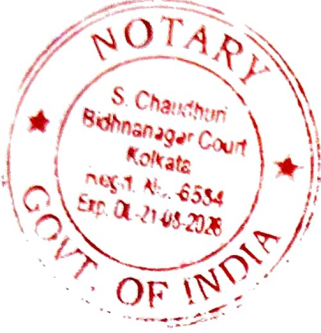




**BEFORE THE HON'BLE NATIONAL GREEN TRIBUNAL
EASTERN ZONE BENCH, KOLKATA
ORIGINAL APPLICATION NO.84/2025/EZ**



In The Matter of:-

Ravi Shankar Yadav

..... Applicant

- Versus-

The West Bengal Pollution Control
Board & Ors.

...Respondents

**FACT FINDING COMMITTEE REPORT IN THE FORM OF AFFIDAVIT ON
BEHALF OF RESPONDENT NUMBER 06, DISTRICT MAGISTRATE &
COLLECTOR, DISTRICT SOUTH (24) PARGANAS**

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Filed by:

Sibojyoti Chakrabarti

Mr. SIBOJYOTI CHAKRABARTI,

Advocate,

State of West Bengal

(M): 9007035534

Email: subho.advocate@gmail.com



**BEFORE THE HON'BLE NATIONAL GREEN TRIBUNAL
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In The Matter of:-

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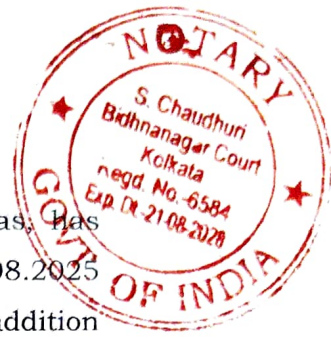
The West Bengal Pollution Control
Board & Ors.

...Respondents

**FACT FINDING COMMITTEE REPORT IN THE FORM OF AFFIDAVIT ON
BEHALF OF RESPONDENT NUMBER 06, DISTRICT MAGISTRATE &
COLLECTOR, DISTRICT SOUTH (24) PARGANAS**

I, Sri Sumit Gupta, S/o Shri S. K. Gupta, aged about 42 years, by faith-Hindu, by occupation- government service and presently posted as District Magistrate & Collector, South (24) Parganas, having office at New Administrative Building, Alipore, Kolkata: 700027, West Bengal, do hereby solemnly affirm and declare as follows: -

1. That I am presently posted as District Magistrate & Collector, South (24) Parganas, having office at New Administrative Building, Alipore, Kolkata: 700027 and I am well acquainted with the facts and circumstances of the case and I have been duly authorized to swear, sign and affirm this affidavit.



2. That the District Magistrate & Collector, South (24) Parganas, has been impleaded as a party respondent vide Solemn Order dated 18.08.2025 on the basis of I. A. No. 58/2025/EZ preferred by this deponent for addition of party.

3. That this Fact Finding Committee Report in the form of affidavit is being filed in compliance to the Solemn Order dated 18.08.2025 passed by the Hon'ble National Green Tribunal, Eastern Zone Bench, Kolkata.

4. That in the said Solemn Order in paragraph 4, it has been observed by the Hon'ble Tribunal, that the learned advocate accepts notice on behalf of the newly added respondent number 6, i.e. the District Magistrate & Collector, South (24) Parganas and prayed for time to file response along with copy of the report of the fact finding committee.

5. That as per Solemn Order passed by the Hon'ble Tribunal, a Committee has been constituted and the said Committee visited the site in question on 26.05.2025 comprising of the following officials:

- (i) Mr. Souvik Ganguly, Assistant Environmental Engineer In-Charge, Kolkata regional office, WBPCB;
- (ii) Mr. Saddam Navas, Additional District Magistrate and District Land & Land Reforms Officer, as representative of the District Magistrate, South (24) Parganas;
- (iii) Mr. Prabir Dutta, Executive Engineer (Civil), Building department Borough-V, Kolkata Municipal Corporation.

6. That the following observations have been made by the Committee:

- i. The project site is entirely enclosed by a boundary wall.
- ii. No construction materials were stored on-site.
- iii. No Ready-Mix Concrete (RMC) plant was found within the project premises.

4

Further, from the report of Senior Environmental Engineer in-charge of Kolkata Regional Office, it has been confirmed that, the Environmental Clearance from State Environment Impact Assessment Authority (SEIAA) has issued the clearance vide EC Identification no. EC23B038WB110954 dated 13/12/2023, vide CTE No.: WBPCB/4578694/2023 dated 22/01/2024 and made the following recommendations,

A. The Project Proponent should strictly abide by the conditions given in the above mentioned Environmental clearance issued by SEIAA, West Bengal and Consent to Establish issued by WBPCB.

B. Construction area should be adequately barricaded to minimize generation of dust and noise.

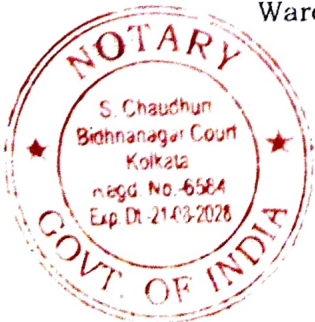
C. Regular water sprinkling arrangements.

(Copy of the report along with all other documents are attached and collectively marked as Annexure A)

7. Later the Executive Engineer (Building), Borough - V, Building Department, K.M.C has submitted the following in his report to support his observation:

a. The building sanction/ permit vide B.P. No.2023050011 date 21/07/2023 for raising G+32 (127.00 Meter Height) High-Rise Building followed by further sanction vide B.P. No. 2024050012 dated 28/09/2024 for raising G+39 (155.00 meter height) was granted to the project proponent.

b. Permission was granted from the State Water Investigation Directorate (SWID) vide permit no.- P133706045000000002501TSE dated 29/09/2024, for sinking of new well (Abstraction of ground water for Industrial/ Infrastructural/commercial use) at plot no. 00000/00025, Assesse No-110453300262 in favour of Bengal Bonded Warehouse Limited'. Such permission is granted u/s7



09 SEP 2025

iv. The Project Proponent (PP) has stated the following points during inspection,

a. The piling and diaphragm wall construction have been completed, while work on the Weller beams of the diaphragm wall is currently underway.

b. All concrete used is procured from external RMC suppliers.

c. All casting activities are carried out at night, for which prior approval has been obtained from the Kolkata Municipal Corporation (KMC).

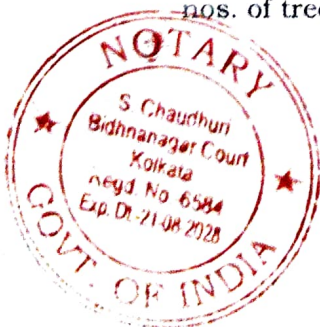
d. The permission has been secured from the State Water Investigation Directorate (SWID), West Bengal, to operate a single bore well with a water withdrawal limit of 5 cubic meters per hour for up to 4 hours per day. However, during the said visit there was no operation of any pump or bore well which indicates pumping out of ground water from the said premises.

v. During the visit there was no indication or exposure of environmental pollution due to dust and noise from the site.

vi. The Senior Environmental Engineer in-charge, Kolkata Regional Office, during the inspection submitted that, the alleged unit has obtained Environmental Clearance from State Environment Impact Assessment Authority (SEIAA), West Bengal and Consent to Establish from West Bengal Pollution Control Board (WBPCB).

vii. During the visit the Executive Engineer (Building), Borough - V, Building Department, KMC submitted that, a building sanction/ permit to raise G+32 (127.00 Meter Height) High-Rise Building followed by further sanction to raise G+39 (155.00 meter height, was granted in the name of 'Bengal Bonded Warehouse Limited', the Project Proponent.

viii. One old mango tree was observed near the boundary wall on the northern side of the project. The unit has proposed to plant further 160 nos. of trees of different local species within the project area.



(3)(6)/7(4)(b)/7(5)(6) of the West Bengal Water Resources (Management Control and Regulation) Act, 2005.

c. Permission is granted from the erstwhile Executive Engineer (Building)/ Br-V for carrying out constructional works between hours of Sunset to Sunrise at premises no-25 N.S. Road, Ward No045, Borough -V under rule 34(1) of the KMC Building Rules 2009.

(Copy of the report along with all other documents are attached and collectively marked as Annexure B)

In light of the aforementioned facts and observations, it is evident that the builder of the said site has obtained all necessary approvals and has complied with the conditions stipulated therein. However, a constant vigil by the Building Department of KMC and the WBPCB must be maintained to ensure that the surrounding neighborhood does not face any environmental hazards or disruption to public life.

Photocopy of the Committee Report along with all enclosures are collectively annexed herewith and marked with the letter 'R-1'.

8. That the statements made in paragraph 1 is true to my knowledge and paragraphs 2 to 6, 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

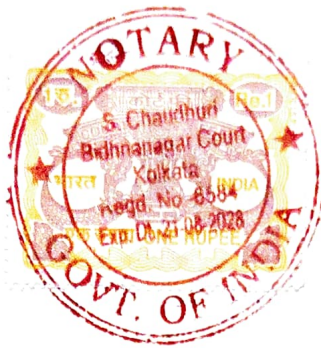
Sibojyoti Chakrabarti
Advocate
09.09.2025
State of West Bengal

Amil Kumar
Deponent

District Magistrate,
South 24-Parganas

6
S. CHAUDHURI
★ NOTARY ★
GOVT. OF INDIA
Regd. No.-6584/08
Bidhannagar Court
Dist -North 24 Pgs

09 SEP 2025



Verification

I, the deponent within named, 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.

hr / Verified at Kolkata on this the *9th* Day of September, 2025.

Identified by me

Sibojyoti Chakrabarti
Advocate *09.09.2025*

State of West Bengal

Anillupty
Deponent

District Magistrate,
South 24-Parganas

[Signature]
S. CHAUDHURI
★ NOTARY ★
GOVT. OF INDIA
Regd. No.-6584/06
Bidhannagar Court
Dist.-North 24 Pgs

09 SEP 2025

Minutes of Field Inspection caused by Fact Finding Committee in compliance to the solemn order Passed by Hon'ble National Green Tribunal dated 14.05.2025 in the matter of RAVI SHANKAR YADAV Vs. THE WEST BENGAL STATE POLLUTION CONTROL BOARD bearing O.A Case no. 84/2025/EZ

1. In compliance with the solemn order of Hon'ble National Green Tribunal, Eastern Zone Bench dated 14.05.2025, in the matter of RAVI SHANKAR YADAV Vs. THE WEST BENGAL STATE POLLUTION CONTROL BOARD bearing O.A Case no. 84/2025/EZ in which the Hon'ble Court has directed,

"13. Considering the allegations made, we deem it appropriate to constitute a Fact Finding Committee comprising of the following Members:-

- i. Senior Scientist, West Bengal Pollution Control Board;*
- ii. Municipal Commissioner, Kolkata Municipal Corporation, or his representative; and*
- iii. District Magistrate, District- Kolkata or his representative not below the rank of Additional District Magistrate (ADM).*

14. The Committee shall visit the site in question...

15. The District Magistrate, District – Kolkata shall be the Nodal office for all logistic purposes and for filing the Fact finding Report on affidavit."

2. To comply with the direction of the Hon'ble Tribunal (quoted above) the date of enquiry has been fixed on 26th May, 2025 at 12:00 noon.

On the date of inspection, following officials were present:

- i. Mr. Shouvik Ganguly, Assistant Environmental Engineer in-charge, Kolkata Regional Office, WBPCB,*
- ii. Mr. Saddam Navas, IAS, Additional District Magistrate and District Land and Land Reforms Officer, South 24 Parganas as a representative of District Magistrate, South 24 Parganas,*
- iii. Mr. Prabir Dutta, Executive Engineer (Building), Borough – V, Building Department, KMC as representative of Municipal Commissioner, Kolkata Municipal Corporation, were present at the alleged site 25, Netaji Subhas Road, P.Share Street, Kolkata-700001.*

3. During the visit, it was observed that,

- i. The project site is entirely enclosed by a boundary wall.
- ii. No construction materials were stored on-site.
- iii. No Ready-Mix Concrete (RMC) plant was found within the project premises.
- iv. The Project Proponent (PP) has stated the following points during inspection,
 - a. The piling and diaphragm wall construction have been completed, while work on the Weller beams of the diaphragm wall is currently underway.
 - b. All concrete used is procured from external RMC suppliers.
 - c. All casting activities are carried out at night, for which prior approval has been obtained from the Kolkata Municipal Corporation (KMC).
 - d. The permission has been secured from the State Water Investigation Directorate (SWID), West Bengal, to operate a single bore well with a water withdrawal limit of 5 cubic meters per hour for up to 4 hours per day. However, during the said visit there was no operation of any pump or bore well which indicates pumping out of ground water from the said premises.
- v. During the visit there was no indication or exposure of environmental pollution due to dust and noise from the site.
- vi. The Senior Environmental Engineer in-charge, Kolkata Regional Office, during the inspection submitted that, the alleged unit has obtained Environmental Clearance from State Environment Impact Assessment Authority (SEIAA), West Bengal and Consent to Establish from West Bengal Pollution Control Board (WBPCB).
- vii. During the visit the Executive Engineer (Building), Borough - V, Building Department, KMC submitted that, a building sanction/ permit to raise G+32 (127.00 Meter Height) High-Rise Building followed by further sanction to raise G+39 (155.00 meter height, was granted in the name of 'Bengal Bonded Warehouse Limited', the Project Proponent.

viii. One old mango tree was observed near the boundary wall on the northern side of the project. The unit has proposed to plant further 160 nos. of trees of different local species within the project area.

4. Further, from the report of Senior Environmental Engineer in-charge of Kolkata Regional Office, it has been confirmed that, the Environmental Clearance from State Environment Impact Assessment Authority (SEIAA) has issued the clearance vide EC Identification no. EC23B038WB110954 dated 13/12/2023, vide CTE No.: WBPCB/4578694/2023 dated 22/01/2024 and made the following recommendations,

- A. The Project Proponent should strictly abide by the conditions given in the above mentioned Environmental clearance issued by SEIAA, West Bengal and Consent to Establish issued by WBPCB.
- B. Construction area should be adequately barricaded to minimize generation of dust and noise.
- C. Regular water sprinkling arrangement to be provided in order to mitigate fugitive emission.”

(Copy of the report along with all other documents are attached and collectively marked as Annexure A)


5. Later the Executive Engineer (Building), Borough – V, Building Department, K.M.C has submitted the following in his report to support his observation,
- a. the building sanction/ permit vide B.P. No.2023050011 date 21/07/2023 for raising G+32 (127.00 Meter Height) High-Rise Building followed by further sanction vide B.P. No. 2024050012 dated 28/09/2024 for raising G+39 (155.00 meter height) was granted to the project proponent.
 - b. permission was granted from the State Water Investigation Directorate (SWID) vide permit no.- P133706045000000002501TSE dated 29/09/2024, for sinking of new well (Abstraction of ground water for Industrial/ Infrastructural/commercial use) at plot no. 00000/00025, Assessee No-110453300262 in favour of 'Bengal Bonded Warehouse Limited'. Such permission is granted u/s7 (3)(6)/7(4)(b)/7(5)(6) of the West Bengal Water Resources (Management Control and Regulation) Act, 2005.

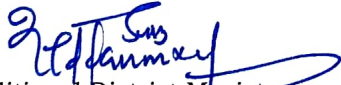
- c. permission is granted from the erstwhile Executive Engineer (Building)/ Br-V for carrying out constructional works between hours of Sunset to Sunrise at premises no-25 N.S. Road, Ward No-045, Borough -V under rule 34(1) of the KMC Building Rules 2009.

(Copy of the report along with all other documents are attached and collectively marked as Annexure B)

6. In light of the aforementioned facts and observations, it is evident that the builder of the said site has obtained all necessary approvals and has complied with the conditions stipulated therein. However, a constant vigil by the Building Department of KMC and the WBPCB must be maintained to ensure that the surrounding neighbourhood does not face any environmental hazards or disruption to public life.


Assistant Environmental Engineer,
Kolkata Regional Office, WBPCB


Executive Engineer (Building), Borough
- V, Building Department, KMC


Additional District Magistrate and
District Land and Land Reforms Officer,
South 24 Parganas

**BEFORE THE HON'BLE
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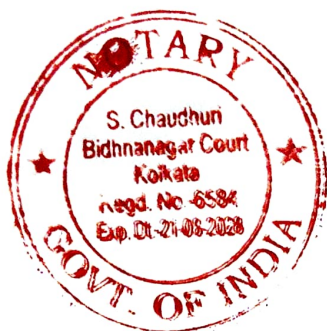
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**FACT FINDING COMMITTEE
REPORT IN THE FORM OF
AFFIDAVIT ON BEHALF OF
RESPONDENT NUMBER 06,
DISTRICT MAGISTRATE &
COLLECTOR, DISTRICT SOUTH
(24) PARGANAS**

Submitted by:

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

09 SEP 2025