



**BEFORE THE HON'BLE NATIONAL GREEN TRIBUNAL
EASTERN ZONE BENCH, KOLKATA
ORIGINAL APPLICATION NO. 52/2025/EZ**

In The Matter of:-
Hemanta Tah & Ors. Applicants
- Versus-

State of West Bengal & Ors.

...Respondent(s)

**COUNTER AFFIDAVIT ON BEHALF OF RESPONDENT NUMBER 04, M/S
SWASTIKA ALUMINIUM INDUSTRIES.**

INDEX

SL	PARTICULARS	ANNEXURE	PAGE
1.	Counter Affidavit		1 to 7
2.	Photocopy of Consent to Operate.	'R-1'	8-9
3.	Photocopy of record of proceeding dated 28.01.2025.	'R-2'	10-12
4.	Photocopy of record of proceeding dated 08.04.2025.	'R-3'	13-15
5.	Photocopy of reply to showcause.	'R-4'	16-18
6.	Photocopy of Memo dated 26.06.2025 and letter dated 03.07.2025 alongwith the photographs.	'R-5'	19-24
7.	Photocopy of letter dated 20.05.2025 and Memo dated 11.07.2025 and letter dated 19.07.2025.	'R-6'	25-27
8.	Photocopy of report dated 10.07.2025 and report in year 2022.	'R-7'	28-29

Filed by:

Krishnendu Bera

Mr. KRISHNENDU BERA

Advocate,

High Court, Calcutta

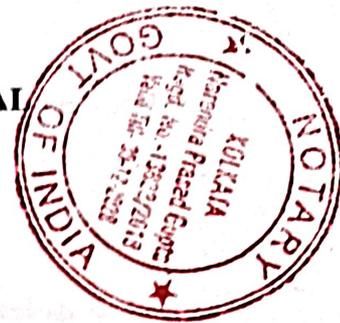
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SI NO. 44/25

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**BEFORE THE HON'BLE NATIONAL GREEN TRIBUNAL
EASTERN ZONE BENCH, KOLKATA
ORIGINAL APPLICATION NO. 52/2025/EZ**



In The Matter of:-

Hemanta Tah & Ors.

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...Respondent(s)

**COUNTER AFFIDAVIT ON BEHALF OF RESPONDENT NUMBER 04, M/S
SWASTIKA ALUMINIUM INDUSTRIES.**

I, SRI DIPAK AGARWAL, Son of Sri Raj Kumar Agarwal, aged about 44 years, by faith-Hindu, by occupation- business, and of 55, Dharmatala Road, P.O- Salkia, P.S- Malipanchghora, District- Howrah, Pin- 711106, do hereby solemnly affirm and declare as follows: -

1. That I am One of the Partner of M/s Swastika Aluminium Industries and as such I am well acquainted with the facts and circumstances of the instant case and competent to sign and swear this counter affidavit on behalf of the company.
2. That this Counter Affidavit is filed in pursuance to the Solemn Order dated 09.07.2025 passed by the Hon'ble National Green Tribunal, Eastern Zone Bench, Kolkata.
3. That the instant original application has been taken up for consideration on the basis of letter petition filed by the applicants dated 05.02.2025 inter-alia with the grievance towards the issue of air pollution for the aluminium factory run by the applicant which

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causing hazardous gases from the factory. It is also alleged that smoke emitting an unorganized manner without used any chimneys.

4. That before dealing with the contents of allegations as stated in the said letter petition the deponent herein at the very outset deny and dispute all the allegations of the said letter petition on the basis of which the instant proceeding has been initiated against the respondent no. 4.

5. It is respectfully stated that this unit is a manufacturing unit of an Aluminium utensils from scrap aluminium/aluminium ingot using LDO fired melting furnace. That the Unit comes under 'Orange' Category of the industries due to dry process only. Accordingly the Unit after compliances of all the criteria and environmental norms duly obtained 'Consent to Establishment' and also Consent to Operate vide Memo dated 31.05.2023 which is valid till 31.05.2028.

Copy of the said Consent to Operate is annexed herewith and marked with the letter 'R-1' to this affidavit.

6. That the unit possesses one no. of LDO fired pot furnace which is provided with suction hood, Id fan, water Scrubber as Air Pollution Control Device and a stack of height 18m from G.L. The unit has one LPG fired annealing furnace. The unit also has 05 numbers of lathe/spinners, 1 number cutting machine, 2 rolling machines and hydraulic punch of 1 number to carry out machining and engineering activity. That pursuant to the complaint lodged by the applicant a hearing was taken place before the Public Grievance Cell of the State Board on 22.12.2021 and 07.04.2022 and a physical inspection held on 13.01.2025 wherein it was observed that the said APCD connected with LDO fired melting furnace was not in operation and the duct line alongwith stack was also found in broken condition. Accordingly the Unit was directed to repair the APCD at the earliest so that no inconvenience be faced by the neighbourhood due to emissions generated from it's operation.

Copy of the said record of proceeding dated 28.01.2025 is annexed hereto and marked with the letter 'R-2' to this affidavit.

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7. That even after passing of the order dated 28.01.2025 once again the applicants lodged similar complaint dated 08.04.2025 for which a further hearing taken place and pursuant to the said proceedings the unit was directed to install proper APCD to control emission within 30th April, 2025 and to obtain proper trade licence from the local authority.

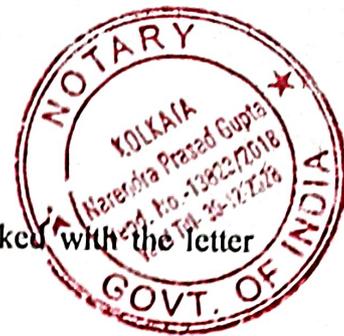
Copy of the said record of proceeding dated 08.04.2025 is annexed hereto and marked with the letter 'R-3' to this affidavit.

8. That in compliance of the said direction the unit shut down the APCD and Pot furnish (LDO Fire furnace) and started to repair the Air Pollution Control Device System which was informed by the answering respondent through representation on 14.05.2025. But it is unfortunate that although the unit remains non operational the said applicants lodged complaint and as a result a show cause notice dated 16.05.2025 was issued by the West Bengal Pollution Control Board. That although in the said show cause notice it was stated that during inspection the unit was running and not repaired the APCD with LDO fired pot furnace within 30th April, 2025, but in the inspection report it is categorically observed at paragraph 4 that the machineries were not in operation during inspection. It was also 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 same was not completed within the time period as specified by the West Bengal Pollution Control Board.

9. It is therefore amply clear from the said inspection report that due to non completion of all the necessary repairs within the specified period the unit remained non operational, so that no air pollution be caused for the neighbourhood and unit at their best ability is trying to complete the same as early as possible which is evident from the said inspection report that the Unit has started modification of repairing of APCD with LDO fired pot furnace for compliance of the directions passed by the State Board.

It is respectfully stated that in response to said Show cause notice the Unit submitted showcause letter dated 14.05.2025 before the Environmental Engineer, West Bengal Pollution Control Board that the said APCD maintenance would be completed very soon.

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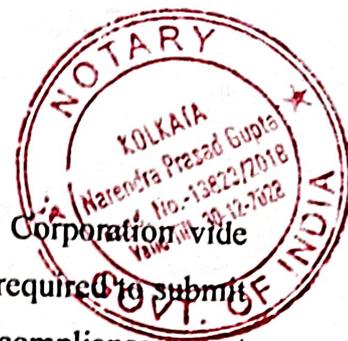
Copy of the said reply to showcause is annexed hereto and marked with the letter 'R-4' to this affidavit.

10. That a proceeding under Section 152 of BNSS, 2023 was initiated against the Unit vide Memo dated 26.06.2025 before the Sub-Divisional Magistrate, Sadar, Howrah where in the unit was directed to desist from carrying on trade activities. In response to the said order dated 26.06.2025, the Unit vide letter dated 03.07.2025 categorically informed that although the repairing work of the chimney and APCS was not completed within the specified time given by the Pollution Control Board, but for the said reason the Unit was also stopped from production of aluminium circle to repair the chimney during the said period which was duly informed before the West Bengal Pollution Control Board by letter received on 14.05.2025. That in the said letter dated 03.06.2025 the unit informed that said repairing work has been completed in accordance with the direction of the Pollution Control Board and accordingly prayed for an inspection so that the Unit can start furnace with APCD to run the manufacturing procedure alluminum circles. That the unit also informed the completion of work before the Assistant Environmental Engineer, P.G Cell, West Bengal Pollution Control Board and prayed for a fresh inspection.

Copy of the said Memo dated 26.06.2025 and letter dated 03.07.2025 alongwith the photographs of completion of repairing of APCD are annexed hereto and marked with the letter 'R-5' to this affidavit.

11. It is respectfully submitted that the deponent being a law abiding citizen and a partner of the respondent no. 4 has complied with the directions regarding repairing of APCD with LDO fired pot furnace and also praying for unconditional apology not completing the same within the specified time framed as the said delay caused due to technical reasons which is beyond control of the respondent no. 4 and also undertaking to comply all the environmental directions as and when be directed. That with regard to obtaining of valid Trade Licence it is submitted that the Unit possesses the Trade License which is not renewed by the License Officer, License Department, Howrah Municipal Corporation and for which the Unit submitted a prayer for renewal of Trade License vide letter dated 20th May, 2025. That in

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response of the said prayer the License Department, Howrah Municipal Corporation vide memo dated 11.07.2025 informed that to unblock the trade license unit is required to submit installation documents of APCD to control emission of the black smoke compliance report for maintaining environmental norms. That in reply to the said letter memo dated 11.07.2025 the respondent herein duly submitted reply vide letter dated 19.07.2025 before the OSD (License Department), Howrah Municipal Corporation inter-alia informing therein that repairment of APCD alongwith Chimney and hooper as well as other required equipments to control emission of black smoke has already been done. It was also informed that the said completion of repairing works also been informed before the West Bengal Pollution Control Board. Accordingly the respondent herein prayed for unblocking the Trade Licence bearing no. HMC/W6/61680/21.

Copy of letter dated 20.05.2025 and Memo dated 11.07.2025 and letter dated 19.07.2025 are annexed hereto and marked with the letter 'R-6' to this affidavit.

12. It is also stated that after completion of all necessary repairing of the APCD, the respondent also conducted smoke test on 07.07.2025 through S.M Scientific Service, recognized Environmental Laboratory by West Bengal Pollution Control Board and from the analysis report of Flue Gas dated 10.07.2025 it appears that the emission of smoke is under statutory limit. It is submitted that on earlier occasions at any point of time the smoke gas of the unit were found over limit as it will be evident from the test report in year 2022 it will be found that the smoke emissions were also within the statutory limit.

Copy of the said report dated 10.07.2025 and report in year 2022 are annexed hereto and marked with the letter 'R-7' to this affidavit.

13. It is therefore most respectfully submitted that the Unit already completed repairing of APCS control emission system and informed the West Bengal Pollution Control Board vide letter dated 03.07.2025 and if the State Board approves the same in that event the respondent Unit will be able to obtain valid Trade License which will be unblocked after submission of compliance report.

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14. It is therefore most respectfully submitted that the instant original application arisen on the basis of letter petition submitted by the applicant has no legal stand to substantiate the alleged allegations and therefore the same is liable to be dismissed with costs.

15. That the statements made in paragraph 1 to 12 are true to my knowledge and 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

Krishnendu Bera

Advocate

SWASTIKA ALUMINIUM INDUSTRIES

Dipall Bagaria
Partner

Deponent

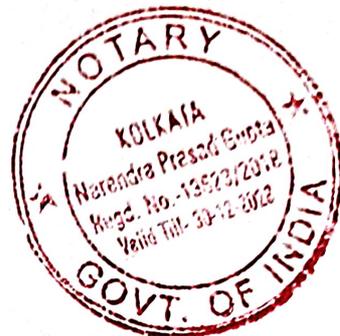
L.T.I.(s)/Signatures(s) of the
Executives attested by me on Identification

[Signature]
NARENDRA PRASAD GUPTA, NOTARY
Advocate, HIGH COURT, KOLKATA
Regd. No.-13823/2018, Govt. India

7
NARENDRA PRASAD GUPTA
NOTARY
GOVERNMENT OF INDIA
REGN. NO.-13823/2018
&
ADVOCATE, HIGH COURT CALCUTTA
8, Old Post Office Street (Ground Floor)
Opp. F-Gate (High Court)
Mob.-8910578074
9883135090

22 AUG 2025

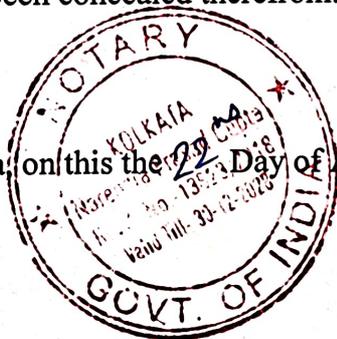
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Verification

I, SRI DIPAK AGARWAL, Son of Sri Raj Kumar Agarwal, aged about 44 years, by faith-Hindu, by occupation- business, of 55, Dharmatala Road, P.O- Salkia, P.S- Malipanchghora, District- Howrah, Pin- 711106, 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.

Verified at Kolkata, on this the 22nd Day of August, 2025.



Identified by me

Krishmunda Bera

Advocate

SWASTIKA ALUMINIUM INDUSTRIES

Dipak Agarwal
Partner

Deponent

WEST BENGAL POLLUTION CONTROL BOARD

Annexure R³₁

'Paribesh Bhawan', Bldg. No. 10A, Block - LA, Sector III, Bidhannagar, Kolkata - 700 106
(Orange/Green Category Unit)

C01A1791

App. No. 3003615

ORANGE



8

Memo Number: 0026/05 / PCB/HOW/119-2014

Date 31/05/2023

Consent to Operate under Section 25 & 26 of the Water (Prevention and Control of Pollution) Act, 1974, and Section 21 of the Air (Prevention and Control of Pollution) Act, 1981.

The West Bengal Pollution Control Board (hereinafter referred to as State Board) under the provisions of Section 25 & 26 of the Water (Prevention and Control of Pollution) Act, 1974 as amended and Section 21 of the Air (Prevention and Control of Pollution) Act, 1981 as amended, and Rules and Orders made thereunder hereby grants its Consent to:

M/s. Swastik Aluminium Industries

(hereinafter referred to as Applicant) for its unit located at 55, Dharmatala Road, P.O- Salkia, P.S- Malipanchghara, Howrah- 71106

(Detailed address of the manufacturing unit)

for a period from Date of Issue 31/05/2023 to operate the industrial unit and to discharge liquid effluent and to emit gaseous effluent from the premises/land of the industrial unit in accordance with the conditions as mentioned below provided on any day at any instance the quantity and quality of liquid discharge and gaseous emission shall not exceed the permissible limit as specified in this consent letter and as specified in the Environmental (Protection) Act, 1986.

Breach of the conditions and/or failure to comply with the directions as mentioned below shall render the applicant liable for prosecution under the provisions of the Water (Prevention and Control of Pollution) Act, 1974 and Air (Prevention and Control of Pollution) Act, 1981.

The State Board reserve the right to revoke, withdraw or make any reasonable variation/change/alter the conditions of this consent letter giving one month's notice to the applicant.

Conditions:

01. This Consent is valid for the manufacture of

Sl. No.	Name of major products and by-products	Quantity produced per month	Sl. No.	Name of major products and by-products	Quantity produced per month
01.	Aluminium Circle	6 MT	03		
02.	Aluminium Utensils	5 MT	04.		

02. The Applicant shall observe the following fuel consumption pattern.

Sl. No.	Type of fuel	Quantity per day	Sl. No.	Type of fuel	Quantity per day	Sl. No.	Type of fuel	Quantity per day
01.	LDO	5 KL	02.	LPG	120 kg	03.		

03. The Applicant falls in the category of the Water (Prevention and Control of Pollution) Cess Act, 1977 and Rules made thereunder and shall comply with the provisions of said Act, and Rules and regularly submit to the Board the Returns of Water consumption in the prescribed form and pay the Cess as specified under Section 3 of the said Act.

04. Daily water consumption for the following purposes should not exceed.

Industrial cooling, spraying in mine pits and boiler feed water (water used for gardening should be included in this category of use)	Domestic purpose	Processing whereby water gets polluted and the pollutants are easily biodegradable	Processing whereby water gets polluted and the pollutants are not easily biodegradable
	0.45 KL		

05. Daily discharge of effluent shall not exceed

	Industrial liquid effluent	Domestic liquid effluent	Mixed (industrial & domestic) liquid effluent
No. of outfalls		01	
Quantity	KL	0.4 KL	KL
Place of discharge		Municipal drain	

06. The Applicant shall provide drainage system for conveying industrial & domestic liquid waste & separate drainage system for storm-water and shall provide comprehensive treatment facility for industrial and domestic liquid waste (sewage, sullage & liquid effluent generated from canteen) and operate and maintain the same to conform to the Standard for final effluent as given below.

Outlet No.	Nature of effluent	Parameters and standard (in mg/l. max)						Frequency of effluent sampling
		pH	BOD	COD	TSS	O & G		
01	Domestic	5.5-9.0	30	250	100	10		Yearly



Handwritten signature and date at the bottom left.

(2)

07. This Applicant shall provide comprehensive pollution control equipment and operate and maintain the same continuously to conform the quality of the final gaseous emission to the Standard as given below :

Stack No.	Stack height from G.L. (in mts.)	Stack attached to (sources and control system, if any)	Volume Nm ³ /hr	Velocity of gaseous emission (mg/sec)	Concentrations of paramotors not to exceed			Frequency of sampling
					SPM (mg./Nm ³)	CO (% v/v)		
S-1	18.29	LDO fired - Pot furnace			150	1		Yearly.
S-2								
S-3								
S-4								

08. The Applicant shall maintain the generation and treatment/disposal of non-hazardous solid waste as specified below.

Type of waste	Quantity	Treatment	Disposal
Aluminium Scrap	500 Kg/month		Reused.

09. The Applicant shall take adequate measures for control of noise levels from its own sources within its premises to conform to

Time	Limit in dB (A) L _{eq}	Time	Limit in dB (A) L _{eq}
Day time (06 a.m. to 09 p.m.)	65	Night Time (09 p.m. to 06 a.m.)	55

10. The Applicant shall remain responsible for quantity and quality of liquid effluent and air emissions and shall furnish to the State Board all information in respect of quality, quantity, rate of discharge, place of discharge of liquid effluent and air emissions.

11. The Applicant shall at all times maintain good house-keeping, proper working order, control pollution (including fugitive emissions) from all sources to maintain clean environment in & around factory premises and to surrounding areas/inhabitants.

12. The Applicant shall bring about at least 33% of the available open land under the green coverage/ plantation.

13. The Applicant shall provide for sufficient alternate electric power source to operate all pollution control facilities. In absence of such alternate power source, the production should be stopped/reduced/controlled to conform the conditions of the Consent.

14. All the stacks connected to various sources of emissions must be painted/displayed to designate by numbers such as S-1, S-2 etc. and shall have ports, ladder, platform etc. for monitoring/sampling the air emissions and the same shall be made available for inspection and use by the State Board's staff as well as State Board's authorised agencies.

15. The Applicant shall install a separate energy meter showing the consumption of energy for operation of pollution control devices and shall install suitable device for measuring the volume of water consumed for different purposes as mentioned above giving correct result to the satisfaction of the State Board.

16. The Applicant shall allow the Officers of the State Board to enter into the premises of the unit at any reasonable time to inspect the pollution control systems and shall provide adequate and safe facility for collection of air, wastewater and solid waste samples for monitoring and measuring by the State Board's staff as well as State Board's authorised agencies.

17. The Applicant shall maintain an Inspection Book in the factory premises which shall be made available to inspecting officers of the State Board for inspection, review and to write down any direction or observation as is deemed necessary during the inspection.

18. The Applicant shall intimate to the State Board immediately of any occurrence or apprehension of occurrence of discharge of any pollutants in excess of quality and quantity as mentioned above to any receiving water body/system or to atmosphere owing to accident or other unforeseen incident/event including natural disaster and the Applicant shall take adequate steps to prevent such accidental event.

19. The Applicant shall apply for renewal of consent to State Board in prescribed form 60 (sixty) days before expiry of this Consent.

20. The Applicant shall not make any alteration/modification/expansion in the existing manufacturing process and equipment, pollution control system and shall not bring into any altered or new outlet/outfall or stack or change the place of discharge, without prior approval of the Board.

21. The Applicant shall comply with the conditions as laid down in the Manufacture, Storage and Import of Hazardous Chemicals Rules, 1989, Hazardous Wastes (Management & Handling) Rules, 1989 and Public Liability insurance Act, 1991.

Additional Conditions: This consent may be revoked in case of non-compliance of environment standards/movers or any valid public complaint against the unit.

For and on behalf of the Board



R. Sattu
(Member Secretary/Chief Engr./Sr. Env. Engr./Env. Engr./Asst. Engr./Sr. Scientist)
Environmental Engineer
Howrah Regional Office

Annexure-R₂

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: nct.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: 28-01-2025	Time: 1:00 PM.

RECORD OF PROCEEDINGS

Mr. Hemanta Tah & Others being the residents of Dharmatala Road Salkia Howrah, lodged a complaint 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.

Similar complaint was previously dealt by the Public Grievance Cell of the State Board on 22-12-2021 and 07-04-2022 and ROP were issued. Since, fresh allegation raised by the local resident a fresh report has been called for from, Officials of the Public Grievance Cell, WBPCB, and they caused a physical inspection and on 13-01-2025, a report they submitted. Based on the report, this proceeding has been initiated.

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

Observation:

1. The above-mentioned unit was engaged in manufacturing of aluminium utensil. The complainants reside at the opposite to the unit and there was municipal road about 25 ft width in between them.

2. The manufacturing process as follies: -

Aluminium scrap & ingot melting in to the LDO fired melting furnace to get billet- rolling in hot rolling machine-cutting/shearing in cutting/shearing machine-cold rolling for aluminium sheet making-cutting machine for circular cut- annealing in LPG fired annealing furnace-spinning in spinning machine.

3. During inspection it was noticed that the APCD connected with LDO fired melting furnace was not in operation and the duct line along with stack was also found in broken condition.

And put Remarks as:

1. The unit should repair their APCD at the earliest.

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To resolve the issue, notice has been issued upon the parties above to hear out them this day. Then one, Mr. Dipak Agarwal, claiming as partners of the M/s Swastik Aluminium Industries, appeared in person. None from the complainant side appeared.

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.

From the report it reveals that our officials do not notice any gross irregularity in running the unit expect maintaining the chimney/stack as it found as damaged.

During hearing the representative of the unit submits that they on getting notice of the Board, duly repaired the damaged chimney and furnished photograph to justify it.

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

1. *Operate by strictly complying with the terms and conditions as enumerated in the "Consent to Operate" certificate of the State Board;*
2. *Take appropriate air pollution control system for controlling emissions, so that the people living in the neighbourhood may not be inconvenienced due to emissions generated from its operation.*

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 their activities in any way, whatsoever.

The Commissioner, Howrah Municipal Corporation, may be kept informed of this order passed by the State Board today.

The Officer in Charge, Malipanchghora Police Station, is requested to oversee the compliance of this order.

Sd/-

(Dr. D. Chakraborty)

Sr. Scientific Officer & In-charge, P.G. Cell

Sd/-

[A. K. Choudhury, WBJS (Rtd.)]

Hearing Officer

Sd/-

(S. Saren)

Asst. Environmental Engineer

Sd/-

(S. Barua)

Asst. Environmental Engineer

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12

Memo No. 267 (A)-5L/WPB-2024/S-5552

Dated: 06-02-2025

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 Bengal.
2. Mr. Hemanta Tah & Others, Dharmatala Road, Dharmatala Bazar, P.O.: Salkia, P.S.: Malipanchghora, Dist: Howrah, Pin: 711106, West Bengal.
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 OSD (O & E Cell), WBPCB.
7. The Environmental Engineer & In charge, Howrah Regional Office, WBPCB, an intimation and necessary action.
8. The P.A. to the Member-Secretary, WBPCB.
9. Guard File.



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

Amraru-R₃

12



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. SL/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.

74

► 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

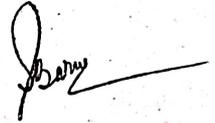
XS

Memo No. 563(1-10)·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

Amexwe-Ry



Swastika Aluminium Industries

55, DHARMOTALLAH ROAD, SALKIA, HOWRAH

Phone : 2655-5008 (O)

Mobile : 99030 52230

Fax : 2259-1830

Ref. No.

Date 14.05.2025

SB

To,

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 - 700027.

Sub:- Response to the letter (NOTICE) dated:- 16/5/2025.

Sir,

I Dipak Agarwal partner of Swastika Aluminium feels sorry to state that according to the hearing on 16/04/25. upon your direction I am not able to finish the repair work, but the repair is under process ~~so I have~~ and will be completed very urgently so for the time I have kept the furnace and A.P.C.D under maintenance and is shutdown. for the time. and the same was intimated to your good office at Maniognare, 8th Floor, 16/4/25

P.T.O.

145



Swastika Aluminium Industries

55, DHARMOTALLAH ROAD, SALKIA, HOWRAH

Phone: 2655-5008 (O)
Mobile: 99030 52230
Fax: 2259-1830

Ref. No.

Date: 14.5.25

To,
The Environmental Engineer, P.C.C.B.
W.B. Pollution Control Board.

The Environmental Engineer And In-charge,
Hark Regional Office.

Dear Sir/Madam,

I Dipak Agarwal Partner of Swastika Aluminium Industries received a call few days back about an hearing at your cotinued office at Manisgaore, 8th Floor, 164/1, Manikhat main Road, Kal-54. as I didnt received any letter from your end, so I personally appeared at the given time and date.

At the hearing I was asked to change/repair my A.P.C.D and the burner for the furnace.

Sir,

I am not able to do so till now but the work is under Process and will be done shortly, so far the time I have kept my furnace and A.P.C.D under maintenance and is shut down for the time, so soon as the repair work will be completed I will notify the production and will inform you.

Thank You

SWASTIKA ALUMINIUM INDUSTRIES

Dipak Agarwal

Part

Sign In Register

FA 3 हिन्दी ॐ



India Post
Dak Seva Jan Seva

You are here Home>> Track Consignment

Track Consignment

Quick help

* Indicates a required field.

* Consignment Number

EW290579970IN

Track More

Booked At	Booked On	Destination Pincode	Tariff	Article Type	Delivery Location
Howrah HO	22/05/2025 11:51:39	711106	53.10	Inland Speed Post	Alipore HO

Event Details For : EW290579970IN

Current Status : Item Onhold Door Locked-Intimation Served

Date	Time	Office	Event
24/05/2025	18:07:00	Alipore HO	Item Onhold Door Locked-Intimation Served
24/05/2025	10:21:51	Alipore HO	Out for Delivery
24/05/2025	08:21:39	Alipore HO	Item Received
24/05/2025	06:44:37	Kolkata RMS Mails TMO	Item Dispatched
24/05/2025	06:22:12	Kolkata RMS Mails TMO	Item Received
24/05/2025	03:43:09	KOLAP TMO	Item Dispatched
24/05/2025	03:36:52	KOLAP TMO	Item Received
24/05/2025	02:09:02	Kolkata NSH	Item Dispatched
24/05/2025	01:44:03	Kolkata NSH	Item Bagged
23/05/2025	10:04:19	Alipore HO	Item Redirected to Salkia HO Insufficient Address
23/05/2025	08:09:58	Alipore HO	Item Received
23/05/2025	02:36:32	Kolkata NSH	Item Received
23/05/2025	01:12:12	KOLAP TMO	Item Dispatched
23/05/2025	00:56:45	KOLAP TMO	Item Received
22/05/2025	19:58:57	Howrah Ground Mail Agent	Item Dispatched
22/05/2025	18:33:29	Howrah Ground Mail Agent	Item Received
22/05/2025	17:16:39	Howrah HO	Item Dispatched
22/05/2025	17:14:48	Howrah HO	Item Bagged



Ammexu-R5

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

13

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

To,
Sub Divisional Magistrate,
Sadar, Howrah,

20

Ref:- Memo No 1735/25/SS (c)

Respected Sir,

I, Dipak Agarwal, partner of Swastika Aluminium received an order on 26/06/2025 from you. Sir, this is for your kind notice that Swastika Aluminium is engaged in manufacturing of aluminium circle and aluminium utensils, major machines and the furnaces are used for melting and annealing aluminium for manufacturing aluminium circle and the chimney and A.P.C.D is used to control the smoke emitted from the melting furnace only. No gas or any smoke is released in any other procedure in the production line or cycle of manufacturing aluminium cycle and utensils.

According to the directions of the pollution control board. I could not complete the repair within the given time limit because of some financial and labour problems. So, I stopped the production of aluminium circle to carry on the repair work of the chimney and A.P.C.D and informed the pollution control board by a letter received by the department on 14/05/2025. I will *am* also attach the same.

Now all the repair work is completed according to the directions of the pollution control board. I hereby request your good self to please do an inspection so that i can start the production of aluminium circle.

No smoke is emitted during manufacturing of aluminium utensils. Please allow me to manufacture aluminium utensils as many families directly or indirectly are dependent on this manufacturing unit solely.

For any further clarification or instructions please contact me on +918820052230 or Swastika Aluminium Industries, 55 Dharamtala Road, Salkia, Howrah.

Thanking you,

Yours truly,

SWASTIKA ALUMINIUM INDUSTRIES

Dipak Agarwal
Partner

Dipak Agarwal

3/6/2025.

S. D. O. (S), Howrah
CONFIDENTIAL SECTION
RECEIVED
CONTENT NOT VERIFIED
03/07/25
Date.....

CC. To. Pollution Control Board.

To,
 Assistant Environmental Engineer, P.G. Cell,
 W.B. 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.

Ref:- Memo No 1735/25/SS (c)

Respected Sir,

I, Dipak Agarwal, partner of Swastika Aluminium received an order on 26/06/2025 from you.

Sir, this is for your kind notice that Swastika Aluminium is engaged in manufacturing of aluminium circle and aluminium utensils, major machines and the furnaces are used for melting and annealing aluminium for manufacturing aluminium circle and the chimney and A.P.C.D is used to control the smoke emitted from the melting furnace only. No gas or any smoke is released in any other procedure in the production line or cycle of manufacturing aluminium circle and utensils.

According to the directions of the pollution control board. I could not complete the repair within the given time limit because of some financial and labour problems. So, I stopped the production of aluminium circle to carry on the repair work of the chimney and A.P.C.D and informed the pollution control board by a letter received by the department on 14/05/2025. I will also attach the same.

Now all the repair work is completed according to the directions of the pollution control board. I hereby request your good self to please do an inspection so that i can start the production of aluminium circle.

No smoke is emitted during manufacturing of aluminium utensils. Please allow me to manufacture aluminium utensils as many families directly or indirectly are dependent on this manufacturing unit solely.

The same has been notified to the Sub Divisional Magistrate at Sadar, Howrah. The receiving letter has been attached.

For any further clarification or instructions please contact me on +918820052230 or Swastika Aluminium Industries, 55 Dharamtala Road, Salkia, Howrah.

Thanking you,

Yours truly

SWASTIKA ALUMINIUM INDUSTRIES

Dipak Agarwal
 Dipak Agarwal
 Partner

03.07.25.

*By Special Govt.
 Order - 5/11/25*

*Order 1/1/25
 Khandan 1/1/25*

22





24





Swastika Aluminium Industries

55, DHARMOTALLAH ROAD, SALKIA, HOWRAH

Phone : 2655-5008 (O)

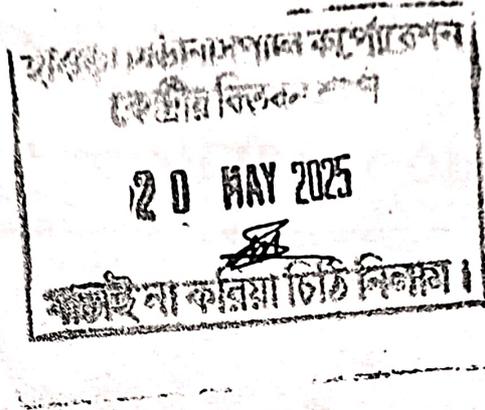
Mobile : 99030 52230

Fax : 2259-1830

Ref. No.

Date

To,
The licence officer (OSD)
Licence Department.
H.M.C
Howrah-2.



Ref:- H.M.C. Tradeliense NO.:- HMC/W6/61680/21.

Sub:- Non Renewal of the Trade licence.

Dear Sir,

I Dipak Agarwal Partner of Swastika Aluminium Industries at
55 Dharmotalla Road, Salkia, Howrah.

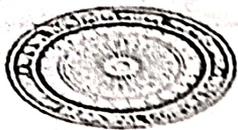
I am ~~try~~ trying to renew my above mentioned trade licence since
many day but I am not able to do so.

I am attaching my last renewed Trade licences ~~also~~ along with
my idher card, Pollution Certificate along with a Records of
Proceddy and its reply to the Pollution Control Board dated
:- 18/7/2022 and 15/4/2022.

Sir Please do the needfull and guide if I have to do something
in this regards. Thank You.

SWASTIKA ALUMINIUM INDUSTRIES

Dipak Agarwal 8820052230.
Partner



26

HOWRAH MUNICIPAL CORPORATION
 J. MAHATMA GANDHI ROAD, HOWRAH- 71101
 TEL: (91-33) 2638-3211-13, 2641-5281 : FAX(191-33)2641-5218/2214
LICENSE DEPARTMENT

Memo No. :-LID / 655/ 25-26

Date:- 11/ 07/ 25.

To
 M/S. Swastik Aluminium
 Mr. Dipak Agarwal & Others
 55, Dharmatala Road
 P.O.-Salkia, P.S.-Malipanchghora
 Howrah-711106

In reference to your prayer for unblocking your trade license bearing no. HMC/W6/61680/21. this inform that you have to submit the installation documents of APCD to control emission of the black smoke the compliance report for maintaining environmental norms submitted to the Howrah Regional Office to License Department, Howrah Municipal Corporation.

Encl: - PCB Proceedings.


 OSD (License Dept.)
 Howrah Municipal Corporation.

27



Swastika Aluminium Industries

55, DHARMOTALLAH ROAD, SALKIA, HOWRAH

Phone : 2655-5008 (O)
Mobile : 99030 52230
Fax : 2259-1830

Ref. No. :

Date : 19/07/2025.

To,
The OSD (Licence Department)
Howrah Municipal Corporation.
4, Mahatma Gandhi Road, Howrah - 711002.

Ref:- Memo No. :- LID/655/25-26.

Respected Sir,

In reference to your letter dated 11/7/2025. I hereby
pray again to your goodself. to please unblock my
trade licence bearing NO. HMC/WG/62680/21.

I have installed the APCD many years back only now I have
repaired the APCD along with chimney and topper and other
required equipments to control emission of the black smoke
and informed the concern departments also.

Sir I am attaching the documents to this reply/letter/prayer
for your reference.

Please do the needfull at its earliest and advise.

Thank you.

SWASTIKA ALUMINIUM INDUSTRIES

Dipak Agarwal
Partner



S.M. SCIENTIFIC SERVICE

Environmental Laboratory Recognised by West Bengal pollution Control Board
486, Dum Dum Park, Kolkata - 700 055 - Mob. 98300 84373 / 86228 46149 / 90514 62716
E-mail : smscientificservice@yahoo.co.in

Annexure-R7

28

FORMAT NO.: SMSS/SM/01 ISSUE NO.: 01 ISSUE Dt.: 01.01.2023 (Rev No.:01)
Report No.: 228D/SAI/MON/2025

Date: 10.07.2025

ANALYSIS REPORT OF FLUE GAS

Name Of Industry	M/S. Swastik Aluminium Industries.
Address	55, Dharmatala Road, Salkia, Howrah - 711 106
Date Of Sampling	07.07.2025
Time Of Sampling	12:30 hrs.

A. General Information about Stack			
1.	Stack Connected to	Pot Furnace	
2.	Emission due to	Combustion of L.D.O	
3.	Material of Construction of Stack	M.S.	
4.	Shape of Stack	Circular	
5.	Whether Stack is provided with Permanent Platform & Ladder	Permanent	
6.	Capacity	Pot Furnace - 50 Kg/hr.	
B. Physical Characteristics of Stack			
1.	Height of the Stack		
	(a) From Ground Level (m) : 18.29	(b) From Roof Level (m) : ---	2. Height of the sampling point from GL (m) : ---7.62
3.	Diameter of the Stack		
	(a) at bottom (m) : ---	(b) at top (m) : ---0.40	4. Diameter of the Stack at sampling point (m) : 0.40
C. Analysis/Characteristics of Stack			
1.	Fuel used	Pot Furnace - L.D.O	
2.	Fuel consumption	L.D.O - 6 Lit/hr	
D. Results of sampling & analysis of gaseous emission			
		Method No.	Result
1.	Temperature of emission ($^{\circ}$ C)	IS 11255(PART 1)	62
2.	Barometric pressure (mm Hg)	---	754
3.	Velocity of gas in duct (M/Sec)	IS 11255 (PART 3)	4.35
4.	Quantity of gas flow ($\text{Nm}^3/\text{Hr.}$)	IS - 11255 (Part - 3)	1686.35
5.	Concentration of SO_2 (mg/Nm^3)	IS - 11255 Part - 2, 1985 RA:2003	22.0
6.	Concentration of NO_2 (mg/Nm^3)	IS - 11255 (Part - 7) 2005, RA:2012	---
7.	Concentration of CO (% V/V)	IS - 13270 - 1992 RA:2003	---
8.	Concentration of CO_2 (% V/V)	IS - 13270 - 1992 RA:2003	3.2
9.	Concentration of PM (mg / Nm^3)	IS - 11255 (Part - 1) 1985 RA:2003	34.0
E. Pollution Control Device			
1.	Details of pollution control device attached with the stack	Wet Scrubber	
Remarks: All the information under A, B & C is supplied by the respective industry.			

--- End Of The Report ---

For S. M. Scientific Service

(Lab. In charge)



Disclaimer :

- SMSS/LAB, Testing Laboratory shall not be responsible with respect to any claim, damage or losses from the use of above test
- The above test Results are related to sample tested.
- Test report shall not be reproduced except in full, without written approval by the laboratory
- The test results cannot be used as evidence in any court or legal proceedings

S.M. SCIENTIFIC SERVICE

Environmental Laboratory Recognised by West Bengal pollution Control Board

Laboratory :
486, Dum Dum Park.
Kolkata - 700 055, ☎ : (033) 2590 8629

Office :
237K, Manicktala Main Road. Kolkata - 700 054,
Mob. 98300 84373 / 86228 46149 / 90514 62716
E-mail : sma scientificservice@yahoo.co.in

Ref. No.: 165D/AIR/MON/2022

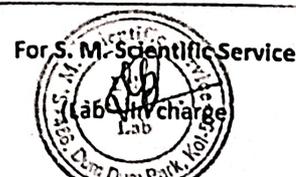
Date: 29-09-2022

ANALYSIS REPORT OF FLUE GASES

Name Of Industry	M/S. Swastik Alluminium Industries.
Address	55, Dharmatala Road, Salkia, Howrah - 711 106
Date Of Sampling	22-09-2022
Time Of Sampling	12:45 hrs.

A	<u>General Information about Stack</u>	
1.	Stack Connected to	Pot Furnace & Annealing Furnace (Attached with Common Stack)
2.	Emission due to	Combustion of L.D.O. & L.P.G.
3.	Material of Construction of Stack	M.S.
4.	Shape of Stack	Circular
5.	Whether Stack is provided with Permanent Platform & Ladder	Permanent
6.	Capacity	Pot Furnace - 30 Kg/hr. Annealing Furnace - 70 MT/Charge
B.	<u>Physical Characteristics of Stack</u>	
1.	Height of the Stack	
	(a) From Ground Level (m)	18.29
	(b) From Roof Level (m)	---
2.	Height of the sampling point from GL (m)	7.62
3.	Diameter of the Stack	
	(a) at bottom (m)	---
	(b) at top (m)	0.40
4.	Diameter of the Stack at sampling point (m)	0.40
C.	<u>Analysis/Characteristics of Stack</u>	
1.	Fuel used	Pot Furnace - L.D.O Annealing Furnace - L.P.G.
2.	Fuel consumption	L.D.O. - 6 Lit/hr & L.P.G. - 120 Kg/Month
3.	Calorific value (K-Cal/Kg.)	---
4.	Sulphur content (% by Wt)	---
5.	Ash content (% by Wt)	---
D.	<u>Results of sampling & analysis of gaseous emission</u>	
1.	Temperature of emission (°C)	82
2.	Barometric pressure (mm Hg)	757
3.	Velocity of gas in duct (M/Sec)	8.29
4.	Quantity of gas flow (Nm ³ /Hr.)	3251.48
5.	Concentration of SO ₂ (mg/Nm ³)	33
6.	Concentration of NO ₂ (mg/Nm ³)	---
7.	Concentration of CO (% V/V)	---
8.	Concentration of CO ₂ (% V/V)	5.8
9.	Concentration of PM (mg / Nm ³)	71
E.	<u>Pollution Control Device</u>	
F.	<u>Details of pollution control device attached with the stack</u>	Wet Scrubber
Remarks: All the information under A, B & C is supplied by the respective industry. At the time of sampling both the furnaces were running.		

SWASTIK ALUMINIUM INDUSTRIES
Dipak Agarwal
Partner



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

O.A NO. 52/2025/EZ

In The Matter of:-

Hemanta Tah & Ors.

..... Applicants

- Versus-

State of West Bengal & Ors.

... Respondents

**COUNTER AFFIDAVIT ON BEHALF OF
RESPONDENT NUMBER 04, M/S
SWASTIKA ALUMINIUM INDUSTRIES.**

Filed by:

Mr. KRISHNENDU BERA
Advocate,
High Court, Calcutta
(M): 9804470595
Email: krishnendubera87@gmail.com