

SL. NO. 14



*

**BEFORE THE HON'BLE NATIONAL GREEN TRIBUNAL
EASTERN ZONE BENCH, KOLKATA
ORIGINAL APPLICATION NO.75/2025/EZ**



In The Matter of:

Dipankar Bakshi

..... Applicant(s)

- Versus-

State of West Bengal & Ors.

...Respondent(s)

**FACT FINDING REPORT OF THE COMMITTEE IN THE FORM OF AFFIDAVIT
SUBMITTED ON BEHALF OF THE INSTANT RESPONDENT NO. 3, THE
DISTRICT MAGISTRATE & COLLECTOR, NORTH (24) PARGANAS, BARASAT**

INDEX

SL	PARTICULARS	ANNEXURE	PAGE
1.	<u>Fact Finding Report Of The Committee In The Form Of Affidavit</u>		1-7
2.	Fact finding report of the committee	'R-1'	8-11

Filed by:

Sibojyoti Chakrabarti

Mr. SIBOJYOTI CHAKRABARTI,

Advocate,

State of West Bengal

(M): 9007035534

Email: subho.advocate@gmail.com

14 JUL 2025



✕

**BEFORE THE HON'BLE NATIONAL GREEN TRIBUNAL
EASTERN ZONE BENCH, KOLKATA
ORIGINAL APPLICATION NO.75/2025/EZ**



In The Matter of:

Dipankar Bakshi

..... Applicant(s)

- Versus-

State of West Bengal & Ors.

...Respondent(s)

**FACT FINDING REPORT OF THE COMMITTEE IN THE FORM OF AFFIDAVIT
SUBMITTED ON BEHALF OF THE INSTANT RESPONDENT NO. 3, THE
DISTRICT MAGISTRATE & COLLECTOR, NORTH (24) PARGANAS, BARASAT**

I, Sri Sharad Kumar Dwivedi, son of Hriday Narayan Dwivedi, aged about 44 years, by faith-Hindu, by occupation- Government Service, now posted as District Magistrate and Collector, North 24 Parganas, District- North 24 Parganas, Pin-700124, do hereby solemnly verify and say as follows: -

1. That I am presently posted as the District Magistrate & Collector, North (24) Parganas and herein, I have made myself acquainted with the facts and circumstances of this case and competent to affirm this affidavit.

2. That this Fact Finding Committee Report in the form of Affidavit is being filed in compliance to the Solemn Order dated 06.05.2025, passed in the instant Original Application, by the Hon'ble National Green Tribunal, Eastern Zone Bench, Kolkata.



3. That the instant original application has been filed inter alia alleging that two units that is Respondent Nos.11 and 12 i.e., Subrata Dutta, Proprietor of M/S Biswakarma Associates and Ramesh Shaw, Proprietor of M/S Ramesh Enterprise respectively are carrying on with the operation of their units causing noise pollution and dust pollution.

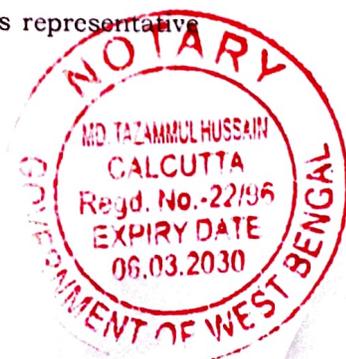
4. That the Respondent No.11, is said to be operating a unit involved in the manufacture of different grill items e.g. grill window, fences, doors, etc. from M/S Bars steel sheets etc. It is stated that the unit utilizes one drilling machine, one small grinding machine, one cutting machine and one welding machine and a hammer. It is stated that the unit operates between 9.00 A.M. to 5.00 P.M. and during the operation, due to hammering, cutting and other activities, considerable noise is created.

5. That it is alleged that the Respondent No.12 is engaged in godown activities involving used gunny bags made from jute and woven plastics which creates dust pollution.

6. That it also alleged that the West Bengal Pollution Control Board, in consequence of complaints lodged by the instant applicant in the year 2022 and 2024, had passed directions upon the proprietors of the two units regarding measures to be undertaken for alleviation of noise pollution and dust pollution respectively, in spite of that the units are carrying on their activity causing noise and dust pollution unabatedly.

7. That on 06.05.2025, while hearing the matter, the Hon'ble Tribunal was pleased to constitute a Fact Finding Committee comprising of the

- i) District Magistrate, District – North (24) Parganas or his representative not below the rank of Additional District Magistrate (ADM),
- ii) Barasat Municipality, through its Executive Officer or his representative and
- iii) Senior Scientist, West Bengal Pollution Control Board.



✘

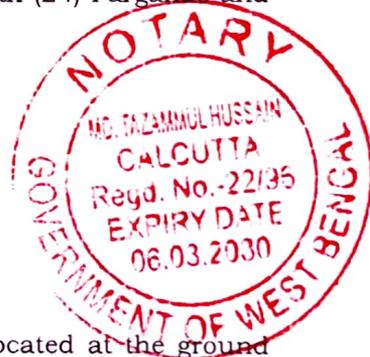
8. That the Hon'ble Tribunal was further pleased to direct the committee so formed to visit the site in question and thereafter submit a Fact-Finding Report/Action Taken Report on affidavit within four weeks with regard to the allegations made in the Original Application and also directed The District Magistrate, District – North (24) Parganas to act as the Nodal office for all logistic purposes and for filing the Fact finding Report on affidavit.

9. That in compliance with the above-mentioned solemn order dated 06.05.2025 passed by the Hon'ble Tribunal in the instant matter, 1) M/s Biswakarma Associates and 2) M/s Ramesh Enterprise, located at 5/1, Mukherjee Para Road, P.O & P.S- Barasat and 5/B, Mukherjee Para Road, P.O & P.S- Barasat respectively under Barasat Municipality, District: North (24) Parganas, Pin-700124, were inspected on 04.06.2025 in presence of the representative of the District Magistrate, Nort-24 Parganas, the Barasat Municipality and the West Bengal Pollution Control Board along with survey knowing officials from the office of the Block Land and Land Reforms Officer, Barasat - I, North (24) Parganas and the committee in its report made the following observations:

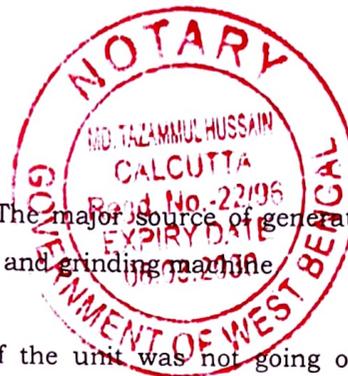
“Observation:

1) M/s Biswakarma Associates:

This is a small grill manufacturing unit. The unit is located at the ground floor of a rental accommodation situated over approximately 0.57 Decimal out of the total 11.11 Decimal of L.R. Plot No. 1523 pertaining to Mouza – Prasadpur (J.L. No. 39) under the Barasat – I Block. Distance between the unit and the complainant's residence is about 12 ft. The busy Jessore Road is located at a distance of nearly 50 ft. from the unit. The unit is housed inside a pucca room of size 10 ft. X 20 ft. (approx.). The unit has installed sliding door in the main entry of the unit. The manufacturing activity involves use of different types of tools like hammer, electrically operated circular saw (used for cutting of MS angel, channel, bar etc.), drill machine,



~~8~~



grinding machine, welding machine etc. The major source of generation of noise is operation of circular saw machine and grinding machine.

At the time of inspection, the activity of the unit was not going on. On demand the unit performed cutting operation by circular saw machine and the noise level was measured and recorded from the door step of complainant building, in the range of 80 to 83 dB(A). Whereas, the noise level was measured and recorded in the range of 73 to 75 dB(A) when the unit was not in operation.

2) **M/s Ramesh Enterprise:**

This is basically a small godown for storing of used gunny bags of jute and woven plastic. The unit is located in between the complainant building and the alleged unit of M/s Biswakarma Associates, over 1.83 Decimal out of the total 2.75 Decimal of L.R. Plot No. 1522 pertaining to Mouza - Prasadpur (J.L. No. 39) under the Barasat - I Block.

The complainant stated that the unit undertakes loading and unloading of used bags in the early morning and it creates disturbance to the complainant due to noise created by the workers. He also stated that during loading and unloading of bags it generates dust.

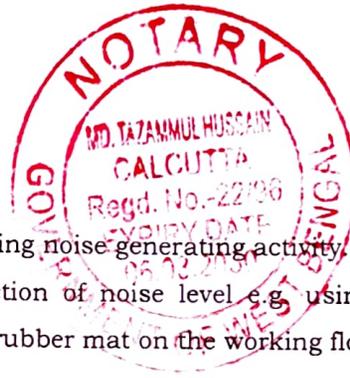
The proprietor of the unit stated that used bags are re-bundled in certain numbers and dispatched. No stitching or any other activities are done here. A sketch map of the concerned site, as prepared by the survey knowing officials from the office Block Land and Land Reforms Officer, Barasat - I, has been made part of the present inspection report for proper appraisal of the positional status of the two visited units.

Statutory compliance:

Both the units possess valid trade license. Copies of the Trade Licenses, as received from the end of Barasat Municipality, are also made part of the present inspection report.

Remarks:

X



M/s Biswakarma Associates

- Unit should close the sliding door during noise generating activity.
- Measures are to be taken for reduction of noise level e.g. using sound absorbing material on wall and thick rubber mat on the working floor etc.

M/s Ramesh Enterprise:

- Loading and unloading of bags should be done inside the unit premises only.”

Photocopy of the Report submitted by the Fact-Finding Committee is annexed herewith and marked with the letter 'R-1'.

10. That it is respectfully prayed before the Hon'ble Tribunal may be pleased to pass such further Order/Orders as is deemed fit for the ends of justice.

11. That the statements made in paragraph 1 is true to my knowledge and paragraph 2 to 8 and part of 9 are based on information derived from the record and which I believe to be true and rest thereof are my humble submission before this Hon'ble Tribunal.

Identified by me

Sibojyoti Chakrabarti
Advocate

State of West Bengal

14.07.2025

Sharan Kumar Dwivedi

Deponent

District Magistrate
North 24-Parganas, Barasat

14 JUL 2025

Solemnly affirmed and declared
before me on identification

[Signature]

MD. T. HUSSAIN Notary
City Civil Court
Kolkata

Regd. No. 22/96, Govt. of W.B

X



Verification

I, Sharad Kumar Dwivedi, son of Sri Hriday Narayan Dwivedi, District Magistrate and District Collector, North (24) Parganas, having my office at Barasat, North 24 Parganas do hereby solemnly affirm and verify that the contents of the statements made in the above paragraphs of the affidavit are true and correct to the best of my knowledge and belief. No part of the same is false and nothing material has been concealed therefrom.

12/12)

Verified at Kolkata, on this the 14th day of July, 2025.

Sharad Kumar Dwivedi

Identified by me

Sibajyoti Chakrabarti
Advocate

14.07.2025

State of West Bengal

Deponent

**District Magistrate
North 24-Parganas, Barasat**

✕

"Annexure - R-1"

Inspection Report in pursuance of the solemn order dated 06.05.2025 of the Hon'ble National Green Tribunal, Eastern Zone Bench, Kolkata in O.A. No. 75/2025/EZ in the matter of Dipankar Bakshi - Vs - The State of West Bengal & Ors.

Introduction: In compliance with the above-mentioned order of the Hon'ble National Green Tribunal, Eastern Zone Bench, Kolkata, 1) M/s Biswakarma Associates and 2) M/s Ramesh Enterprise, located at 5/1, Mukherjee Para Road, P.O & P.S- Barasat and 5/B, Mukherjee Para Road, P.O & P.S- Barasat respectively under Barasat Municipality, Dist.- 24-Pgs (N), Pin- 700124, were inspected on **04.06.2025** in presence of the representative of the District Magistrate, North-24 Parganas, the Barasat Municipality and the West Bengal Pollution Control Board along with survey knowing officials from the office of the Block Land and Land Reforms Officer, Barasat - I, North-24 Parganas.

Persons met during inspection:

On behalf of the unit

1. Mr. Subrata Dutta, Proprietor of M/s Biswakarma Associates
2. Mr. Ramesh Shaw, Proprietor of M/s Ramesh Enterprise

On behalf of the complainant

1. Mr. Dipankar Bakshi

Observation:

1) M/s Biswakarma Associates:

This is a small grill manufacturing unit. The unit is located at the ground floor of a rental accommodation situated over approximately 0.57 Decimal out of the total 11.11 Decimal of L.R. Plot No. 1523 pertaining to Mouza - Prasadpur (J.L. No. 39) under the Barasat - I

Block. Distance between the unit and the complainant's residence is about 12 ft. The busy Jessore Road is located at a distance of nearly 50 ft. from the unit. The unit is housed inside a pucca room of size 10 ft. X 20 ft. (approx.). The unit has installed sliding door in the main entry of the unit. The manufacturing activity involves use of different types of tools like hammer, electrically operated circular saw (used for cutting of MS angel, channel, bar etc.), drill machine, grinding machine, welding machine etc. The major source of generation of noise is operation of circular saw machine and grinding machine.

At the time of inspection, the activity of the unit was not going on. On demand the unit performed cutting operation by circular saw machine and the noise level was measured and recorded from the door step of complainant building, in the range of 80 to 83 dB(A). Whereas, the noise level was measured and recorded in the range of 73 to 75 dB(A) when the unit was not in operation.

2) M/s Ramesh Enterprise:

This is basically a small godown for storing of used gunny bags of jute and woven plastic. The unit is located in between the complainant building and the alleged unit of M/s Biswakarma Associates, over 1.83 Decimal out of the total 2.75 Decimal of L.R. Plot No. 1522 pertaining to Mouza - Prasadpur (J.L. No. 39) under the Barasat - I Block.

The complainant stated that the unit undertakes loading and unloading of used bags in the early morning and it creates disturbance to the

complainant due to noise created by the workers. He also stated that during loading and unloading of bags it generates dust.

The proprietor of the unit stated that used bags are re-bundled in certain numbers and dispatched. No stitching or any other activities are done here.

A sketch map of the concerned site, as prepared by the survey knowing officials from the office Block Land and Land Reforms Officer, Barasat - I, has been made part of the present inspection report for proper appraisal of the positional status of the two visited units.

Statutory compliance:

Both the units possess valid trade license. Copies of the Trade Licenses, as received from the end of Barasat Municipality, are also made part of the present inspection report.

Remarks:

M/s Biswakarma Associates

- Unit should close the sliding door during noise generating activity.
- Measures are to be taken for reduction of noise level e.g. using sound absorbing material on wall and thick rubber mat on the working floor etc.

M/s Ramesh Enterprise:

- Loading and unloading of bags should be done inside the unit premises only.

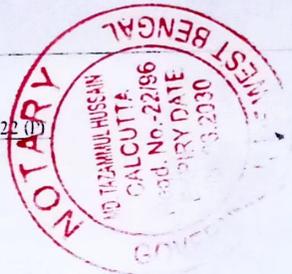
209/07/2025
A.D.M. & D.L. & L.R.O.
North-24 Parganas

209/17/2025
E.O.
Barasat Municipality
Executive Officer
Barasat Municipality

209/07/2025
Asstt. E.E.
W.B.P.C.B.



SKETCH MAP AT MOUZA- PRASADPUR, J.I. NO - 39, J.R. DAG NO - 1523 (P) & 1522 (D)
L.R. KHATIAN NO -
UNDER P.S & MUNICIPAL -BARASAT, DIST - NORTH 24 PARGANAS.



Countersigned

Assistant Director And
Block Land & Land Reforms Officer
Barasat-I, North 24-Parganas

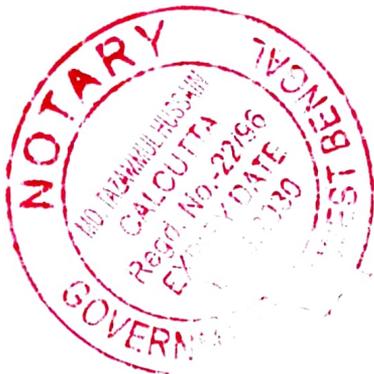
J. Ghosh
26/11/25

Revenue Inspector
O/o The B.L. & L.R.O.
Barasat-I, North 24 Pgs.

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

**ORIGINAL
NO.75/2025/EZ**

APPLICATION



In The Matter of:

Dipankar Bakshi

..... Applicant(s)

- Versus-

State of West Bengal & Ors.

...Respondent(s)

**FACT FINDING REPORT OF THE
COMMITTEE IN THE FORM OF
AFFIDAVIT SUBMITTED ON BEHALF
OF THE INSTANT RESPONDENT NO. 3,
THE DISTRICT MAGISTRATE &
COLLECTOR, NORTH (24) PARGANAS,
BARASAT**

Filed by:

Mr. SIBOJYOTI CHAKRABARTI,
Advocate,
State of West Bengal
(M): 9007035534
Email: subho.advocate@gmail.com