

SL. No.- 12/23

BEFORE THE HON'BLE NATIONAL GREEN TRIBUNAL
EASTERN ZONE BENCH, KOLKATA
ORIGINAL APPLICATION NO. 21/2023/EZ



In the matter of:
Paula Kausiki Basak & Ors
... Applicant
Versus
The State of West Bengal &
Ors.
... Respondents

AFFIDAVIT-IN-OPPOSITION ON BEHALF OF THE PRIVATE
RESPONDENT NUMBERS 7 & 8.

I N D E X

SL	PARTICULARS	ANNEXURE	PAGE
1.	Affidavit.		
2.	Memo dated January 19, 2022 issued by Respondent No. 2.	'R-1'	
3.	Memo dated February 06, 2018.	'R-2'	
4.	Permanent certificate of enlistment issued by Respondent no. 3.	'R-3'	
5.	Memo no. FSR/0125186211100588 dated September 16, 2021 issued by to the respondent no. 7.	'R-4'	

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6.	License no. FL0125182211101076 dated November 22, 2021 issued by the Collector, Fire License Section under Section 12 of the West Bengal Fire Services Act, 1950.	'R-5'	
7.	Letter dated July 26, 2017 along with directions dt. December 15, 2017 along with copy of the memo dated August 17, 2021	'R-6" (colly)	
8.	Direction dated April 06, 2022 issued by the Chief Engineer, Operation and Execution Cell of the respondent no. 2	'R-7"	
9.	Photographs of ventilation system installed at the said premises.	'R-8'(Coly.)	

Filed by:

Soumya Mukherjee

SOUMYA MUKHERJEE

Advocate

For The Respondent Nos. 7 & 8.

11, Old Post Office Street

Email: soumya.97.mukherjee@gmail.com

Mob: 9830511997



21 MAR 2023

BEFORE THE HON'BLE NATIONAL GREEN TRIBUNAL
EASTERN ZONE BENCH, KOLKATA
ORIGINAL APPLICATION NO. 21/2023/EZ

In The Matter of:
Paula Kausiki Basak & Ors

Applicants

...

-Versus-

The State of West Bengal & Ors.

...

Respondents

AFFIDAVIT-IN-OPPOSITION ON BEHALF OF THE
RESPONDENT NUMBER 7 AND 8.

I, Mahabir Banka, son of Babulal Banka, aged about 36 Years, by faith Hindu, by occupation Business, residing at BF 61, Sector 1, Salt Lake City, Kolkata 700064 do hereby solemnly affirm and declare as follows:-

1. That I am respondent no. 8 in the instant Original Application. I am well-acquainted with the facts and circumstances of the case. I have been duly authorized by the



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respondent no. 7 to swear this Affidavit on his behalf and as such, am competent affirm this affidavit.

2. I have gone through a copy of the instant Original Application affirmed by one Paula Kausiki Basak on February 15, 2023 and have understood the contents and purport thereof.

3. That this Affidavit is being filed in compliance of the solemn Order dated February 28, 2023 passed by the Hon'ble National Green Tribunal, Eastern Zone Bench, Kolkata.

4. I deny each and every allegation contained in the said Original Application save what are matters of record and/or what are specifically admitted by me herein.

5. I state that at the very outset that the concerned premises, being DA-41, Sector-I, Salt Lake City, Kolkata-700064 (hereinafter referred to as the 'said premises') is a four storied (Parking + Ground + 2) building constructed on 5.2265 cottahs of land. That there are 10 rooms and a small gathering area in the said premises, which was used for ceremonial purposes as well as for accommodation. It is pertinent to

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mention here that from the month of February, 2023, commercial activities in the said premises have been stopped and at present, the premises are closed.

6. I state that on an earlier occasion, the applicants herein had preferred an Original Application being OA No. 59/2022/EZ, interalia, praying for a direction upon the respondent authorities to close down the said ceremonial house. The said OA No. 59/2022/EZ was disposed of by the Hon'ble Tribunal by an Order dated May 24, 2022, interalia, stating therein that in view of the fact that the West Bengal Pollution Control Board had taken cognizance of the matter and issued appropriate directions, no interference was called for.

A copy of the said Order is annexed as Annexure "B" to the Original Application.

7. I state that the West Bengal Pollution Control Board, the respondent no. 2 herein, vide its Memo dated January 19, 2022, in view of public complaint received against the ceremony house situated at the said premises, directed the proprietor of



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the same, being the respondent no. 7 herein, to appear before the State Board for a hearing, along with all statutory licenses. That the respondent no. 8 attended such hearing on February 01, 2022, on behalf of the unit and produced all statutory licenses before the respondent no. 2.

A copy of the said Memo dated January 19, 2022 is annexed hereto and marked with the letter "R/1"

8. It is pertinent to mention here that the Respondent no. 7 had, vide letter dated August 22, 2017, sought for permission for using part of the ground, 1st and 2nd (P) floors of the residential building located at the said premises for setting up a unit of a Ceremony House.

That vide Memo No. 266-SL(AL)-2L-522/66(DA-41) dated February 06, 2018, the Land Manager, Bidhannagar, Department of Urban Development and Municipal Affairs, Government of West Bengal issued "No Objection" in favour of the respondent no. 7 to use 3698 sq. ft of the part of ground, 1st and 2nd (P) floors of the said premises for setting up a unit of Ceremony House for 5 years, subject to certain conditions.



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The same had been produced before the respondent no. 2 on the date of hearing.

A copy of the said Memo dated February 06, 2018 granting "No Objection" to the respondent no. 7 is annexed hereto and marked with the letter "R/2"

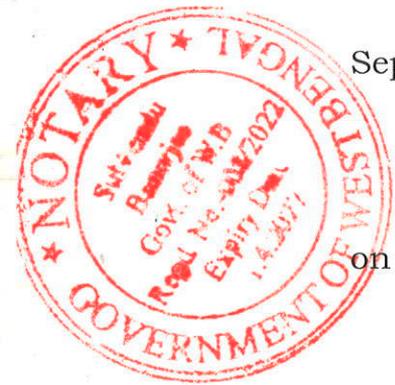
9. I state that the respondent no. 3, the Bidhannagar Municipal Commission had issued a permanent Certificate of Enlistment to the unit of the private respondents for ceremonial house dated October 01, 2021 and the same is valid up to September 30, 2024.

The same had been produced before the respondent no. 2 on the date of hearing.

A copy of the said permanent certificate of enlistment is annexed hereto and marked with the letter "R/3"

10. I state that the Divisional Fire Officer, North 24 Parganas, West Bengal Fire & Emergency Services, vide Memo no. FSR/0125186211100588 dated September 16, 2021 issued by to the respondent no. 7 herein, interalia, released the Fire

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Safety Certificate for occupation of the said premises, alongwith certain recommendations.

The same was produced before the respondent no. 2 on the date of hearing.

A copy of the said Fire Safety Certificate is annexed hereto and marked with the letter "R/4".

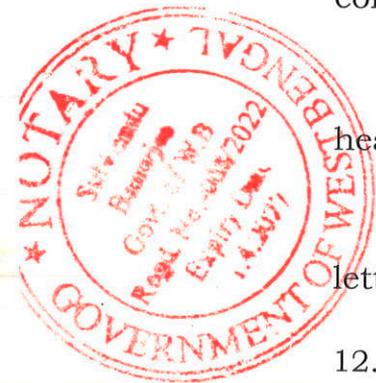
11. I state that license under Section 12 of the West Bengal Fire Services Act, 1950 was also granted to the respondent no. 7 herein for using the said premises for storing or processing or keeping gas cylinder (LPG) of 40 kg. vide License no. FL0125182211101076 dated November 22, 2021 issued by the Collector, Fire License Section, subject to certain conditions.

The same was produced before the respondent no. 2 on the date of hearing.

A copy of such license is annexed hereto and marked with the letter "R/5".

12. It is pertinent to mention here that on an earlier occasion, the unit was called for hearing on February 05, 2020 at the Public Grievance Cell of the respondent no. 2 and Record of Proceedings was issued to the unit vide Memo No. 350-5L/WPB-2020/D-0002 dated March 12, 2020, interalia, with the direction to abide by the guidelines for Ceremonial Houses/Lawns, Banquet Halls and Club Houses issued by the respondent no. 2 through its circular under Memo no. 1102/383L/WPB/2017 dated December 15, 2017. The said circular was also forwarded to the respondent unit by the Environmental Engineer, Salt Lake Regional Office of the respondent no. 2 vide Memo dated August 17, 2021. It is pertinent to mention here that the Memo dated August 17, 2021 enclosing therewith the Circular dated December 15, 2017 was in reply to a letter dated July 26, 2021 issued by the respondent no. 7 addressed

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to the Environmental Engineer, Salt Lake Regional Office of the respondent no.2, in terms of Memo No.1011/BMC/GS/2021 dated July 16, 2021 issued by the respondent no. 3, interalia, enquiring whether No Objection Certificate for running of Ceremony House at the said premises was required.

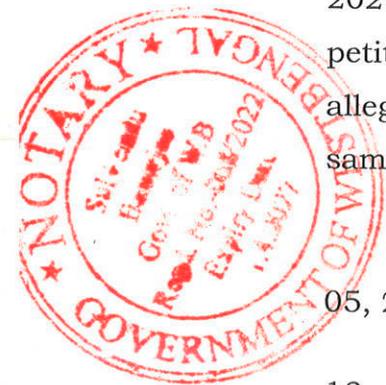
A copy of the letter dated July 26, 2017 along with such directions dated December 15, 2017 along with a copy of the abovementioned Memo dated August 17, 2021 is annexed hereto and marked with the letter "R/6"(Coly.)

I state that the applicants had also moved an application under Article 226 of the Constitution of India, being WPA 11237 of 2021, interalia, praying for their representations to be considered. The same was taken up for consideration and disposed of by a solemn Order dated August 05, 2021 passed by His Lordship the Hon'ble Justice Debangsu Basak, wherein, interalia, His Lordship was pleased to hold that in view of the stand taken by the private respondents that they are abiding by the Order dated July 16, 2021 passed by the respondent no. 3 herein, and in view of the fact that the petitioners therein could not place an material on record to substantiate the allegation that the said Order dated July 16, 2021 was being violated, the same did not warrant any further interference by the Hon'ble Court.

I crave leave to produce a copy of the said solemn Order dated August 05, 2021 at the time of hearing, if necessary.

13. I state that the in the hearing dated February 01, 2022, the respondent no. 8, appearing on behalf of the unit, on being requested by the technical committee submitted booking dates of the said ceremony house for the months of February and March, 2022 and the officials of the respondent no. 2 inspected the said premises on February 16, 2022, February 17, 2022 and February 18, 2022, that is, on dates when the said premise

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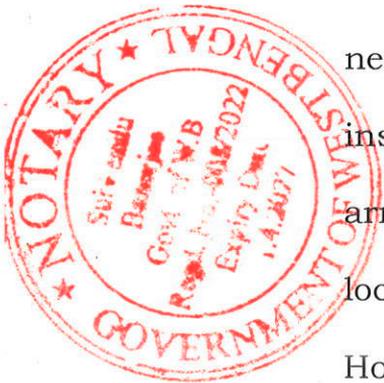


was booked for ceremonial purposes. It is pertinent to mention that in the course of such inspection, no acoustic system like sound box or any musical instrument were found either inside the said premises.

14. I state that post such inspection, the respondent no. 2 issued a Direction dated April 06, 2022, interalia, directing the respondent no. 7 being the proprietor of the ceremony house to make proper arrangements for ventilating the emission from the kitchen through a proper fume collection and exhaust system and a stack height of atleast 3.5 meters above roof level of the nearest building, to not use loudspeaker or sound system inside the said premises without proper acoustic insulation arrangements to curb any dissipation of noise in the ambient locality, to abide by the guidelines for Ceremonial Houses/Lawns, Banquet Halls and Club Houses issued by the respondent no. 2 through its circular under Memo no. 1102/383L/WPB/2017 dated December 15, 2017.

A copy of the said Direction dated April 06, 2022 issued by the Chief Engineer, Operation and Execution Cell of the

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respondent no. 2 is annexed hereto and marked with the letter "R/7".

15. I state that post such Directions issued by the respondent no. 2, remedial actions have been taken by the respondent no. 7 and 8, to ensure that the directions so laid down are adhered to and strict compliance of the same is ensured.

16. I state that proper ventilation system for ventilating the emissions from the kitchen through a proper fume collection and exhaust system has been installed at the said premises and the same is operational. It is pertinent to mention here that the same has been installed prior to the filing of the instant Original Application, and as such, the contention of the applicants that the directions of the respondent no. 2 are not being adhered to in letter and spirit is incongruously in variance and in stark contradiction to the reality and I put the applicants to strict proof thereof.

Copies of photographs of such ventilation system is annexed hereto and marked with the letter "R/8" (Coly.)



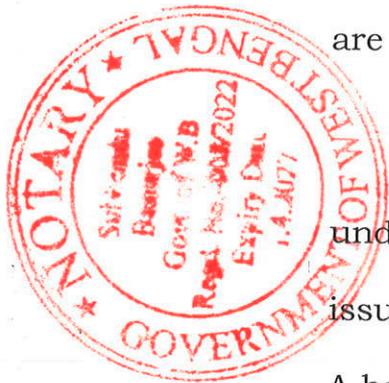
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17. I state that loudspeakers and DJ consoles are not permitted in the said premises and, as such the question of dissipation of noise into the ambient locality beyond the permissible limit does not arise.

I state that the guidelines for Ceremonial Houses/lawns, Banquet halls and Club Houses issued by the respondent no. 2 vide Memos dated December 15, 2017 and October 05, 2021 are strictly adhered to.

It is categorically denied that the said ceremony hall falls under category "A" as per circular of the respondent no. 2 issued vide Memo dated October 05, 2021, as alleged or at all.

A bare perusal of the said Memo would establish beyond an iota of doubt that to fall under Category "A", a ceremonial hall has to be spread over an area of 1 Acre or more or having gathering capacity of 1000 persons or above, whereas in the instant case, the said premises is spread over an area of only 3698 sq.ft and the gathering capacity is less than 1000 persons, thereby clearly establishing that the said ceremonial hall clearly falls under Category "B". It is abundantly clear from the said Memos that Category "B" ceremony houses, as in instant case, do not



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require "Consent to Establish" and "Consent to Operate" under the relevant statutes, as has been sought to be agitated by the applicants herein.

It is pertinent to state here that it is not possible to install Effluent Treatment Plant (ETP) at the said premises, as per the direction of the respondent no. 2 dated April 06, 2022 (being Annexure "R/7" herein) primarily because the plot in question is substantially small wherein the building, a portion whereof is used as ceremony hall, is already constructed.

18. I state that it becomes evident from a bare perusal of the Memo dated October 05, 2021, the water pollution control measures to be undertaken by the ceremony houses. It is clearly stated therein that ceremony houses/lawns, Banquet Halls and Club Houses having domestic effluent generation of more than 10m³ per day shall provide Sewage Treatment Plant (STP) of adequate capacity and achieve the standard as prescribed in Notification No. GSR 1265(E) dated October 13, 2017 of the Ministry of Environment, Forest & Climate Change.



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In the instant case, the daily effluent generation by the concerned ceremony house is, by no stretch of extrapolation, more than 10m³ per day and is, in fact, much lesser and as such, a STP is not a requirement in the instant case.

19. I state that the said ceremony house in the instant case has all the requisite statutory licenses, as has been stated in the foregoing paragraphs and that all Guidelines and the Direction of the respondent no. 2 were strictly adhered to, when such ceremony house was operational, and as such, the contention of the applicants that the said ceremony house is polluting and operating illegally is de hors of any cogent legal basis whatsoever.

All other allegations contrary thereto and/or inconsistent therewith are denied.

20. Under such facts and circumstances as stated hereinabove, the contentions of the applicant as sought to be agitated against the respondent nos. 7 and 8 in the instant Original Application are not maintainable and sustainable in



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law and the said Original Application is liable to be dismissed on that score alone.

21. That it is therefore most humbly prayed that this Hon'ble Tribunal may pass such Order/Orders as it deems fit and proper in the interest of justice and fair play.

Identified by me

Sourmya Mukherjee

Advocate

for The Respondent No. 7 & 8

Mahabir Banke

DEPONENT

Solemnly Affirmed and
Declared before me U/S 139
CPC, U/S 297 (C) Cr. P. C

Banerjee
Notary

21-04-2023

SUBHENDU BANERJEE
Notary, Govt. of W.B
Regd. No.-008/2022
Advocate, High Court, Calcutta



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VERIFICATION

Verified at Kolkata by the deponent above named on this ___ day of April, 2023 and state that the statements made in paragraphs 1 to 3 are true to my knowledge, those made in paragraphs 4 to 29 are true to the information derived from the records of the case which I verily believe to be true and those made in paragraph 20 and the rest are my respectful submissions before this Hon'ble Tribunal.

Mahabir Banerjee

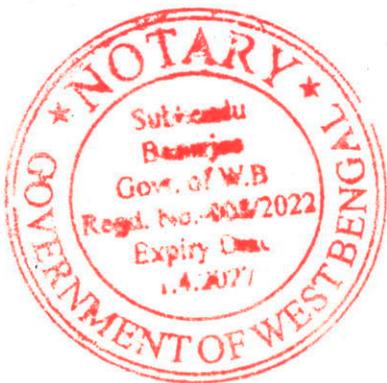
DEPONENT

Identified by me

Soumya Mukherjee
Advocate

for The Respondent nos. 7 & 8

Enrollment No: F/619/512/2020





West Bengal Pollution Control Board
 (Department of Environment, Government of West Bengal)
 Paribesh Bhawan, Bldg. 10A, Block LA
 Sector III, Salt Lake, Kolkata 700 098
 Tel: 2335-6730, 2335-9088/7428/8211/6731/0261/8861
 Fax: 2335-2813

Memo No

-1M-11/2009 (Pt-II)

Date:

/01/2022

DIRECTION FOR APPEARANCE

In view of public complaint, **Sri Mukesh Banka, proprietor of the Ceremonial House** located at **DA -41, Sector - I, Salt Lake City, P.O. - Bidhannagar, P.S. - Bidhannagar (North), Kolkata - 700064** to appear before the State Board in a hearing through its Managing Director/ Director / General Manager/Proprietor/Partner accompanied by concerned technical person (not more than total no. of 2(two) persons due to present Covid pandemic situation) along with all statutory licenses on **01st February, 2022 (Tuesday) at 12.00 P.M.** at "Paribesh Bhavan", 3rd floor, 10A, Block - LA, Sector - III, Salt Lake City, Kolkata - 700106.

Sd/-

**Environmental Engineer (O&E) &
 Member & Convener - Technical Cell
 West Bengal Pollution Control Board.**

Memo No 50(01) -1M-11/2009 (Pt-II)

Date:

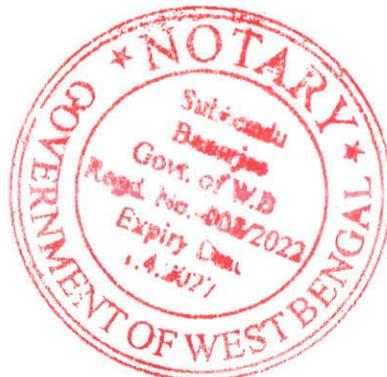
19 /01/2022

Copy forwarded to:

✓ 1. **Sri Mukesh Banka, proprietor of the Ceremonial House**
DA -41, Sector - I, Salt Lake City, P.O. - Bidhannagar,
P.S. - Bidhannagar (North), Kolkata - 700064

2. **Mrs. Paula Kausiki Basak**
DA -40, 3rd Avenue, Sector - I, Salt Lake City,
P.O. - Bidhannagar, P.S. - Bidhannagar (North),
Kolkata - 700064

He/She is also requested to
 remain present in the
 hearing.



19/01/2022
**Environmental Engineer (O&E) &
 Member & Convener - Technical Cell
 West Bengal Pollution Control Board.**

Government of West Bengal
Department of Urban Development and Municipal Affairs
Nagarayan, DF-8, Sector-I,
Salt Lake, Kolkata - 700 064

No. 266-SL(AL)-2L-522/66(DA-41)

Dated : 6th February, 2018

From : The Land Manager, Bidhannagar,
Department of Urban Development and Municipal Affairs,
Government of West Bengal

To : Sri Mukesh Banka,
DA-41, Sector-I, Salt Lake City,
Kolkata - 700064

Sub: Permission for using part of ground, 1st & 2nd(P) floor of the residential building at Plot No.41, Block-DA, Sector-I, Salt Lake, Kolkata - 700064 for setting up an unit of Ceremony House (Mukesh Banka)

Sir,

In reference to your letter dated 22.08.2017 on the above noted subject this is to inform you that this office has 'NO OBJECTION' to allow you to use 3698 sq.ft. of the part of ground, 1st & 2nd(P) floor of your building on Plot No.41 in Block-DA, Sector-I of Salt Lake, Kolkata - 700064 for setting up an unit of Ceremony House in the style of "Mukesh Banka" (3698 sq.ft.) for five years only subject to the terms and conditions of the Lease Deed and provisions of "The West Bengal Municipal Corporation Act, 2006 and its rules". No vehicle of the organization should be parked in front of the building and proposed 44.62% area will not cause any pollution in the surrounding atmosphere.

In the event of violation of any provisions of law, this N.O.C. shall be cancelled after due process.

All concerned are being informed.

Yours faithfully,

[Handwritten Signature]
20/2/18

Land Manager, Bidhannagar

Department of Urban Development and Municipal Affairs
Government of West Bengal

Dated : 6th February, 2018

No. 266/1(2)-SL(AL)-2L-522/66(DA-41)

Copy forwarded for kind information and necessary action to:-

1. The Commissioner, Bidhannagar Municipal Corporation, FD-415A, Sector-III, Poura Bhavan, Salt Lake, Kolkata-700 106.
2. Office Copy.

Land Manager, Bidhannagar

Department of Urban Development and Municipal Affairs
Government of West Bengal

PERMANENT CERTIFICATE OF ENLISTMENT

West Bengal Municipal Corporation Act, 2006

[See Section 141]

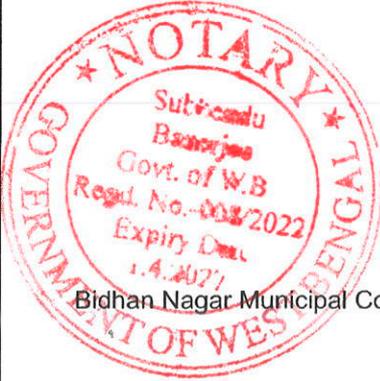
(Duplicate to be filled up)

Bidhan Nagar Municipal Corporation
Bidhannagar, North 24 Parganas

The Board of Councillors of Bidhan Nagar Municipal Corporation hereby grant unto **Mukesh Banka**, the proprietor of **MUKESH BANKA**, residing and / or carrying on or intending to carry on business at holding Premises No. DA-41, DA-41, SECTOR-I, SALT LAKE CITY, Pincode- 700064 in Ward No. 39 and exercising or intending to exercise the Profession, Trade or Callings of **Ceremonial Houses** , CEREMONIAL HOUSE (AREA 2501-4000 SQ FT) this Permanent Certificate of Enlistment under Section 141 of the West Bengal Municipal Corporation Act, 2006 and acknowledge to have received in consideration thereof, a total fee of ₹ 21150/- (Rupees : Twenty One Thousand One Hundred Fifty) only.

This Certificate of Enlistment will be in force until the 30th day of September, 2024 and to be produced at the time of renewal.

Date of Issuance : 01-10-2021



Bidhan Nagar Municipal Corporation|CEREMONIAL HOUSE (AREA 2501-4000 SQ FT)|0917P023214076|01-10-2021|2024-9-30

(Scan QR Code with QR Reader)

Disclaimer : This document is auto-generated through Computer system as per data submitted by the applicant himself in online procedure. Respective Department / Authority/ Institution/ Office may verify the documents /credentials from the CE holder , if so deem fit.



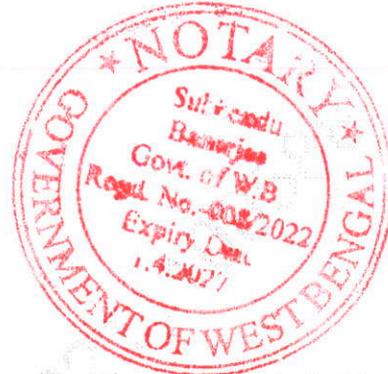
Government Of West Bengal
Office Of The Divisional Fire Officer, North 24 Parganas
West Bengal Fire & Emergency Services
Ghoshpara Road, P.O.:- Bengal Enamel, Pin :- 743122

Memo no.:FSR/0125186211100588

Date: 16-09-2021

From:
Divisional Fire Officer, North 24 Parganas
West Bengal Fire & Emergency Services

To: MUKESH BANKA
DA - 41, SECTOR - I, SALT LAKE CITY, KOLKATA-700064



Sub: Fire Safety Certificate for occupancy of an existing construction of G+III storied building under group Residential building at the premises no. DA – 41, Sector – I, Saltlake City, P.S. Bidhannagar (North), KOLKATA-700064, DIST- 24 PGS (NORTH).

This is in reference to your application no. 0125189211100306 dated 02-09-2021 regarding the Fire Safety Certificate for occupancy of an existing construction of G+III storied building under group Residential building at the premises no. DA – 41, Sector – I, Saltlake City, P.S. Bidhannagar (North), KOLKATA-700064, DIST- 24 PGS (NORTH).

The performance of the Fire Fighting System as incorporated in the buildings were tested at random and found satisfactorily working condition. In view of the above this office is releasing the Fire Safety Certificate for occupancy of the aforesaid building.

Recommendation:

1. Driveway must be free of any type of obstruction for easy movement of Fire appliances. No parking will be allowed on the Driveway.
2. The interior finish decoration of building shall be made with low flame spread material confirming to the I.S. Specification.
3. To eliminate risk of Fire Hazards, Good House Keeping both for insides and outside of the building shall be strictly maintained.
4. Within 90 days (Three months), another standby pump shall have to be made as recommended in Fire Safety Recommendation provided by this office. In case of non installation subsequence renewal may not be accorded by this office.
5. Existing Electrical wiring of the whole building shall have to be carefully checked for any wear and tear them, particularly lines above false ceiling & ducts.

6. The notice of Fire Fighting and Evacuation from the building shall be prepared and displayed at all vulnerable of the Building.
7. The employees and security staff shall be conversant with installed Fire Fighting equipments of the building and to operate in the event of Fire and Testing.
8. Mock Fire Practice and evacuation drill shall be performed periodically with participants of all the occupants of the building.
9. Switch Gear room shall be protected with automatic CO2 or D.C.P. Fire extinguisher confirming I.S. Specification.
10. A trained Fireman shall be maintained round the clock for safety of the building.
11. First-Aid Fire Fighting system shall be provided as per I.S. Specification.
12. Arrangement shall have to be made for regular checking, testing and maintenance of all the Fire Fighting installation in the Building to keep them in perfectly good working condition at all the times.
13. If required the old line shall have to be replace with new lines the cables shall always be laid in M.S. conduit pipes continuously bonded to the earth.
14. Periodical flashing of water in the Hose Reel Hose Pipe line shall be made to maintain the efficiency working performance of above mention system.
15. The Fire Safety audit to be conducted a regular interval and to be recorded in the Fire Prevention Maintenance register.
16. Fire License shall have to be obtained for proposed storing and processing L.P.G. and other highly combustible articles.
17. This Fire Safety Certificate is valid for three years and has to be renewed every three year from the date of issue of this letter.



Signature valid

Digitally signed by DEBTANU
BASU
Date: 2021.09.16 11:32:16 IST

Divisional Fire Officer, North 24 Parganas
West Bengal Fire & Emergency Services



Government of West Bengal
West Bengal Form No. 393Z (28)
License under the West Bengal Fire Services Act, 1950

License no.:FL0125182211101076

Date: 22-11-2021

License is hereby granted to MUKESH BANKA under Section 12 of the West Bengal Fire Services Act, 1950, to use the building or place being No. (a) DA-41, SECTOR-1, SALT LAKE CITY, KOLKATA, North 24 Parganas, Pincode - 700064, P.S. - Bidhannagar (North), Nearest Fire Station - Bidhan Nagar as a warehouse/workshop for storing or processing or keeping (b)

1. Gas Cylinder(LPG) - 40 Kg.

subject to the conditions noted below and such other conditions as may be prescribed.

It is hereby acknowledged that a sum of Rs. 2000 being the license fee due by the said MUKESH BANKA for the period from 22/11/2021 to 21/11/2022 in respect of the aforesaid license has been received @Rs. 2000 per annum.

CONDITIONS ABOVE REFERRED TO:

- (1) The warehouse/workshop shall at all times be open to inspection by such officer or officers, being member or members of the Fire Brigade, as may be appointed by the Director General of Fire Service.
- (2) The warehouse/workshop shall conform to the conditions prescribed under Section 12 of the West Bengal Fire Services Act, 1950.
- (3) No article referred to in the Clause (I) of Section 12 of the West Bengal Fire Services Act, 1950, shall be made, prepared, dried or treated in any manner on the top or roof of any building constituting or forming a part of a warehouse.
- (4) No person shall be allowed to use as residence any part of the warehouse or to bring into the warehouse any match-boxes or match-sticks or any artificial light not duly and thoroughly protected or to smoke within the warehouse while jute or cotton is stored therein.
- (5) Needs to renewed within next 1 Year



Signature Not Verified
Digitally signed by Pemba
Tshering Sherpa
Date: 2021.11.22 07:28:23 IST

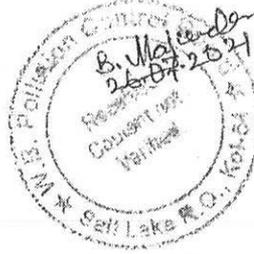
Collector

**Fire License Section,
13D, Mirza Ghalib Street, Kolkata - 16**

From:
Mukesh Banka
DA-41, Sector-I
Salt Lake City
Kolkata - 700 064.

To,
The Environmental Engineer,
Salt Lake Regional Office
West Bengal Pollution Control Board
Kolkata

26th July, 2021



Sir,

Sub. : NOC for running Ceremony House at Premises No. DA-41,
Sector-I, Salt Lake City, Kolkata-700064.

I am the present sole lessee of Plot No. DA-41, Sector-I, Salt Lake City, Kolkata - 700 064, having total area of land being 349.60 Sq.M. I have obtained a No-Objection Certificate from Department of Urban Development & Municipal Affairs, Government of West Bengal for using part of the building measuring 3698 sq. ft. at aforesaid plot of land as Ceremony House vide memo no. 266-SL(AL)-2L-522/66(DA-41) dated 6th February, 2018. A copy of NOC is enclosed herewith. The ceremony house has total of ten (10) rooms whereby the people coming for ceremony resides temporarily for 2-3 days and there can be gathering of around 50 people at the said ceremony house for small ritual functions.

Thereafter, I submitted an application to Bidhannagar Municipal Corporation on 13th August, 2020 for issuance of Certificate of Enlistment in respect of aforesaid property. I have again applied to Bidhannagar Municipal Corporation on 9th July, 2020 for issuance of Certificate of Enlistment in respect of aforesaid property. A copy of both the application are enclosed herewith.

I have received memo no. 1011/BMC/GS/2021 dated 16th July, 2021 from Bidhannagar Municipal Corporation asking for obtaining No Objection Certificate from your department for running Ceremony House at aforesaid premises. A copy of said memo is enclosed herewith.

Please let me know whether No-objection Certificate from your office is required for running ceremony house at aforesaid premises. If no, please issue a letter to that effect. If yes, please let me know the procedure of obtaining No-Objection Certificate so as to comply accordingly.

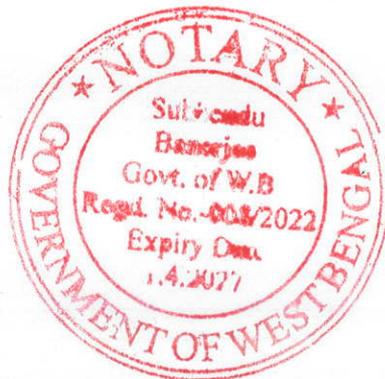
Thanking you.

Yours faithfully

Mukesh Banka

(Mukesh Banka)

Encl. As above





WEST BENGAL POLLUTION CONTROL BOARD

(Department of Environment, Govt of West Bengal)

Salt Lake Regional Office

Mani Square, Block/ Space-8 IT, on Western Side of 8th Floor

164/1, Manicktala Main Road, Kolkata- 700 054

Phone No.-(033)23200097

Website : www.wbpcb.gov.in

Date: 17.08.2021

Memo No: 14/32/Gen/02-18

To,
Sri Mukesh Banka
DA-41, Sector-I,
Bidhannagar,
Salt Lake City,
Kolkata-700064.

Ref: Your letter received by this office on 28.07.2021.

Sir,

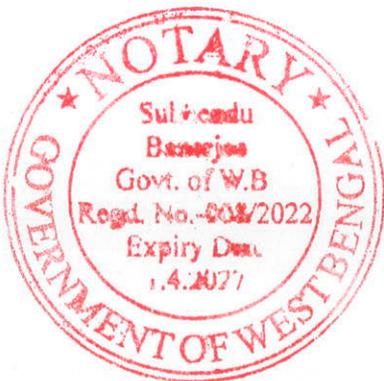
In reference to the above, enclosed please find herewith Circular and Guidelines issued by West Bengal Pollution control Board vide order no. 1102/383L/WPB/2017 dated 15.12.2017 in connection with Ceremonial House/Lawns, Banquet Halls and Club House, which is self explanatory for doing the needful from your end.

However, the rooms of your ceremonial house shall not be used in any purpose other than ceremonial occasions.

Yours faithfully,

Bimalendu Mukherjee
17/08/21

Environmental Engineer
Salt Lake Regional Office
West Bengal Pollution Control Board





WEST BENGAL POLLUTION CONTROL BOARD

(Department of Environment, Government of West Bengal)

"Paribesh Bhawan", 10A, Block - LA, Sector - III,
Salt Lake City, Kolkata - 700 098

Ph.: (033)2335-9088/8212, Fax : (033)2335-8073

Website : www.wbpcb.gov.in E-mail : [wbpcbnet@wbpcb.gov.in](mailto:wbpccbnet@wbpcb.gov.in)

Memo No. 1102/383L/WPB/2017

Date: 15 /12/2017

CIRCULAR

Sub : Circular for Ceremonial House/Lawns, Banquet Halls and Club Houses.

Ref : The order dated 31.08.2016 of the Hon'ble National Green Tribunal, Eastern Zone Bench, Original Application No. 57 of 2015 in the matter of Survey of India Co-operative Society Ltd. - Vs - CESC Ltd. &Ors.

The West Bengal Pollution Control Board has decided to bring Ceremonial Houses/Lawns, Banquet Halls and Club Houses in the state under the regulatory regime of the Board. The Ceremonial Houses/Lawns, Banquet Halls and Club Houses in the state will henceforth be required to comply with the following requirements:

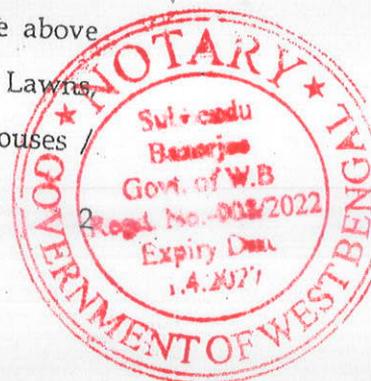
Category	Area/Capacity	Compliance Requirement and Enforcement Authorities
A	1) Ceremonial Houses / Lawns and Banquet Halls spread over an area of 1 Acre or more or having gathering capacity of 1000 persons or above. 2) Club Houses having an area of 2000 sq. meter or above or having	(i) Ceremonial Houses/Lawns, Banquet Halls and Club Houses under Category A and located in Municipal Corporations Areas / Municipal Areas of West Bengal shall be under the purview of consent management regime of the Board and shall apply to the Board for obtaining consent under the Water (Prevention and Control of



	membership of 500 persons or above.	Pollution) Act, 1974 and Air (Prevention and Control of Pollution) Act, 1981. (ii) Ceremonial Houses / Lawns, Banquet Halls and Club Houses under Category A and located in areas other than Municipal Corporations Areas / Municipal Areas of West Bengal shall follow Guidelines of the West Bengal Pollution Control Board which will be enforced through concerned local authorities.
B	1) Ceremonial Houses and Banquet Halls spread over less than 1 Acre area or having gathering capacity of less than 1000 persons. 2) Club Houses having area of less than 2000 sq. meter or having membership of less than 500 persons.	Ceremonial Houses / Lawns, Banquet Halls and Club Houses under Category B shall follow guidelines of West Bengal Pollution Control Board which will be enforced through the local authorities concerned

The guidelines for Ceremonial Houses / Lawns, Banquet Halls and Club houses are enclosed.

The Municipal Commissioners/Chief Executive Officers of all local bodies /local authorities are instructed to strictly implement and impose the above directions at the time of granting permission to Ceremonial Houses / Lawns, Banquet Halls and Club Houses. It is to be ensured that Ceremonial Houses



Lawns, Banquet Halls and Club Houses which are under the consent management regime of the West Bengal Pollution Control Board shall obtain valid Consent to Operate from the Board within 60 days from the date of issue of these direction.

These directions have been issued under the powers conferred by Section 33A of the Water (Prevention and Control of Pollution) Act, 1974, Section 31A of the Air (Prevention and Control of Pollution) Act, 1981, and Section 5 of the Environment (Protection) Act, 1986 and in suppression of earlier statutory circular issued by the Board vide 1686-134L/WB-2006 dated 24.08.2006.

By Order.

Sd/-
(Dr. Kalyan Rudra)
Chairman
West Bengal Pollution Control Board

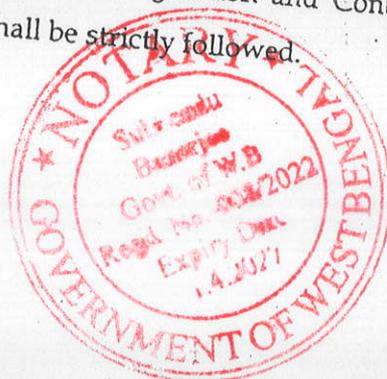


❖ Guidelines for Ceremonial Houses / Lawns, Banquet Halls and Club houses Water pollution control measures:

- 1) Ceremonial Houses/lawns and Banquet Halls and Club Houses having domestic effluent generation more than 10m³/day shall provide Sewage Treatment Plant (STP) of adequate capacity and achieve the standard as prescribed in Notification No. GSR 1265(E) dated 13.10.2017 of the Ministry of Environment, Forest & Climate Change.
- 2) Ceremonial Houses/lawns, Banquet Halls and Club Houses having domestic effluent generation less than 10m³/day shall provide Septic Tank and Soak Pit of adequate capacity. The soak pit shall be got cleaned periodically.
- 3) In order to save water resources and minimize water generation, effective water saving devices should be installed and appropriate water saving and/or water/recycle programmes should be implemented.

❖ Noise pollution control measures:

- 1) Use of loudspeakers/sound system, including, D J, in Ceremonial House and Banquet Halls shall require prior permission of the competent Authority so as to avoid nuisance in nearby/surrounding area of the Ceremonial House and Banquet Hall. Ambient noise level outside the hall must be maintained as per norms.
- 2) No loudspeaker/microphone/sound blowing system will be fitted in any uncovered area or outside the area of the premises.
- 3) No fireworks of any kind will be used within the covered or uncovered area or outside the premises before 5 p.m. and after 10 p.m. Use of noise making fireworks is totally prohibited.
- 4) Noise Pollution (Regulation and Control) Rules, 2000 and amendments thereof shall be strictly followed.



Memo No. 1102/383L/WPB/2017

Dated: 15/12/2017

Copy forwarded to:

- a) The Principal Secretary, to the Govt. of West Bengal, Department of Environment.
- b) The P.S. to MIC, Environment Department, Govt. of West Bengal.
- c) The Additional Chief Secretary, Panchayat and Rural Development, Joint Administrative Building, 7th Floor, Block-HC Wing B, Plot No. 7, Saltlake City, Sector-III, Kolkata-700106.
- d) The Secretary, Urban Development and Municipal Affairs, DS-8, Salt Lake, Sector-1, Kolkata - 700064.
- e) The Director General of Police, West Bengal, Nabanna, 325, Sarat Chatterjee Road, Howrah - 711102.
- f) The Chief Engineer, (Waste Management Cell & P.G. Cell), WBPCB.
- g) The Chief Engineer (Planning), WBPCB.
- h) The Senior Environmental Engineer, (O & E Cell)/Kankinara/Camac Street/Planning/W.M Cell/Haldia R.O, WBPCB.
- i) The Environmental Engineer, Camac Street / Alipore / Salt Lake/ Hooghly/ Howrah/ Durgapur / Kankinara / Malda / Asst. Environmental Engineer, Siliguri / Environmental Engineer, Asansol Regional Office, WBPCB.
- j) Environment Officer (Communication), WBPCB - For Float File.

Ag

Senior Law Officer

West Bengal Pollution Control Board

s/c





- 27 - Annexure - R/7

West Bengal Pollution Control Board
(Department of Environment, Government of West Bengal)
Paribesh Bhawan, Bldg. 10A, Block LA
Sector III, Bidhannagar, Kolkata 700 106
Tel: 2335-6730, 2335-9088/7428/8211/6731/0261/8861
Fax: (0091) (033) 2335-2813

Memo No.

1M-11/2009(Pt-IV)

Date: /04/2022

DIRECTION

WHEREAS, A Ceremonial House (Proprietor-Shri Mukesh Banka) (hereinafter referred to as the unit) located at DA-41, Sector – I, Salt Lake City, P.O. – Bidhannagar, P.S. – Bidhannagar (North), Kolkata – 700064 was inspected by the **West Bengal Pollution Control Board** (hereinafter referred to as the State Board) official on 21.12.2021 following a complaint lodged by Mrs. Paula Kausiki Basak, DA-40, 3rd Avenue, Sector-I, Salt Lake City, P.O. – Bidhannagar, P.S. – Bidhannagar (North), Kolkata – 700064 against the said ceremonial house regarding air, noise, waste pollution due to the activity of the unit.

AND WHEREAS, the unit is a G+3 storied building. Ground floor is used for ceremonial purposes and the kitchen exists on the western side. There are 10(ten) rooms in the first and second floor which are booked by guests on the days of ceremony. The third floor has also 5 (five) rooms but is said to be used for residential purposes of the owner. The following observations were made during inspection:

- During inspection, no ceremonial event was being conducted and no sound system was observed. Kitchen utensils, gas ovens, LPG cylinders were not observed at the time of inspection. It was informed that Kitchen items including gas oven, LPG cylinders and sound systems are hired from outside on the days of ceremony.
- The ceremonial house/guest house is located in an urban locality flanked by residences in the North, South & West and local road & metro corridors in the East. The complainant's residence lies immediately adjacent on the northern side.
- The effluent generated from the kitchen is discharged to local Bidhan Nagar Corporation (BMC) drain. The food waste/solid waste generated is disposed off through BMC vat.
- The ambient noise level was measured to be 54 dB (A).
- The kitchen is equipped with three (03) nos. exhaust fans but there is no suction arrangement and chimney for discharge of smoke.

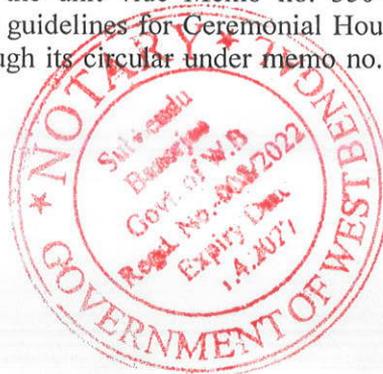
AND WHEREAS, a writ petition was filed before the Hon'ble High Court (WPA 11237 of 2021) by the complainants, which was disposed off on 05/08/2021.

AND WHEREAS, the unit has obtained fire license for storing gas cylinder (LPG) of 40kg on 22.11.2021 for one year. The unit has also obtained fire safety certificate from the office of the Divisional Fire Officer, North 24 Parganas for the G+III building.

AND WHEREAS, BMC has issued permanent certificate of enlistment to the unit for ceremonial house which is valid up to 30/09/2024. Permission of the BMC for the guest rooms could not be provided at the time of inspection.

AND WHEREAS, Urban Dev. & Municipal Affairs Dept., Govt. of West Bengal has issued NOC to the unit for using part of ground, 1st & 2nd floor (total area 3698 sq.ft.) for setting up of ceremony house.

AND WHEREAS, earlier the unit was called for hearing on 05.02.2020 at P.G. Cell of the State Board and Record of Proceeding was issued to the unit vide Memo no. 350-5L/WPB-2020/D-0002 dated 12.03.2020 with a direction to abide by the guidelines for Ceremonial House/Lawns, Banquet Halls and Club House issued by the State Board through its circular under memo no. 1102/383L/WPB/2017 dated



15.12.2017. The same direction was also forwarded to the unit by the Salt Lake regional Office of the State Board on 17.08.2021.

AND WHEREAS, both the complainants and the unit were called for a hearing on 01.02.2022 at the Head office of the State Board. Shri Avijit Das, on behalf of the complainant was present during the hearing. He alleged that the unit is creating severe noise pollution in the surroundings during wedding and other ceremony through using loudspeakers/microphones, DJ, drum beating, trumpets and other shrill instruments and also creating public nuisance due to its activity of the unit.

AND WHEREAS, Shri Mahabir Banka on behalf of the unit appeared in the hearing and said that henceforth they personally monitor the ceremonial event so that no nuisance would be created at the unit premises. During the course of hearing the technical committee requested the unit to submit booking dates of such ceremonial house for the month of February, March, 2022 so that the Board official will again inspect the said house when any such ceremony will be going on. Accordingly, the unit submitted the same on 02.02.2022.

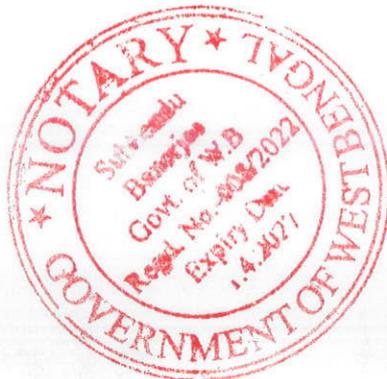
AND WHEREAS, the said ceremonial house was again inspected by the State Board official on 16.02.2022, 17.02.2022 & 18.02.2022 as the dates were booked for ceremonial purpose. But during inspection no actual ceremonial event was going on and neither any acoustic system like sound box and musical instruments were found inside or outside the unit premises. Only small gathering of guests and some cooking operation along with food services were noticed during inspection.

NOW THEREFORE, considering the above, the **Ceremonial House (Proprietor-Shri Mukesh Banka)** located at located DA-41, Sector – I, Salt Lake City, P.O. – Bidhannagar, P.S. – Bidhannagar (North), Kolkata – 700064 is hereby directed as follows:

1. **That**, the unit shall make proper arrangement for ventilating the emission from the kitchen through a proper fume collection and exhaust system and a stack of height at least 3.5 mtrs. above the roof level of the nearest tallest building.
2. **That**, the unit shall install an effluent treatment plant to treat the effluent generated from its kitchen activity.
3. **That**, the unit shall not use loudspeaker or sound system inside the unit premises without proper acoustic insulation arrangements to curb any dissipation of noise into the ambient locality beyond permissible limit. No loudspeakers / sound producing instruments will be used at night time (10.00 p.m. to 6 a.m.).
4. **That**, the unit shall always abide by the guidelines for Ceremonial House/Lawns, Banquet Halls and Club House issued by the State Board through its circular under memo no. 1102/383L/WPB/2017 dated 15.12.2017.
5. **That**, the unit shall comply with the above mentioned conditions within 1 (one) month and submit a compliance report to the State Board.

The Environmental Engineer & In-charge, Salt Lake Regional Office of the State Board is requested to keep a strict vigil on the unit. If the unit is again found to be non-complying with the Board's direction, the Board will take strict regulatory action against the unit.

This direction is issued in exercise of the powers conferred under the provision of Section 33A of Water (Prevention & Control of Pollution) Act, 1974, Section 31A of Air (Prevention & Control of Pollution) Act, 1981, the Environment (Protection) Act, 1986 and Rules made thereunder.



By Order,

Sd/-

Chief Engineer
Operation & Execution Cell
West Bengal Pollution Control Board

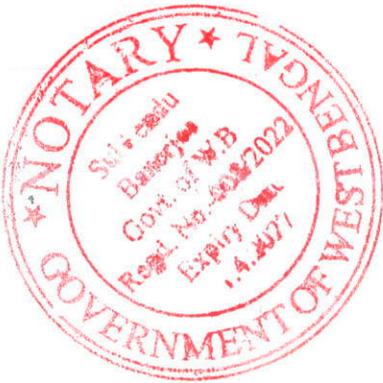
Memo No. 351(01) --1M-11/2009(Pt-IV)

Date: 06/04/2022

Copy forwarded for information and necessary action to:

- ✓ 1. Ceremonial House (Proprietor-Shri Mukesh Banka) located at DA-41, Sector - I, Salt Lake City, P.O. - Bidhannagar, P.S. - Bidhannagar (North), Kolkata - 700064
2. T.A. to the Member Secretary, WBPCB
3. P.A. to the Chairman, WBPCB
4. The Chief Engineer, Planning & EIM Cell, WBPCB
5. The Senior Law Officer, WBPCB
6. The Environmental Engineer & In-charge, Salt Lake Regional Office, WBPCB.
7. Mrs. Paula Kausiki Basak, DA-40, 3rd Avenue, Sector-I, Salt Lake City, P.O. - Bidhannagar, P.S. - Bidhannagar (North), Kolkata - 700064
8. Technical Cell, WBPCB for updating the website.
9. Environment Officer- Communication, WBPCB - for circulation through float file.
10. Guard file of O & E Cell


Chief Engineer
Operation & Execution Cell
West Bengal Pollution Control Board









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

O. A. NO. 21/2023/EZ

In The Matter of:

Paula Kausiki Basak & Ors.

... Applicants

Versus

The State of West Bengal &
Ors.

... Respondents



AFFIDAVIT-IN-OPPOSITION
ON BEHALF OF THE
RESPONDENT Nos. 7 & 8.

SOUMYA MUKHERJEE

Advocate

For the Respondent Nos. 7 & 8

11, Old Post Office Street

Kolkata-700001

Email: soumya.97.mukherjee@gmail.com

Mob: 9830511997.

21 MAR 2023