

*For copy by  
Subhas Datta*

BEFORE THE HON'BLE NATIONAL GREEN TRIBUNAL  
EASTERN ZONE BENCH, KOLKATA  
ORIGINAL APPLICATION NO. 214 of 2025/EZ

In the matter of:

Subhas Datta

.....Applicant

-Versus-

State of West Bengal & Others

.....Respondents

COMPLIANCE AFFIDAVIT ON BEHALF OF THE DISTRICT MAGISTRATE &  
COLLECTOR, ALIPURDUAR

INDEX

SL. NO.	PARTICULARS	ANNEXURE	PAGE
1.	Compliance Affidavit		1 to 5
2.	Report of the Joint Committee as constituted by the Hon'ble National Green Tribunal	A	6 to 13

Filed by:

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BEFORE THE NOTARY PUBLIC AT ALIPURDUAR, DIST. ALIPURDUAR

BEFORE THE HON'BLE NATIONAL GREEN TRIBUNAL  
EASTERN ZONE BENCH, KOLKATA  
ORIGINAL APPLICATION NO. 214 of 2025/EZ

SL.NO. 10/26  
Date 13/03/2026

In the matter of:

Subhas Datta

.....Applicant

-Versus-

State of West Bengal & Others

.....Respondents

District Magistrate  
Alipurduar

COMPLIANCE AFFIDAVIT ON BEHALF OF THE DISTRICT MAGISTRATE &  
COLLECTOR, ALIPURDUAR

I, ABHIJIT TUKARAM SHEVALE, son of TUKARAM SHEVALE, aged about 38 years, by faith-Hindu, by occupation- service, now posted as District Magistrate & Collector, Alipurduar in the office of District Magistrate & Collector, Alipurduar, do hereby solemnly affirm and say as follows:

1. That, I am the District Magistrate & Collector, Alipurduar and I have made myself acquainted with the facts and circumstances of this case and competent to affirm this affidavit.

2. That the above-captioned Original Application bearing O.A. No. 214/2025/EZ was filed before this Hon'ble Tribunal raising grievances pertaining to Bio-Medical Waste (BMW) management at Alipurduar District Hospital and surrounding Health Care Facilities (HCFs) in Alipurduar District.

3. That this Hon'ble Tribunal, vide its solemn Order dated 06.01.2026, was pleased to constitute a Joint Committee comprising of the following members :

- (i) Central Pollution Control Board (CPCB),
- (ii) West Bengal State Pollution Control Board (WBSPCB); and
- (iii) District Magistrate, Alipurduar District,



13/03/26

The said Order further directed the Committee to meet within two weeks, undertake visits to the hospital and other sites/HCFs, look into the grievances of the Applicant, associate the Applicant and representatives of the concerned project proponents, verify the factual position, and suggest appropriate remedial action. The District Magistrate, Alipurduar District will be the nodal agency for co-ordination and compliance.

4. That in compliance with the directions of this Hon'ble Tribunal, the Joint Committee held a Pre-Inspection Meeting at the Office of the District Magistrate, Alipurduar, on 19.01.2026. During the meeting, the Bio-Medical Waste Management Rules, 2016 and the subject matter were discussed. An Inspection Team was constituted, and the following facilities were identified for inspection:

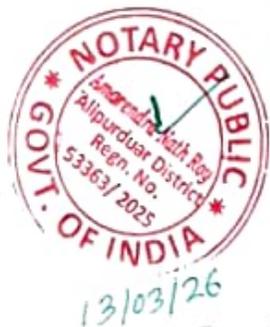
- (i) Alipurduar District Hospital;
- (ii) M/s. Maa Seva Ashram Nursing & Diagnostic Centre;
- (iii) M/s. JD Healthcare; and
- (iv) Municipal Solid Waste Processing Centre at Purba Majherdabri, Alipurduar, operated by M/s. Parashmani Organic & Agri Product (P) Ltd.

5. That the Joint Committee thereafter conducted physical inspections of all the above-identified facilities and thereafter submitted a detailed Report along with the covering forwarding letter,

Photocopy of the said *Joint Committee* report is annexed herewith and marked as Annexure "A".

6. That the salient findings of the Joint Committee Report, inter alia, are as follows:

- (A) Alipurduar District Hospital: The hospital (424-bed capacity) was found to be operating without a valid Consent to Operate (CTO) and



Bio-Medical Waste Authorization (BMWA), both having expired on 30.04.2022. A large quantity of mixed legacy bio-medical waste covering approximately 140 square metres was found stored under open sky. No Effluent Treatment Plant (ETP) existed on the hospital premises. However, at present, no new bio-medical waste is being dumped in the legacy waste area, and the hospital is currently disposing of BMW through the authorized CBMWTF, M/s. Unique Universal Bio Waste LLP.

- (B) M/s. Maa Seva Ashram Nursing & Diagnostic Centre: The nursing home (62 beds) was found operating with valid CTO and BMWA, both valid up to 31.12.2028. However, the BMW storage room was found to lack colour-coded chambers, bio-hazard symbols, and a lock-and-key arrangement. The ETP was found to be defunct.
- (C) M/s. JD Healthcare: The nursing home (103 beds) was found operating with valid CTO and BMWA, both valid up to 31.01.2030. The intermediate BMW storage room was constructed in an open area and lacked bio-hazard symbols, colour-coded closed chambers, and a lock-and-key system. The ETP was found to be defunct.
- (D) Municipal Solid Waste Processing Centre, Purba Majherdabri: The agency M/s. Parashmani Organic & Agri Products (P) Ltd. has obtained valid CTO up to 31.01.2030. Municipal solid waste was found being segregated and biodegradable fraction was being composted. Some BMW-contaminated municipal solid waste was observed on the premises, which the agency stated is sent to an authorized CBMWTF for treatment and disposal.

7. That the Joint Committee, vide its Report, has recommended the following remedial measures:

- (i) Alipurduar District Hospital shall immediately comply with the BMW (Management and Administration) Rules, 2016 and take necessary steps to obtain CTO and BMW Authorization from WBPCB;



13/03/26

- (ii) The ETP should be developed on a priority basis and a proper drainage system should be constructed to convey liquid waste to the ETP;
- (iii) All staff handling Bio-Medical Waste in the District Hospital and other health facilities shall be trained regularly;
- (iv) WBPCB shall monitor the pollution-related parameters in these facilities on a regular basis;
- (v) The process of lifting and disposal of legacy solid waste mixed with BMW dumped within the district hospital premises shall be expedited through a WBPCB-registered CBMWTF;

BMW-contaminated municipal solid waste stored at the Municipal Solid Waste Processing Centre shall be properly organized, covered with tarpaulin, and disposed of immediately in accordance with applicable rules.

8. It is respectfully submitted that this deponent shall abide by any order or direction, passed by this Hon'ble Tribunal.

9. That the statements made in paragraph 1 to 7 are based on information derived from the record which are usually kept and maintained by the office of District Magistrate & Collector, Alipurduar in the ordinary course of business and which I believe to be true and rest thereof are my humble submission before this Hon'ble Tribunal.

Prepared in my office

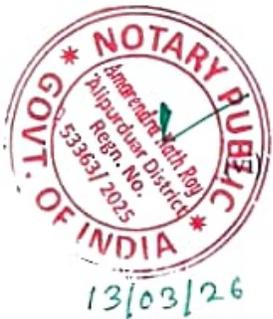
Advocate

  
Deponent District Magistrate  
Alipurduar

**IDENTIFIED BY ME**

  
ADVOCATE  
ALIPURDUAR COURT  
Sl.No. 1477 Dt. 13.3.26

Solemnly affirmed before me  
at Alipurduar on 13/03/26  
  
13/03/26  
Amarendra Nath Roy  
Advocate  
Notary Public (Govt. of India)  
Regn. No.-53363 / 2025  
P.O. & Dist. Alipurduar



**BEFORE THE HON'BLE NATIONAL GREEN TRIBUNAL**  
**(EASTERN ZONE BENCH, KOLKATA)**  
**O.A. NO. 214 of 2025/EZB ORIGINAL APPLICATION**

In the matter of:

Subhas Datta .....Applicant

-Versus-

State of West Bengal and Others.....Respondents

**Report of the Joint Committee as constituted by the Hon'ble National Green Tribunal (Eastern Zone Bench) in terms of Order dated 06.01.2026 in Original Application No. 214/2025/EZ**

The Hon'ble National Green Tribunal (Eastern Zone Bench) has graciously been pleased to pass an Order dated 06.01.2026 in Original Application No. 214/2025/EZ in the matter of Subhas Dutta Vs State of West Bengal & Others inter alia, by constituting a committee with the following members -

S. No.	Committee Member	Function
1.	Smt. R. Vimala, IAS. District Magistrate, Alipurduar (Nodal Agency)	Committee Member & Nodal Agency
2.	Sri Sukhendu Biswas, Scientist 'B' CPCB Regional Directorate, Kolkata (Representatives of Central Pollution Control Board)	Committee Member
3.	Dr.Prasun Kr. Mondal, Asst. Environmental Engineer & In-charge, Siliguri Regional Office, WBPCB (Representatives of West Bengal State Pollution Control Board)	Committee Member

As per the said order it was inter alia directed as follows :-

*"...to meet within two weeks, undertake visits to the hospital and other sites/HCFs etc., look into the grievances of the applicant, associate the applicant and representative of the concerned project proponents, verify the factual position and suggest appropriate remedial action."*

As per the directions of the Hon'ble NGT, the following steps have been followed by the Joint Committee:

## I. Pre-Inspection Meeting:

As directed by the Hon'ble NGT order dated 06.01.2026, before proceeding for inspection, the Committee Members met at the Office of the District Magistrate, Alipurduar, on 19.01.2026 at 12:00 Noon.

During the meeting, the District Magistrate, Alipurduar briefed the Committee on the subject matter about the Bio-Medical Waste (BMW) management at Alipurduar District Hospital. The Bio-Medical Waste Management Rules, 2016, and subsequent amendments were also discussed. It was decided, in compliance with the directions of the Hon'ble NGT, that the Inspection Team would conduct visits to the District Hospital and some nearby private Hospitals. Hence the following facilities were identified.

- (i) Alipurduar District Hospital
- (ii) M/s. Maa Seva Ashram Nursing & Diagnostic Centre
- (iii) M/s. JD Healthcare
- (iv) Municipal Solid Waste Processing Centre at Purba Majherdabri, Alipurduar operated by M/s Parashmani Organic & Agri Product (P) Ltd.

It was further decided that, during the inspection of the healthcare facilities, all requisite statutory documents, including Consent to Operate and other relevant authorisations, would be verified.

Inspection Team was finalised as below:-

1. Shri Mrityunjoy Dutta, Dy. Magistrate & Dy. Collector, Officer-in-Charge, Health Section, DM Office, Alipurduar.
2. Shri Sukhendu Biswas (Scientist 'B'), CPCB, RD Kolkata.
3. Dr. Prasun Kr. Mondal, (AEE & In-charge) Siliguri RO, WBPCB.
4. Dr. Supriya Choudhuri, Dy. CMOH-II, Officials from Office of the CMOH, Alipurduar.
5. Shri Eugene Moktan, Executive Officer, Alipurduar Municipality.
6. Mr. R. Karmakar (JEE) Siliguri RO, WBPCB.

## II. Visit to Alipurduar District Hospital:

The Inspection Team visited the Alipurduar District Hospital to verify the factual position. The Superintendent of Alipurduar District Hospital was present during the inspection. The following observations were made during the inspection:

**A. General Observation:**

- a. The hospital, with a sanctioned bed capacity of 424 beds, functions as a major public healthcare institution and plays a central role in district health service delivery
- b. The hospital was found to be operating without a valid Consent to Operate (CTO) and Bio-Medical Waste Authorization (BMWA) issued by the WBPCB.
  - Consent to Operate (CTO) vide Memo No. 06/2S/CON(BM)-1536/2003 dated 20.02.2019 valid till 30.04.2022.
  - Bio-Medical Waste Authorization (BMWA) vide Memo No. 05/25(BM)-1038/2001 dated 20.02.2019 valid till 30.04.2022.
- c. A large quantity of mixed legacy bio-medical waste covering an area of approximately 140 square meters was observed stored under open sky within a tin-sheet enclosure adjacent to the Morgue and intermediate Bio-Medical Waste storage room. Vegetation cover was observed growing over the accumulated waste. The final treatment & disposal of the legacy BMW through WBPCB approved third party, is currently under tender process by the Health Department.
- d. At present, no bio-medical waste is being dumped in this area and presently the district hospital use to dispose of BMW through common facility M/s Unique Universal Bio Waste LLP.
- e. No Effluent Treatment Plant(ETP) in the hospital premises was found. It was also observed that no proper drainage system exists for conveyance of wastewater generated from healthcare activities. The hospital authority state that necessary steps for installing ETP have already been initiated and it is under process of approval.

**B. Status of compliance with the provisions of the Bio-Medical Waste (Management & Handling) Rules, 2016 observed during inspection on 19.01.2026:**

- a) **Segregation of BMW:** Upon inspection of random wards in the hospital, it was observed that source segregation of Bio-Medical Waste (BMW) was only partially complied with Schedule-I of the BMW Rules, 2016. In some wards, Bio-Medical Waste mixed with Municipal Solid Waste was observed. Generally, Municipal Solid Waste is stored in black bags.
- b) **Mutilation & Disinfection:** Needle cutters were installed and found to be

functional. Disposable needles were mutilated and stored in puncture-proof containers (PPC). However, the mutilated needles were stored in open PPC containers.

- c) **Condition of Intermediate Storage Room:** A Bio-Medical Waste (BMW) storage room was present, featuring category-specific, color-coded, and closed chambers as mandated by the BMW Rules, 2016. The Bio-Hazard symbol was displayed on the room. However, some BMW was not stored in the appropriate category-specific chambers.
- d) **Method of General Waste Disposal:-** Municipal Solid Waste (MSW) was stored in a designated solid waste storage area. However, some BMW like bandages, cotton, dressing etc observed dumped in this area mixed with general waste. The Municipality collects general solid waste from this location.
- e) **Bar Code System:** Bar Code system was implemented by the Occupier for tracking BMW from the wards to the intermediate storage room and for final handover to the CBMWTF.
- f) **Pre-treatment of Laboratory/Microbiological Waste:** Pre-treatment of blood bags was carried out using an autoclave, and other laboratory waste was pre-treated with 1% Sodium Hypochlorite solution before handover to the CBMWTF. The hospital possesses a total of 7 autoclaves; however, at the time of inspection, only 2 are found to be operational.
- g) **Record Maintenance:** A Bio-Medical Waste generation register was maintained. It was observed that the CBMWTF usually collects BMW at regular intervals.
- h) **Bio-Medical Waste Management Committee:** A committee for monitoring activities related to the proper management of BMW exists.
- i) **Awareness of BMW Management among Staff:** Personnel handling BMW are found to be aware of the methodology of BMW management. Training sessions regarding BMW management methodology are conducted once every month.
- j) **Submission of Annual Report:** The Annual Report for the calendar year 2024 has been submitted.

### III. Visit of Other Surrounding HCFs:

In compliance to the NGT order committee also visited two numbers of other HCF surrounding the Hospital to verify factual position of Bio-Medical Waste management over there.

**M/s. Maa Seva Ashram Nursing & Diagnostic Centre.**

At first, the team visited 'M/s. Maa Seva Ashram Nursing & Diagnostic Centre' located approximately 150 meters from the alleged District Hospital. Following points were observed during inspection:-

- a. The nursing home has a sanctioned bed capacity of 62 beds.
- b. The unit was found to be operating with a valid Consent to Operate (CTO) and Bio-Medical Waste Authorization (BMWA) issued by the State Pollution Control Board, both valid up to 31.12.2028.
  - Consent to Operate (CTO) vide CTO No. WBPCB/3282177 Dated 15.02.2024 valid till 31.12.2028
  - Bio-Medical Waste Authorization (BMWA) vide Ref No. WBPCB/2480090/2022 Dated 15.02.2024 valid till 31.12.2028.
- c. Some Municipal Solid Waste was found mixed with bio-medical waste at the source.
- d. The nursing home has a valid agreement with an authorized Common Bio-Medical Waste Treatment Facility (CBWTF) for collection, treatment, and disposal of bio-medical waste.
- e. The Intermediate Bio-Medical Waste Storage Room was found to be empty at the time of inspection.
- f. The BMW storage room lacked colour-coded chambers, bio-hazard symbols, and a lock-and-key arrangement.
- g. The Effluent Treatment Plant (ETP) was found to be defunct.

**A. M/s. JD Healthcare**

The inspecting team then visited another nursing home named as 'M/s. JD Healthcare' located at an approx. distance of 170 mtr. from the alleged district hospital. Mr. Mani Shankar Shashmal, Manager of the nursing home had been met. Following points were observed during inspection:

- The nursing home has strength of 103 beds.
- The unit was found to be operating with a valid Consent to Operate (CTO) and Bio-Medical Waste Authorization (BMWA) issued by the State Pollution Control Board, both valid up to 31.01.2030.

- Consent to Operate (CTO) vide CTO No. WBPCB/6267146/2025 Dated 10.02.2025 valid till 31.01.2030.
- Bio-Medical Waste Authorization (BMWA) vide Ref No. WBPCB/6267532/2025 Dated 11.02.2025 valid till 31.01.2030.

- The nursing home has a valid agreement with an authorized Common Bio-Medical Waste Treatment Facility (CBWTF) for collection and disposal of BMW.
- The Intermediate Bio-Medical Waste storage room was constructed in an open area.
- The BMW storage facility lacked bio-hazard symbols, colour-coded closed chambers, and a lock-and-key system, as mandated under the Bio-Medical Waste Management Rules, 2016.
- Some Municipal Solid Waste was found mixed with Bio-Medical Waste within the premises.
- The Effluent Treatment Plant (ETP) was found to be defunct.

#### **IV. Visit to Municipal Solid Waste Processing Centre:**

The inspecting officials had also visited the Municipal Solid Waste Processing Centre at Purba Majherdabri, Alipurduar, established by the Alipurduar Municipality and operated by the agency "M/s. Parasmoni Organic & Agri Products (P) Ltd.". Mr. Jayanta Sen, representative of M/s Parasmoni Organic & Agri Products (P) Ltd., was present during the inspection.

- a. The said agency has obtained Consent to Establish (CTE) and Consent to Operate (CTO) from the State Pollution Control Board. The CTO is valid up to 31.01.2030.
- b. At the facility, municipal solid waste was segregated into biodegradable and non-biodegradable fractions.
- c. The biodegradable waste was being processed into organic fertilizer through composting.
- d. The non-biodegradable waste, including plastic bottles, plastic packets, glass bottles, and aluminium, was being sold to WBPCB-registered local vendors.
- e. During the inspection, some municipal solid waste mixed with Bio-Medical Waste (BMW) was observed stored within the premises.
- f. The Agency's representative stated that the vehicles of Alipurduar Municipality when bring the waste to the facilities, occasionally some bio medical waste was found.



- g. The BMW-contaminated municipal solid waste if found, is sent to an authorized Common Bio-Medical Waste Treatment Facility (CBWTF) for treatment and disposal as stated by the concerned agency.

### **Meeting with the Private Nursing Homes:**

Further in compliance with the directions of the Hon'ble National Green Tribunal, a meeting was held on 29/01/2025, with all the representatives of private nursing homes/healthcare establishments to ensure strict adherence to the provisions of the Bio-Medical Waste Management Rules, 2016 and the guidelines issued thereunder.

During the meeting, the following points were clearly communicated and discussed:

- Strict segregation of bio-medical waste at source as per prescribed color-coded categories.
- Mandatory use of authorized Common Bio-Medical Waste Treatment Facilities (CBWTF) for collection and disposal.
- Prohibition of disposal of bio-medical waste in municipal solid waste streams or open dumping areas.
- Maintenance of proper records and registers, including daily waste generation logs, handover records, and annual returns.
- Training of healthcare staff and waste handlers in safe handling and disposal practices.
- Display of bio-medical waste management protocols within the premises of nursing homes.
- Compliance with barcoding and tracking systems, wherever applicable.
- Responsibility and accountability of management for any violation of the Rules.

### **Directions Issued to Nursing Homes**

All private nursing homes were directed during the meeting to:

1. Ensure 100% compliance with Bio-Medical Waste Management Rules, 2016.
2. Enter into valid agreements with authorized CBWTF operators.
3. Implement strict segregation and colour coding at source.
4. Maintain statutory records and documentation.
5. Conduct periodic training and awareness programmes for staff.
6. Facilitate inspection and monitoring by district and regulatory authorities.
7. Ensure zero tolerance for violations, illegal dumping, or unsafe disposal practices.

The representatives of the private nursing homes assured full cooperation and strict compliance with the directions of the Hon'ble NGT and the provisions of the Bio-Medical Waste Management Rules, 2016. They also undertook to implement corrective measures wherever gaps were identified.

**V. Remedial Measures in connection with Alipurduar District Hospital and Other Health Facilities : -**

1. Alipurduar District Hospital shall strictly comply with the BMW (Management and Administration) Rules, 2016 and its amendments and shall immediately take necessary steps to obtain CTO and BMW Authorization from WBPCB.
2. The ETP should be developed on priority and its functioning should be ensured regularly. Also, a proper drainage system should be constructed by the Alipurduar District Hospital Authority to flow liquid waste to the ETP.
3. The staffs in different wards and all handling the Bio Medical Waste need to be trained regularly on the proper management of the waste in the District Hospital and other Health facilities.
4. As per mandate, WBPCB shall be monitor the pollution related parameters in these facilities on regular basis.
5. Process of lifting & disposal of legacy solid waste mixed with BMW dumped within the district hospital premises shall be expedited through WBPCB registered CBMWTF.
6. BMW-contaminated municipal solid waste stored at the alleged Municipal Solid Waste Processing Centre, shall be properly organized, covered with tarpaulin, and disposed of immediately in accordance with applicable rules.

1.

  
 .....  
 Smt. R. Vimala, IAS  
 District Magistrate, Alipurduar

2.

  
 .....  
 Shri Sukhendu Biswas, Scientist 'B',  
 CPCB RD Kolkata

3.

  
 .....  
 Dr. Prasun Kr. Mondal  
 Asst. Env. Engineer & In-Charge,  
 Silliguri RO, WBPCB

BEFORE THE HON'BLE NATIONAL  
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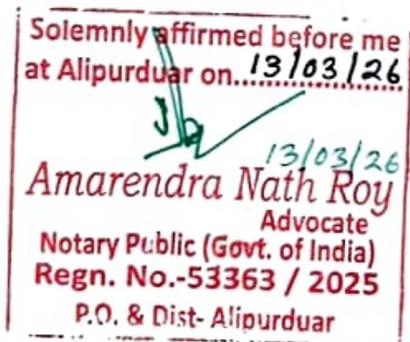
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Compliance affidavit on behalf of  
the District Magistrate &  
Collector, Alipurduar



RAJIB RAY  
Advocate

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