observed that the unit has not yet installed proper APCD for LDO fired pot furnace to control emission of the black smoke from the unit. A show cause letter has been issued by the West Bengal Pollution Control Board to the unit for non-compliance of order. Copy of the show cause letter is annexed and marked as "A-2".
8. The unit also failed to submit the proper trade licence from local authority on the date of inspection.
9. It has been decided that the show-cause notice along with the observations of this Committee and previous inspection reports of WBPCB shall be forwarded to the Sub-Divisional Magistrate (Sadar), Howrah for further action under relevant provisions of the Bharatiya Nagarik Suraksha Sanhita (BNSS), 2023. Accordingly, a reference was made to the SDO (Sadar), Howrah vide letter no. 125/Env. /Howrah dated 19-05-2025. The said letter is annexed herewith and marked as "A-3".

The Photographs taken during the course of inspection are annexed herewith.

Bhim Jikar.

Assistant Environment Engineer
Howrah Regional Office, WBPCB

A.

A.D.M. (LR) & D.L. & L.R.O.
Howrah

- ✕ -

Glimpses of the Inspection held on 10-05-2025 in connection with Hon'ble NGT, Eastern Zone Bench, Kolkata, OA No. 52/2025/EZ



in side the Aluminium Factory

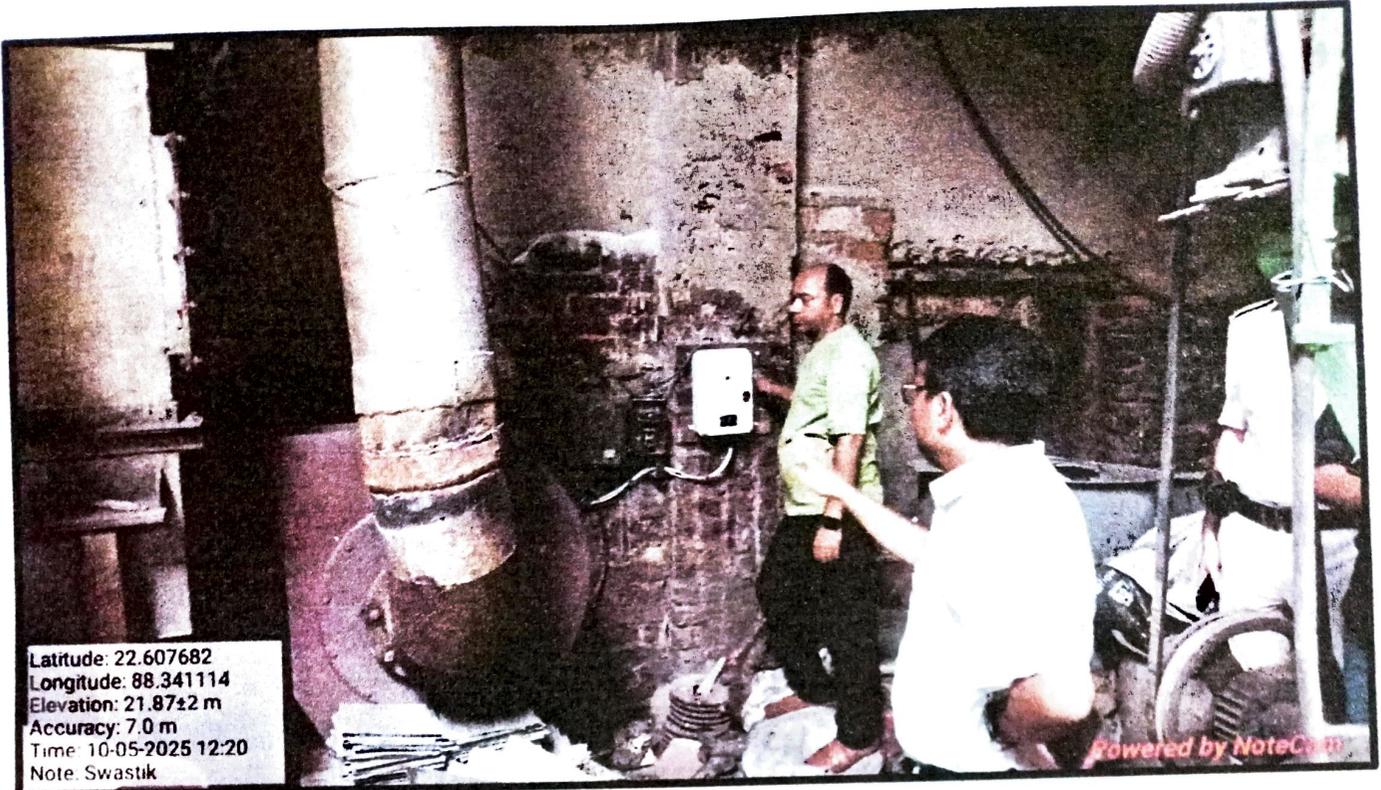
- X3 -



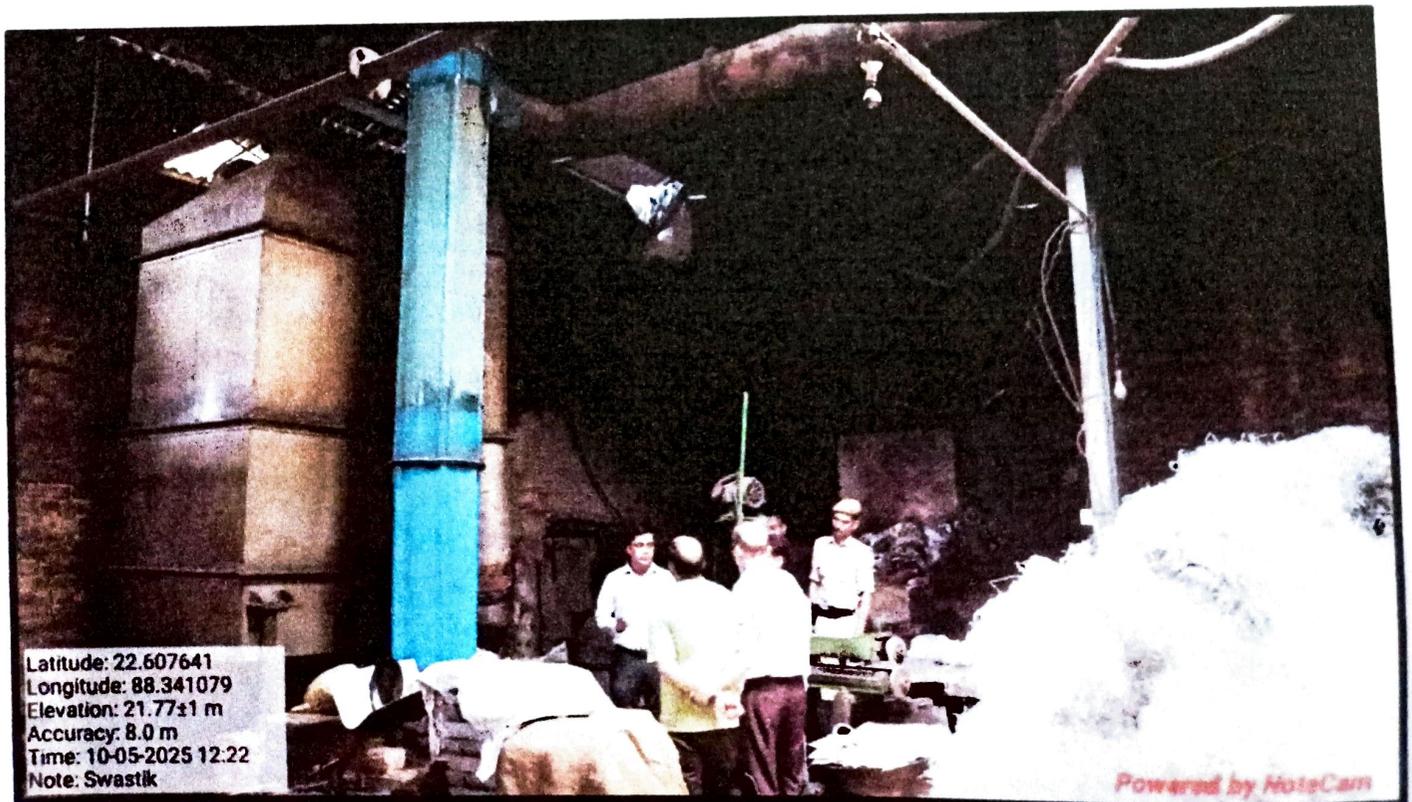
Checking of Air Pollution Control Device



Work going on within factory

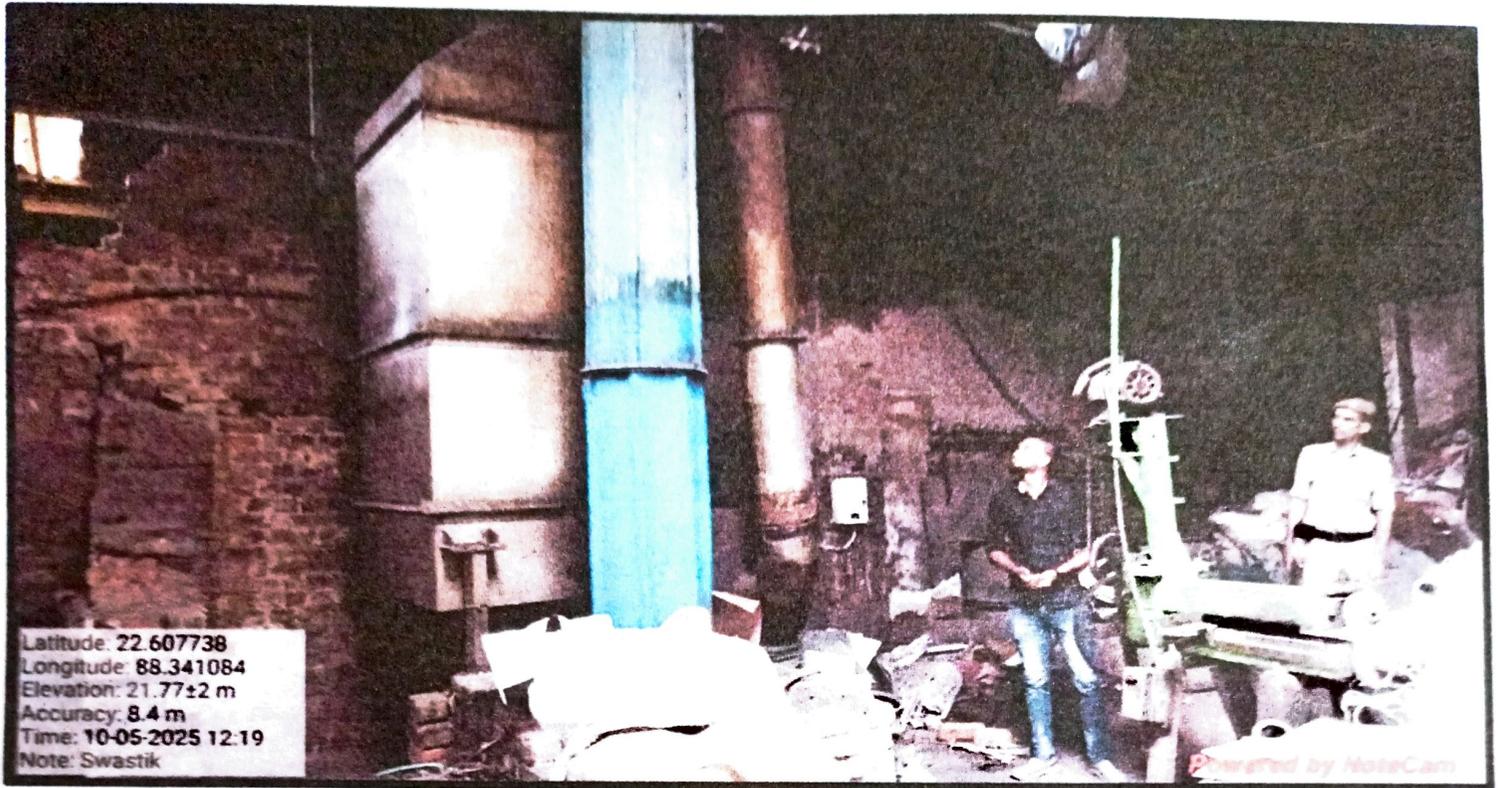


Functionality testing of Air Pollution Control Device



Functionality testing of Air Pollution Control Device

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Functionality testing of Air Pollution Control Device

WBPCBHowrah R. O.
Content not Verified

Diary No. 176

Date: 21/04/25

**LIFE**
Lifestyle For Environment**WEST BENGAL POLLUTION CONTROL BOARD**
(Department of Environment, Govt. of West Bengal)Mani Square, 8th floor
Block / Space-8IT on Western Side,
164 / 1, Maniktala Main Road, Kolkata-700054.
Ph- 033-2202 3130, Website : www.wbpcb.gov.in
e-mail: net.wbpcb-wb@bangla.gov.in

Memo No. 5L/WPB-2024/S-5552

Dated: 2025

PUBLIC GRIEVANCE CELL

Complainant (s)	Respondent (s)
Hemanta Tah & Others	M/s Swastik Aluminium Industries Partners: Dipak Agarwal
Date: 08-04-2025	Time: 12:30 PM.

RECORD OF PROCEEDINGS

Previously the Public Grievance Cell of the State Board on 22-12-2021, 07-04-2022, 28-01-2025 dealt with the complaint by one Mr. Hemanta Tah & Others against an aluminium utensil manufacturing unit runs in the style as M/s Swastik Aluminium Industries, situated at 55, Dharmatala Road, P.O.: Salkia, P.S.: Malipanchghora, Dist: Howrah, allegedly causing air pollution in the neighbourhood area during their operations and upon getting report on physical inspection in every respective occasion ROP were issued regulatory order to make good to the complaint.

The Board received similar allegation raised by the local resident against the respondent then a fresh report has been called for from Howrah Regional Office, WBPCB, causing physical inspection of the unit. On 07-02-2025 a report accordingly they furnished. Based on the report, this proceeding has been initiated.

Excerpts from the inspection report are given below under head of their:

Observation:

- ▶ The unit was found running during visit. It is an Aluminium utensils manufacturing unit. It possesses one no. pot furnace (LDO fired) having wet scrubber as APCS and followed by over hood suction and a stack of 18m from G.L. One no LPG fired annealing furnace. The unit also possesses few other engineering machines like lathe/spinners m/cs -05 nos., cutting m/c -01 no., rolling m/c -02 nos., & hydraulic punch m/c -01 no etc. During inspection duct connection of suction hood and ID fan was found in defunct condition, Water scrubber pump was found in defunct condition. All emission was escaped out under the work shed.
- ▶ Aluminium scrap & ingot placed within the LDO fired melting furnace to get billet, then passed through hot rolling mill & followed by cutting/shearing, then passed through cold rolling mill for aluminium sheet making, then placed in cutting machine to get circle then the circle is placed within LPG fired annealing furnace. After annealing, it is placed in spinning machine to get finished product of aluminum utensils. It is dry process, no effluent is generated from its activity except washing of utensil activity.
- ▶ The activity/process carried out within the shed. The complainant's resides at north side approx. 50 ft away from the unit.

WDA- P. Singh
BU
24/04/25

-2-

► The complainant alleged against the unit regarding emission of poisonous black gases, bad smell and noise generation. During inspection it was observed that black emission was noticed under shed. No emission were noticed from the stack because ID fan was found in broken condition.

In view of the report and to resolve the issue, notice has been served upon the parties above to hear out them this day. Then one, Mr. Dipak Agarwal, partners of M/s Swastik Aluminium Industries. None from the complainant side turned up during hearing.

During inspection the respondent unit furnished a copy of consent to operate under 'Orange' category of the State Board, issued by the Howrah Regional Office, for "manufacturing aluminium circle and utensils" which is valid upto 31-05-2028. But failed to submit valid trade license of the concerned authority.

During inspection our officials noticed black emission under shed and no emission were notice from the stack because ID fan was found in broken condition. The defunct APCD of the unit found responsible for causing environmental pollution, for which our interference is needed.

Accordingly, considering the overall scenario, the contents of the inspection report and submission of the respondent, We, direct M/s Swastik Aluminium Industries, to

- i) Install proper APCD to control emission of the black smoke from the unit by 30th April 2025 and
- ii) Obtain proper Trade licence from the local authority.

The respondent is further directed to fulfil all the direction given in the last Record of Proceedings i.e dated 28-01-2025 issued by the State Board.

We make it clear that the respondent units shall maintain environmental norms strictly and take all necessary measures so that the people living in the neighbourhood may not suffer due to its activities in any way, whatsoever.

The unit is further directed to comply with the direction above and submit a compliance report to the In-charge of the Howrah Regional Office of the State Board within 30th April 2025.

The Commissioner, Howrah Municipal Corporation, the In-charge of the Howrah Regional Office of the State Board and the Officer in Charge, Malipanchghora Police Station, be informed with a request to oversee the compliance of this order. In case of any violation of this order, he is at liberty to take necessary action in accordance with law.

Sd/-
(Dr. D. Chakraborty)
Sr. Scientific Officer & In-charge, P.G. Cell

Sd/-
(S. Saren)
Asst. Environmental Engineer

Sd/-
[A. K. Choudhury, WBJS (Rtd.)]
Hearing Officer

Sd/-
(S. Barua)
Asst. Environmental Engineer

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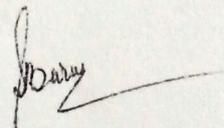
-3-

- Memo No. 563 (2) - 5L/WPB-2024/S-5552

Dated: 16 - 04 - 2025

Copy forwarded to:-

1. M/s Swastik Aluminium Industries, Partners: Dipak Agarwal, 55, Dharmatala Road, P.O.: Salkia, P.S.: Malipanchghora, Dist: Howrah, Pin: 711106, West Bangal.
2. Mr. Hemanta Tah & Others, Dharmatala Road, Dharmatala Bazar, P.O.: Salkia, P.S.: Malipanchghora, Dist: Howrah, Pin: 711106, West Bangal.
3. The Commissioner, Howrah Municipal Corporation, 4, Mahatma Gandhi Rd, Howrah Railway Station, Kadam Tala, Howrah, West Bengal 711101.
4. The Officer in Charge, Malipanchghora Police Station, 126/13, Dharmatala Road, Salkia, Howrah, West Bengal 711106.
5. The General Manager, District Industries Centre, Howrah, 24 Belilious Road, P.O. & DT. Howrah 711101.
6. The Chief Engineer (Planning Cell), WBPCB.
7. The OSD (O & E Cell), WBPCB.
- ✓ 8. The Environmental Engineer & In charge, Howrah Regional Office, WBPCB, an intimation and necessary action.
9. The P.A. to the Member-Secretary, WBPCB.
10. Guard File:



Asst. Environmental Engineer. P.G. Cell,
W. B. Pollution Control Board

- 10 -

A-2



WEST BENGAL POLLUTION CONTROL BOARD
(Department of Environment, Govt. of West Bengal)
Howrah Regional Office
"Minority Bhawan" 5th Floor,
12, Kanai Lal Bhattacharya Sarani,
Alipore, Kolkata - 700 027
Tele Phone: +91 033 2448-2219/ 2220

Memo no. 13/05-PCB/How/119-2014

Date: 16/05/2025

To
M/s. Swastik Aluminium Industries
55, Dharmatala Road, Salkia
P.O. Salkia
P.S. Malipanchghora
Howrah 711106

Sub: Show Cause Notice

Ref: i) Direction of the State Board vide memo no 563-5L/WPB-2024/S-5552
dated 16.04.2025
ii) Inspection dated 10.05.2025

Sir,

It was observed during inspection that you have not yet installed proper APCD with LDO fired pot furnace to control emission of black smoke within 30th April 2025 as per direction of the State Board and you are running you unit violating the order of the State Board as well as conditions of Consent to Operate issued to your unit.

You are therefore directed to show cause why regulatory action shall not be taken by the State Board against your unit as per the provision of the Air (Prevention and Control of Pollution) Act, 1981.

Your reply shall reach this office within 7(seven) days from the date of receipt of the letter failing which the State Board shall initiate regulatory action as per the provision of the Air (Prevention and Control of Pollution) Act, 1981.

Bimbandhu Mal
Environmental Engineer
Howrah Regional Office
16/05/25

O/c

- 2X -



GOVERNMENT OF WEST BENGAL
OFFICE OF THE DISTRICT MAGISTRATE & DISTRICT COLLECTOR
HOWRAH
(ENVIRONMENT CELL)

Memo No.: 125 /Env. /Howrah

Date: 19 / 05 / 2025

To: The Sub-Divisional Officer.
Sadar Sub-Division, Howrah.

Sub: - Request for taking action against M/s. Swastik Aluminum Industries located at 55, Dharmatala Road, PO: Salkia, Howrah -711106 under relevant provisions of the Bharatiya Nagarik Suraksha Sanhita (BNSS), 2023.

With reference to the subject captioned above, please find enclosed the report of the Fact-Finding Committee constituted by the Hon'ble National Green Tribunal, Eastern Zone Bench, Kolkata vide solemn order dated 07-04-2025 in connection with Original Application No. 52/2025/EZ in the matter between Hemanta Tah & Ors-vs-State of West Bengal & Ors. and the show cause notice dated 16-05-2025 issued by the Environmental Engineer, Howrah Regional Office of West Bengal Pollution Control, which are self-explanatory.

In view of above, you are requested to take action against M/s. Swastik Aluminum Industries located at 55, Dharmatala Road, PO: Salkia, Howrah - 711106 under relevant provisions of the Bharatiya Nagarik Suraksha Sanhita (BNSS), 2023.

Encl: as stated.

Addl. District Magistrate (Environment)
&
District Land & Land Reforms Officer
Howrah



Diary No. 476

Date: 21/04/25



WEST BENGAL POLLUTION CONTROL BOARD

(Department of Environment, Govt. of West Bengal)

Mani Square, 8th floor

Block / Space-8IT on Western Side,

164 / 1, Maniktala Main Road, Kolkata-700054.

Ph- 033-2202 3130, Website : www.wbpcb.gov.ine-mail: net.wbpcb-wb@bangla.gov.in

Memo No. 5L/WPB-2024/S-5552

Dated: 2025

PUBLIC GRIEVANCE CELL

Complainant (s)	Respondent (s)
Hemanta Tah & Others	M/s Swastik Aluminium Industries
Date: 08-04-2025	Partners: Dipak Agarwal Time: 12:30 PM.

RECORD OF PROCEEDINGS

Previously the Public Grievance Cell of the State Board on 22-12-2021, 07-04-2022, 28-01-2025 dealt with the complaint by one Mr. Hemanta Tah & Others against an aluminium utensil manufacturing unit runs in the style as M/s Swastik Aluminium Industries, situated at 55, Dharmatala Road, P.O.: Salkia, P.S.: Malipanchghora, Dist: Howrah, allegedly causing air pollution in the neighbourhood area during their operations and upon getting report on physical inspection in every respective occasion ROP were issued regulatory order to make good to the complaint.

The Board received similar allegation raised by the local resident against the respondent then a fresh report has been called for from Howrah Regional Office, WBPCB, causing physical inspection of the unit. On 07-02-2025 a report accordingly they furnished. Based on the report, this proceeding has been initiated.

Excerpts from the inspection report are given below under head of their:

Observation:

► The unit was found running during visit. It is an Aluminium utensils manufacturing unit. It possesses one no. pot furnace (LDO fired) having wet scrubber as APCS and followed by over hood suction and a stack of 18m from G.L. One no LPG fired annealing furnace. The unit also possesses few other engineering machines like lathe/spinners m/cs -05 nos., cutting m/c -01 no., rolling m/c -02 nos., & hydraulic punch m/c -01 no etc. During inspection duct connection of suction hood and ID fan was found in defunct condition, Water scrubber pump was found in defunct condition. All emission was escaped out under the work shed.

► Aluminium scrap & ingot placed within the LDO fired melting furnace to get billet, then passed through hot rolling mill & followed by cutting/shearing, then passed through cold rolling mill for aluminium sheet making, then placed in cutting machine to get circle then the circle is placed within LPG fired annealing furnace. After annealing, it is placed in spinning machine to get finished product of aluminum utensils. It is dry process, no effluent is generated from its activity except washing of utensil activity.

► The activity/process carried out within the shed. The complainant's resides at north side approx. 50 ft away from the unit.

UDH → M. Singh
24/04/25

► The complainant alleged against the unit regarding emission of poisonous black gases, bad smell and noise generation. During inspection it was observed that black emission was noticed under shed. No emission were noticed from the stack because ID fan was found in broken condition.

In view of the report and to resolve the issue, notice has been served upon the parties above to hear out them this day. Then one, Mr. Dipak Agarwal, partners of M/s Swastik Aluminium Industries. None from the complainant side turned up during hearing.

During inspection the respondent unit furnished a copy of consent to operate under 'Orange' category of the State Board, issued by the Howrah Regional Office, for "manufacturing aluminium circle and utensils" which is valid upto 31-05-2028. But failed to submit valid trade license of the concerned authority.

During inspection our officials noticed black emission under shed and no emission were notice from the stack because ID fan was found in broken condition. The defunct APCD of the unit found responsible for causing environmental pollution, for which our interference is needed.

Accordingly, considering the overall scenario, the contents of the inspection report and submission of the respondent, We, direct M/s Swastik Aluminium Industries, to

- i) Install proper APCD to control emission of the black smoke from the unit by 30th April 2025 and
- ii) Obtain proper Trade licence from the local authority.

The respondent is further directed to fulfil all the direction given in the last Record of Proceedings i.e dated 28-01-2025 issued by the State Board.

We make it clear that the respondent units shall maintain environmental norms strictly and take all necessary measures so that the people living in the neighbourhood may not suffer due to its activities in any way, whatsoever.

The unit is further directed to comply with the direction above and submit a compliance report to the In-charge of the Howrah Regional Office of the State Board within 30th April 2025.

The Commissioner, Howrah Municipal Corporation, the In-charge of the Howrah Regional Office of the State Board and the Officer in Charge, Malipanchghora Police Station, be informed with a request to oversee the compliance of this order. In case of any violation of this order, he is at liberty to take necessary action in accordance with law.

Sd/-
(Dr. D. Chakraborty)
Sr. Scientific Officer & In-charge, P.G. Cell

Sd/-
(S. Saren)
Asst. Environmental Engineer

Sd/-
[A. K. Choudhury, WBJS (Rtd.)]
Hearing Officer

Sd/-
(S. Barua)
Asst. Environmental Engineer

- 2X3 -

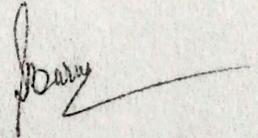
-3-

-Memo No. 563 (g) - 5L/WPB-2024/S-5552

Dated: 16 - 04 - 2025

Copy forwarded to:-

1. M/s Swastik Aluminium Industries, Partners: Dipak Agarwal, 55, Dharmatala Road, P.O.: Salkia, P.S.: Malipanchghora, Dist: Howrah, Pin: 711106, West Bangal.
2. Mr. Hemanta Tah & Others, Dharmatala Road, Dharmatala Bazar, P.O.: Salkia, P.S.: Malipanchghora, Dist: Howrah, Pin: 711106, West Bangal.
3. The Commissioner, Howrah Municipal Corporation, 4, Mahatma Gandhi Rd, Howrah Railway Station, Kadam Tala, Howrah, West Bengal 711101.
4. The Officer in Charge, Malipanchghora Police Station, 126/13, Dharmatala Road, Salkia, Howrah, West Bengal 711106.
5. The General Manager, District Industries Centre, Howrah, 24 Belilious Road, P.O. & DT. Howrah 711101.
6. The Chief Engineer (Planning Cell), WBPCB.
7. The OSD (O & E Cell), WBPCB.
- ✓ 8. The Environmental Engineer & In charge, Howrah Regional Office, WBPCB, an intimation and necessary action.
9. The P.A. to the Member-Secretary, WBPCB.
10. Guard File:



Asst. Environmental Engineer, P.G. Cell,
W. B. Pollution Control Board

- 24 -

Annexure - R-13

LIFE
Lifestyle for
Environment

WEST BENGAL POLLUTION CONTROL BOARD
(Department of Environment, Govt. of West Bengal)
Howrah Regional Office
"Minority Bhawan" 5th Floor,
12, Kanai Lal Bhattacharya Sarani,
Alipore, Kolkata - 700 027
Tele Phone: +91 033 2448-2219/ 2220

Memo no. 13/05-PCB/How/119-2019

Date: 16/05/2025

To
M/s. Swastik Aluminium Industries
55, Dharmatala Road, Salkia
P.O. Salkia
P.S. Malipanchghora
Howrah 711106

Sub: Show Cause Notice

Ref: i) Direction of the State Board vide memo no 563-5L/WPB-2024/S-5552
dated 16.04.2025
ii) Inspection dated 10.05.2025

Sir,

It was observed during inspection that you have not yet installed proper APCD with LDO fired pot furnace to control emission of black smoke within 30th April 2025 as per direction of the State Board and you are running you unit violating the order of the State Board as well as conditions of Consent to Operate issued to your unit.

You are therefore directed to show cause why regulatory action shall not be taken by the State Board against your unit as per the provision of the Air (Prevention and Control of Pollution) Act, 1981.

Your reply shall reach this office within 7(seven) days from the date of receipt of the letter failing which the State Board shall initiate regulatory action as per the provision of the Air (Prevention and Control of Pollution) Act, 1981.

Bimleshwar Mehta
Environmental Engineer
Howrah Regional Office
16/05/25

O/C

- 25 -

Annexure -

R-4³³



GOVERNMENT OF WEST BENGAL
OFFICE OF THE DISTRICT MAGISTRATE & DISTRICT COLLECTOR
HOWRAH
(ENVIRONMENT CELL)

Memo No.: 125 /Env. /Howrah

Date: 19 / 05 / 2025

To: The Sub-Divisional Officer.
Sadar Sub-Division, Howrah.

Sub: - Request for taking action against M/s. Swastik Aluminum Industries located at 55, Dharmatala Road, PO: Salkia, Howrah -711106 under relevant provisions of the Bharatiya Nagarik Suraksha Sanhita (BNSS), 2023.

With reference to the subject captioned above, please find enclosed the report of the Fact-Finding Committee constituted by the Hon'ble National Green Tribunal, Eastern Zone Bench, Kolkata vide solemn order dated 07-04-2025 in connection with Original Application No. 52/2025/EZ in the matter between Hemanta Tah & Ors-vs-State of West Bengal & Ors. and the show cause notice dated 16-05-2025 issued by the Environmental Engineer, Howrah Regional Office of West Bengal Pollution Control, which are self-explanatory.

In view of above, you are requested to take action against M/s. Swastik Aluminum Industries located at 55, Dharmatala Road, PO: Salkia, Howrah - 711106 under relevant provisions of the Bharatiya Nagarik Suraksha Sanhita (BNSS), 2023.

Encl: as stated.

[Signature]

Addl. District Magistrate (Environment)
&
District Land & Land Reforms Officer
Howrah



GOVERNMENT OF WEST BENGAL
OFFICE OF THE SUB - DIVISIONAL OFFICER
SADAR, HOWRAH

Memo No. 1786/25/SS(C)

Date: 26-06-25

To:

The Additional District Magistrate (Environment) &
District Land & Land Reforms Officer
Howrah

Sub: Action taken against M/S Swastik Aluminium Industries

Ref: 125/Env. / Howrah Dated 19/05/2025

Sir,

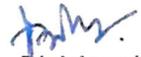
In pursuant to your letter vide no. 125/Env. / Howrah dated 19/05/2025, the undersigned has initiated the procedure by passing a Conditional Order under Section 152 BNSS, 2023 to M/S Swastik Aluminium Industries to desist from continuation of the trade.

Copy of the Order is attached herewith for your kind perusal.

Thanking you.

Encl: As stated

Yours faithfully,


Sub - Divisional Officer
& Sadar, Howrah



GOVERNMENT OF WEST BENGAL
OFFICE OF THE SUB - DIVISIONAL MAGISTRATE
SADAR, HOWRAH

Memo No. 1735/25/SS(C)

Date: 26/06/2025

ORDER FOR THE REMOVAL OF NUISANCES
(Under Section 152 BNSS, 2023)

To:
M/S Swastik Aluminium Industries
55, Dharmatala Road
Post - Salkia
Howrah - 711106

Whereas, it has been made to appear to me that you failed to install proper Air Pollution Control Device (APCD) to control emission of the black smoke from the unit within the stipulated time frame as directed by the West Bengal Pollution Control Board

And

Whereas it has been made to appear to me that you also failed to obtain proper trade license from the local authority to carry out the trade

And

Whereas it has been made to appear before me that you are still carrying on your trade (M/S Swastik Aluminium Industries) and the same is injurious to public health.

Therefore, as per Section 152 of Bharatiya Nagarik Suraksha Sanhita, 2023, you are hereby directed to desist from carrying on your trade activities immediately, failing of which will attract further legal actions against you.

[Signature]
Sub - Divisional Magistrate
Sadar, Howrah

Memo No. 1735/1(2)/25/SS(C)

Date: 26/06/2025

Copy forwarded to:

1. The Additional District Magistrate (LR), Howrah - for kind information.
2. The Inspector - in - Charge, Golabari Police Station - with request to arrange service of this Order to the recipient and return the Service Return to this office immediately.



[Signature]
Sub - Divisional Magistrate
Sadar, Howrah

D:\My Documents\Order_Swastik Aluminium.doc
Sub-Divisional Magistrate
Sadar, Howrah

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

O. A. NO. 52/2025/EZ



In The Matter of:

Hemanta Tah & Ors.

... APPLICANT

VERSUS

The State of West Bengal & Ors.

... RESPONDENT(S)

AFFIDAVIT ON BEHALF OF THE
RESPONDENT NUMBER 02, THE
DISTRICT MAGISTRATE &
COLLECTOR, HOWRAH

SIBOJYOTI CHAKRABARTI

Advocate

For The State of West Bengal

Email: subho.advocate@gmail.com

(M): 9007035534.