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BEFORE THE NATIONAL GREEN TRIBUNAL
EASTERN ZONE BENCH, KOLKATA

ORIGINAL APPLICATION NO. 39/2025/EZ

PARIJAT MULLICK

.....APPLICANT(S)

VERSUS

STATE OF WEST BENGAL & ORS.

..... RESPONDENT(S)

AFFIDAVIT FILED BY THE WEST BENGAL
POLLUTION CONTROL BOARD.

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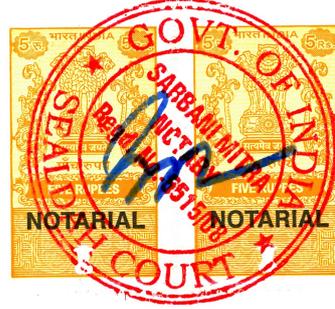
Filed by

DIPANJAN GHOSH
ADVOCATE
HIGH COURT AT CALCUTTA

SL. NO. 10² Dt.- 30 JUL 2025

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EASTERN ZONE BENCH, KOLKATA

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.....APPLICANT(S)

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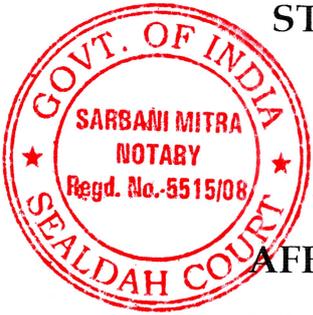
..... RESPONDENT(S)

AFFIDAVIT FILED BY THE 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:-

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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 Nos. 03 and 04, 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 08.07.2025.

03. That, the State Board caused an inspection of M/s Shivangana Steel, M/s Amiya Sales & Industries and M/s Kumar Industries & M/s New Kumar Industries, all located at 237A/1A, Satin Sen Sarani, Kolkata-700054, on 14/07/2025.

03. That, during inspection the following observations were made by the Inspecting officer of the State Board:

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The alleged units are located within a mixed type urban area of Kolkata Municipal Corporation having industries, commercial units as well as residences of the complainants. The industries are located along two sides of a lane ending into a small area where the alleged industries are located and the residences of the complainants are situated adjacent to the industries.

Following are the details of the alleged units:

- M/s. Shivangana Steel:

The unit is an engineering unit surrounded by other local factories and complainant Mr. Rupen Mallick's residence .

It is located inside a single workshop made of brick wall and asbestos roof.

The unit has 05 Power Presses, 01 Hydraulic Press and 01 Punching machine. During inspection the unit was in operation with three nos. power presses and one no. hydraulic press machine.

- M/s.Amiya Sales & Industries:

The unit is located to the South East of M/s Shivangana Steel across a small vacant area. It has a workshop with brick walls & asbestos roof adjacent to the complainants' residence. The unit



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has another shed made of brick wall and asbestos roof towards eastern side of the first shed and adjacent to another complainant Mr. Parijat Mallick's residence.

The unit is an engineering and fabrication workshop having 04 Drilling machines, 03 Lathes, 03 Tapping machine, 01 Grinding machine, 01 no. power press and 04 nos. welding machines.

During inspection the unit was found in operation with 02 nos. welding machines, one no. power press, two nos. drill machines and one no. lathe.



- **M/s Kumar Industries & M/s New Kumar Industries:**

The two units operate as a single unit in one single work shed. The unit is an engineering workshop that produces metallic chains through manual operations using 02 Ball Presses, 04 Hand dies and 02 welding sets.

The unit has a single workshop (divided into chambers) situated towards eastern side of M/s Amiya Sales & Industries and about 50ft distance from Complainant's residence (Mr. Parijat Mallick).

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During inspection it was found in operation with only hand dies. However, the operations conducted on the occasion was without any substantial noise generation.

No manufacturing activity was noticed outside the factory sheds. However, loading of materials and products of M/s Shivangana Steels and M/s Kumar Industries & M/s New Kumar Industries were noticed during inspection in front of the unit sheds.

All the three units have neither installed any acoustic enclosure nor provided any rubber pad and have therefore failed to comply with the direction issued by the State Board vide memo dated 02.04.2025.



04. That, the noise levels measured during inspection are as follows: -

Sl. No.	Location	Sound level in dB(A), (With machines in running condition)	Ambient noise level measured in dB(A) (Units not in operation)
1.	Inside M/s Shivagana Steels	88.2-89.3	52.1-53.0
2.	Inside M/s Amiya Sales & Industries	81.2-83.6	
3.	Inside M/s Kumar Industries & M/s New Kumar Industries	64.6-66.8	
4.	Entrance gate of the Complainants residence	73.6 - 74.8	

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05. That, the Inspecting Official of the State Board made the following remarks from the said inspection:

- (a) During inspection there was no existence of M/s GL Shaw Industries at above-mentioned location. In place of that industry M/s Kumar Industries & M/s New Kumar Industries are in operation.
- (b) All the alleged units produced trade license during inspection.
- (c) Activity of all the units falls under the purview of White Category (Engineering and fabrication units [dry process without any heat treatment / metal surface finishing operations / painting]). As per present categorisation order of the State Board, there is no necessity of obtaining Consent for White Category of industries, only an intimation to State Board is sufficient.
- (d) Complainants alleged that the three units create high and acutely disturbing noise by metal handling and metallic operations in their workshops along with civic nuisances like obstruction of public road and spaces along with loud conversational noises. Complainants also alleged that all the



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units create more noise than that created during the time of inspection.

(e) Complainant also informed that all the units operate from early morning to late night violating the order issued by State Board on 02.04.2025.

(f) The activity of the units is noise generating in nature, including the loading unloading activity in open area. Careless attitude especially during material handling activity and inadequate control measures is a cause of noise problem in the surrounding area. Therefore, adequate precautions and use of appropriate noise control measures is required.

(g) Necessary regulatory action may be taken against these units for violation of State Board direction issued vide Memo dated 02.04.2025.

Copy of the inspection report of the State Board is annexed herewith and marked with letter "R".

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06.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



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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 5 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

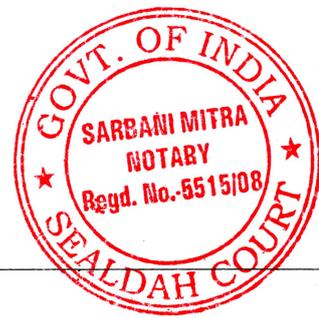
Identified and corrected by me
Advocate *Dipankar*
WBPCB

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

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

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INSPECTION REPORT

Name & Address of the Industries	<ol style="list-style-type: none">1. M/s Shivangana Steel 237/A, Satin Sen Sarani, Kolkata-7000542. M/s Amiya Sales & Industries 237A, Satin Sen Sarani, Kolkata-7000543. M/s Kumar Industries & M/s New Kumar Industries 237A/1A, Satin Sen Sarani, Kolkata-700054
P.O. & Pin Code	700054
P.S.	Narkeldanga
Power supply agency	CESC
Category of industry	White (Engineering & Fabrication)
Date & Time of inspection	14/07/2025
Inspecting officers	N. Das, AEE, SLRO
Persons met during inspection	<i>For Shivangana Steels ---Dibyendu Saha, Unit Representative</i> <i>For Amiya Sales & Industries ----Tarak Roy, Unit Representative</i> <i>For Kumar Industries & M/s New Kumar Industries ---- Rahul Kumar Shaw, Owner of one unit</i> <i>For Complainants----Parijat Mallick, Rupen Mallick, Chaitali Mallick</i>
Reference of Inspection	1.NGT Case O.A. No.39/2025/EZ before The Hon'ble National Green Tribunal, Eastern Zone Bench, Kolkata. 2.Order issued by Operation & Execution Cell, WBPCB vide Memo no. 10732-3L/WPB-B(VII)2025, dated 02.04.2025.
Observation:	<p>The alleged units are located within a mixed type urban area of Kolkata Municipal Corporation having industries, commercial units as well as residences of the complainants. The industries are located along two sides of a lane ending into a small area where the alleged industries are located and the residences of the complainants are situated adjacent to the industries. Following are the details of the alleged units:</p> <p>M/s Shivangana Steels:</p> <p>The unit is an engineering unit surrounded by other local factories & complainants' residence (<i>Mr. Rupen Mallick</i>). It is located inside a single workshop made of brick wall and asbestos roof. The unit has 05 Power Presses, 01 Hydraulic Press & 01 Punching machine. During inspection the unit was in operation with three nos. power presses and one no hydraulic press machine.</p>

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M/s Amiya Sales & Industries:

The unit is located to the South East of M/s Shivangana Steel across a small vacant area. It has a workshop with brick walls & asbestos roof adjacent to the complainants' residence (*Mr. Rupen Mallick*). The unit has another shed made of brick wall and asbestos roof towards eastern side of the first shed and adjacent to another complainant's residence (*Mr. Parijat Mallick*).

The unit is an engineering & fabrication workshop having 04 Drilling m/cs, 03 Lathes, 03 Tapping machine, 01 Grinding machine, 01 no. power press and 04nos. welding machines.

During inspection the unit was found in operation with 02nos. welding machine, one no power press, two nos. drill machine and one no. lathe.

M/s Kumar Industries & M/s New Kumar Industries:

The two units operate as a single unit in one single work shed. The unit is an engineering workshop that produces metallic chains through manual operations using 02 Ball Presses, 04 Hand dies & 02 welding sets.

The unit has a single workshop (divided into chambers) situated towards eastern side of M/s Amiya Sales & Industries and about 50ft distance from Complainant's residence (*Mr. Parijat Mallick*).

During inspection it was found in operation with only hand dies. However the operations conducted on the occasion was without any substantial noise generation.

No manufacturing activity was noticed outside the factory sheds. However, loading of materials and products of *M/s Shivangana Steels* and *M/s Kumar Industries & M/s New Kumar Industries* was noticed during inspection in front of the unit sheds.

All the three units have neither installed any acoustic enclosure nor provided any rubber pad and have therefore failed to comply with the as per direction issued by WBPCB, vide memo no. 10732-3L/WPB-B(VII)2025, dated 02.04.2025.

The noise levels measured during inspection are as follows: -

Sl. No.	Location	Sound level in dB(A), (With machines in running condition)	Ambient noise level measured in dB(A) (Units not in operation)
1.	Inside <i>M/s Sivaganga Steels</i>	88.2-89.3	52.1-53.0
2.	Inside <i>M/s Amiya Sales & Industries</i>	81.2-83.6	
3.	Inside <i>M/s Kumar Industries & M/s New Kumar Industries</i>	64.6-66.8	
4.	Entrance gate of the Complainants residence	73.6 – 74.8	

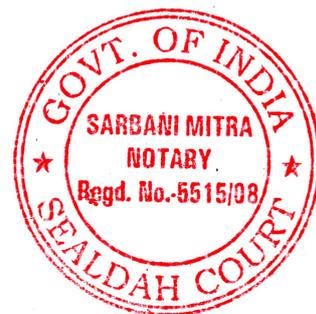


Remarks :

1. During inspection there was no existence of M/s GL Shaw Industries at abovementioned location. In place of that industry **M/s Kumar Industries & M/s New Kumar Industries** are in operation.
2. All the alleged units produced trade license during inspection.
3. Activity of all the units falls under the purview of White Category (Engineering and fabrication units [dry process without any heat treatment / metal surface finishing operations / painting]). As per present categorisation order of WBPCB, there is no necessity of obtaining Consent for White Category of industries, only an intimation to WBPCB is sufficient.
4. Complainants alleged that the three units create high & acutely disturbing noise by metal handling & metallic operations in their workshops along with civic nuisances like obstruction of public road & spaces along with loud conversational noises. Complainants also alleged that all the units creating more noise than that create during the inspection.
5. Complainant also informed that all the units operate from early morning to late night violating the order issued by WBPCB on 02.04.2025.
6. The activity of the units is noise generating in nature, including the loading unloading activity in open area. Careless attitude especially during material handling activity and inadequate control measures is a cause of noise problem in the surrounding area. Therefore, adequate precautions and use of appropriate noise control measures is required.
7. Necessary regulatory action may be taken against these units for violation of WBPCB's direction issued vide Memo no. 10732-3L/WPB-B(VII)2025, dated 02.04.2025.

 16/07/2025

(N. Das, AEE, Salt Lake RO, WBPCB)



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