

BEFORE THE NATIONAL GREEN TRIBUNAL  
EASTERN ZONE BENCH, KOLKATA  
ORIGINAL APPLICATION NO. 69 OF 2022(EZ)

IN THE MATTER OF :

MRS. KAKALI PAL

..... Applicant(s)

Versus

WEST BENGAL POLLUTION CONTROL BOARD & ORS.

..... Respondent (S)

AFFIDAVIT ON BEHALF OF THE RESPONDENT NO. ~~31~~ 3 i.e.

THE WEST BENGAL POLLUTION CONTROL BOARD.

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Filed by

*Dipanjana Ghosh*  
DIPANJAN GHOSH  
ADVOCATE  
W.B.P.C.B

43 of 29/07/22

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AFFIDAVIT ON BEHALF OF THE RESPONDENT NO. <sup>(1)</sup> ~~4~~ i.e.  
THE WEST BENGAL POLLUTION CONTROL BOARD.

Most Respectfully Sheweth

I, Dr. Debashis Chakrabarty, son of Late Amaresh Chandra Chakrabarty, aged about 57 years, by faith - Hindu, by Occupation- Service, working for gain at West Bengal Pollution Control Board, Paribesh Bhawan, 10A, Block LA, Sector III, Salt Lake, Kolkata- 700106, do hereby solemnly declare and say as follows:-



29 JUL 2022

01. That, I am the Senior Scientist of the West Bengal Pollution Control Board (hereinafter will be referred to as the 'State Board') looking after this case and as such I am well acquainted with the facts and circumstances of the case. I have been duly authorized by the Respondent Nos <sup>(4)</sup> ~~1 & 2~~ to affirm this Affidavit on its behalf and as such, I am competent to do so.
02. That, this affidavit is being affirmed in pursuance to the solemn order passed by the Hon'ble Tribunal dated 01.07.2022.
03. That, in compliance to the order of the Hon'ble National Green Tribunal, the State Board caused inspection of the unit on 19.07.2022.

Copy of the inspection report is annexed herewith and marked as **Annexure-"R/1"**.

04. That, inspection report reveals as follows :-
- a) The unit has obtained 'Consent to Establish' from General Manager, District Industries Centre on 24.04.2018.
- b) The unit is yet to obtain 'Consent to Operate' from the State Board.
05. That, considering the inspection report, the State Board has called for a hearing of the unit on 08.08.2022.

Copy of the notice of hearing of the State Board is annexed herewith and marked as **Annexure-"R/2"**.

29 JUL 2022



06. It is therefore respectfully prayed that Hon'ble Tribunal may pass such order/orders as it deems fit and proper in the interest of justice.

*Debashis Chakrabarty*

DEPONENT

### VERIFICATION

I, Dr Debashis Chakrabarty, son of Late Amaresh Chandra Chakrabarty, aged about 57 years, by faith - Hindu, by Occupation- Service, working for gain at West Bengal Pollution Control Board, Paribesh Bhawan, 10A, Block LA, Sector III, Salt Lake, Kolkata- 700106, do hereby solemnly declare and say as follows:-

1. That, I am the Senior Scientist, West Bengal Pollution Control Board and I am well acquainted with the facts and circumstances of the instant Original Application.
2. That, the statements made in paragraph 1 of this affidavit is true to the best of my knowledge and belief.

3. That, the statements made in paragraphs 02 to 05 of this affidavit are my information derived from the records available in the office of the State Board which I verily believe to be true and the rest are my respectful submission before this Hon'ble Tribunal.

*Debashis Chakrabarty*

DEPONENT

Identified by me  
*Rajendra*

ADVOCATE

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

*Sarbani Mitra*  
SARBANI MITRA  
NOTARY  
Regd. No -5515/08

29 JUL 2022



**WEST BENGAL POLLUTION CONTROL BOARD**  
(Department of Environment, Govt. of West Bengal)  
Barrackpore Regional Office  
Panpur More, Kalyani Expressway  
P.O. - Narayanpur, Kankinara, 24-Parganas (N), Pin - 743 126

Memo No. 1275 - 4 / WPB / BR / 24 PDS (N) / 04 (PT-11) Date: 25.07.2022

To  
The Senior Scientist,  
Public Grievance Cell,  
West Bengal Pollution Control Board,  
Mani Square, Block No. 8IT, Western Side,  
8<sup>th</sup> Floor, 164/1, Maniktala Main Road,  
Kolkata- 700054

Through Proper Channel

**Sub:** Inspection of M/s. Modern Engineering, Prop. Barun Mondal, Located at 35/1/C,  
Kalinath Ghosal Road, P.O.- Ariadaha, North 24 Paraganas-700057

**Ref:** Original Application No. 69/2022/EZ before The National Green Tribunal, Eastern Zone  
Bench, Kolkata.

Sir,

With reference to the above, please find the enclosed inspection report of M/s. Modern  
Engineering, Prop. Barun Mondal, Located at 35/1/C, Kalinath Ghosal Road, P.O.- Ariadaha,  
North 24 Paraganas-700057, as per your advice.

Yours faithfully,

*Binandan Mal*  
Environmental Engineer  
Barrackpore Regional Office  
25/07/2022

Encl: As stated.



### Inspection Report

1. Name & Address of the unit : M/s. Modern Engineering,  
Prop. Barun Mondal,  
35/1/C, Kalinath Ghosal Road,  
P.O. - Ariadaha,  
North 24 Paraganas-700057
2. Police Station : Belgharia
3. Electricity supply Authority : CESC
4. Category of the Unit : Orange
5. Date & time of Inspection : 19-07-2022, 15:15 PM to 15:55 PM
6. Inspection Reference : As directed by the Environmental Engineer, BRO
7. Name and designation of the Inspecting Officers : 1) B. Mal (EE, BRO) and  
2) S. Garai (AEE, BRO)
8. Persons met during inspection : a) Complainant – Mr. Biswanath Mondal.  
b) Proprietor – Mr. Barun Mondal.  
c) Ex-partner- Mr. Buddhadeev Guchait.
9. Status of NOC/CFO : The unit has obtained Consent to Establish from General Manager, District Industries Centre, North 24 Parganas via Memo No. 0246/COE(O)/2018/DIC/N-24pgs (Hologram No. 149566) dated 24/04/2018. The unit has applied for Consent to Operate via Application No. 1522172 which is under process.
10. Observation:

This is a public complaint regarding air, water and solid waste pollution against the above mentioned unit. This is a very small unit. The unit is involved in Roto Gravure Printing on plastic sheets. The unit prints product details on plastic packaging sheets for different FMCG items e.g. biscuits, chanachur, etc. The unit utilizes plastic sheets, different colours and colour solvent as raw material.

The unit is located at the premises of one residential house which is owned by Mr. Barun Mondal. Previously the unit used to be jointly operated by Mr. Barun Mondal and Mr. Buddhadeev Guchait. But, there was a split up between the two a few years back and since then Mr. Buddhadeev Guchait is engaged in some other work. After the split, Mr. Buddhadeev Guchait received some parts of the printing machine assembly (which are in idle condition) and these are stored within his premises. The houses of Mr. Biswanath Mondal (complainant), Mr. Barun Mondal (proprietor) and



Mr. Buddhadeev Guchait (Ex-partner) are adjacent to each other. There are small passages in between each of them.

The main concern of the complainant is the unpleasant smell of paint and heated plastic.

During inspection, the unit was in operation. Following were observed-

i) The activities of the unit are done within covered space. The unit has installed two small chimneys on two sides of its premises for proper disposal of any polluting gas generated. During inspection, smell of paint and solvent could be sensed within the unit. But no such smell could be sensed outside the unit even at near proximity.

ii) The unit does not use any water for production purpose and no waste water is generated from its production activities.

iii) The waste lubricating oil, spent solvent and paint residue are sources of hazardous waste and need to be disposed in proper way. The unit also needs to obtain Hazardous Waste Authorisation for the same.

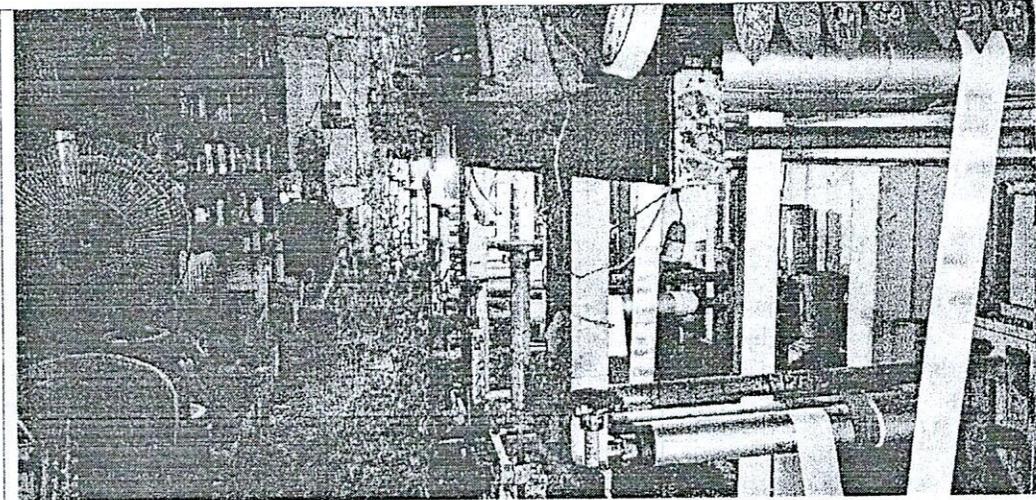
iv) The solid wastes generated from the unit are different packaging materials and waste plastics. These are sold to recyclers.

#### 11) Remarks:

The unit may be directed to abide by the following-

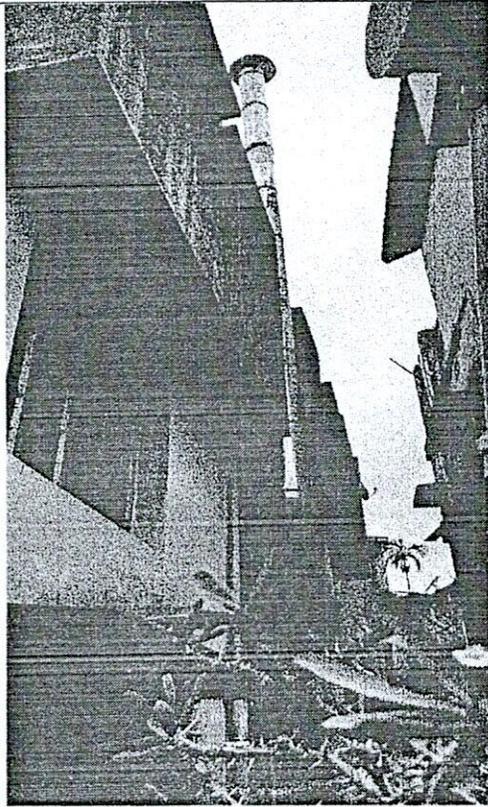
- a) The unit should not operate without obtaining Consent to Operate.
- b) The unit should obtain Hazardous Waste Authorization.
- c) Necessary action may be taken as deemed fit.
- d) The unit should comply with the prohibition order on Single Use Plastic (SUP) issued by Government of West Bengal via Notification No. EN/1209 /3C-22/2019 dated 27<sup>th</sup> June, 2022.

Photographs Taken during Inspection of M/s. Modern Engineering located at 35/1/C, Kalinath Ghosal Road, P.O.- Ariadaha, North 24 Paraganas-700057 on 19.07.2022

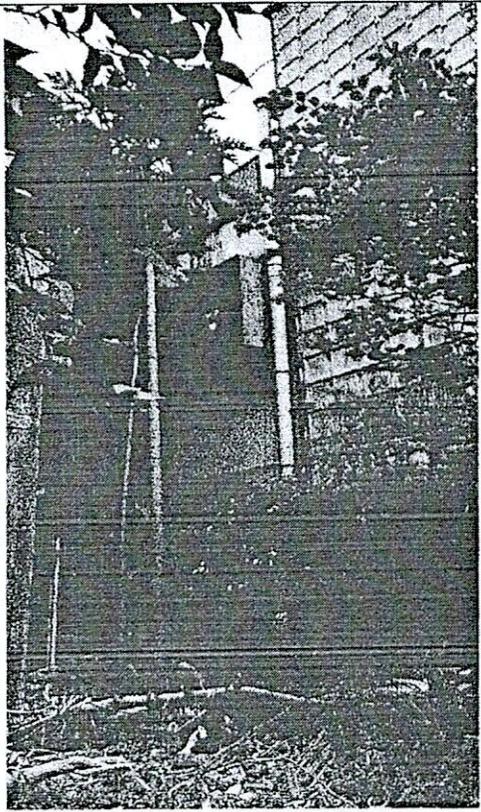


(Fig.1. The unit in operation)

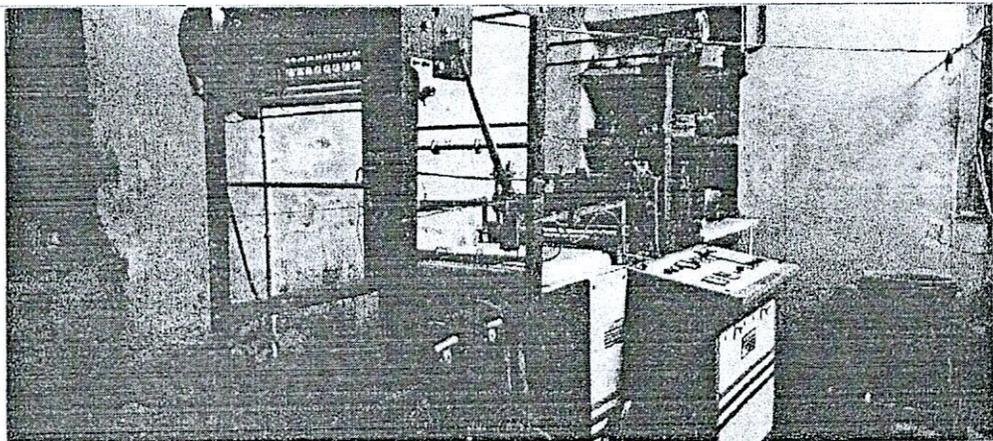




(Fig. 2. Metal Chimney on One Side)



(Fig. 2. PVC Chimney on Other Side)



(Fig. 4. The Idle Machine in the House of Mr. Buddhadeev Guchait)

*Mhd*  
22/07/22

Signature of Inspecting Officer

*Joshi*  
22.07.2022

Signature of Inspecting Officer



**C.O.E. ORANGE CATEGORY**

**WEST BENGAL POLLUTION CONTROL BOARD**

Paribesh Bhawan  
10A, Block-LA, Sector-III  
Bidhannagar, Kolkata-700 098

Handwritten No. 119566

Memo No. 2244/10 (07)/2018/DIC/14-21 pgs.

Dated 21/4/2018

From  
Member Secretary,  
West Bengal Pollution Control Board



Consent to Establish No. 119566

To: *M/S Modern Engineering*  
*Prop. Barun Mondal*  
*20B, Paribesh Bhawan, Chatterjee Street,*  
*Belghoria, Kolkata-700057*  
Sub: Consent to Establish (NOC) from Environmental Point of View

Ref: Your letter No. \_\_\_\_\_ Dated: \_\_\_\_\_

**This consent will be revoked if there is any violation of E.P.A. Act 1986 or if any complaint is found valid against the industry regarding environmental pollution.**

Dear Sirs,

In response to the application for Consent to Establish (NOC) for proposed Unit of *M/s Modern Engineering* for manufacturing/storage installation of *Generators/Printing* at *Prop. Barun Mondal*

*35/11.C, Kalyanthy Chatterjee Road, Prop. Anandaha, P.S. - Belghoria, Kd. 700057,*  
*Kolkata-700057, Pin No. 700057, J.P. No. 1435, Mohza - Anandaha, Kamrhat.*

this is to inform you that this Board hereby grants the Consent to Establish (NOC) from the environmental point of the above subject to the following conditions and special conditions annexed.

1. The quality of sewage and trade effluent to be discharged from your factory shall satisfy the permissible limits as prescribed in IS : 2490 (Pt. I) of 1974, and/or its subsequent amendment and Environment (Protection) Rules 1986.
2. Suitable measures to treat your effluent shall be adopted by you in order to reduce the pollutional load so that the quality of the effluent satisfies the standards mentioned above.
3. You shall have to apply to this Board for its consent to operate and discharge of sewage and trade effluent according to the provisions of the water (Prevention & Control of Pollution) Act, 1974. No sewage or trade effluent shall be discharged by you without prior consent of this Board.
4. All emission from your factory shall conform to the standards as laid down by this Board.
5. No emission shall be permitted without prior approval of this Board and you shall apply to this Board for its consent to operate and atmospheric emission as per provision of the Air (Prevention & Control Pollution) act, 1981.
6. No industrial plant, furnace, flues, chimneys, control equipment, etc. shall be constructed/reconstructed/erected/re-erected without prior approval of this Board.



*Barun Mondal*  
**General Manager,**  
District Industries Centre  
Barth 24-Parganas, Baran

No. 149566

M/s Modern Engineering

NOC

7. You shall comply with
- (i) Water (Prevention and Control of Pollution) Cess Act, 1977, if applicable.
  - (ii) Water (Prevention and Control of Pollution) Cess Act, 1978, if applicable.
  - (iii) Environment (Protection) Act, 1986
  - (iv) Environment (Protection) Rules, 1986
  - (v) Hazardous Wastes (Management and Handling) Rules, 1989 and Amended Rules, 2000
  - (vi) Manufacture, Storage and Import of Hazardous Chemicals Rules, 1989 and Amended Rules, 2000
  - (vii) Manufacture, Use, Import and Storage and Hazardous Micro-Organisms, Genetically Engineered Organisms or Cell Rules, 1989
  - (viii) The Public Liability Insurance Act, 1991 and Amended Act, 1992
  - (ix) The Public Liability Insurance Rules, 1991 and Amended Rules 1993
  - (x) Biomedical Wastes (Management & Handling) Rules, 1998 and Amended Rules 2000 if applicable.
  - (xi) Recycled Plastics Manufacture and Usage Rules 1999, if applicable and
  - (xii) Ozone Depleting Substances (Regulation & Control) Rules, 2000, if applicable

8. You will have to abide by any other stipulations as may be prescribed by any authority/local bodies/Government Departments etc.

General Condition :- As per sheet enclosed - 01 No.

SPECIAL CONDITION:

The Land Conversion Certificate from the appropriate authority shall be obtained before construction of factory.

Capital Investment (Land, building, plant & machinery) :- 9,50,000/- (Nine Lacs Fifty thousand) only

Cost of machinery Rs 8,00,000/-

Production Capacity :- 22,000 kgs Per Month.

Any violation of the aforesaid conditions shall entail cancellation of this Consent to Establish (NOC) 24/4/18

*[Signature]*  
 Yours faithfully,  
 Ex-Officio Executive Member,  
 West Bengal Pollution Control Board  
 Member Secretary,  
 West Bengal Pollution Control Board

Memo No. ....  
Copy forwarded for information to :

Dated.....

1. Chief Inspector of Factories, Government of West Bengal, N. S. Building, Kolkata-700 001
2. Director of Industries/Director of Cottage & Small Scale Industries, Government of West Bengal, N. S. Building, Kolkata-700 001
3. Guard file, West Bengal Pollution Control Board.
4. Environmental Engineer, I/II/Alipur R.O./Howrah R.O./Hooghly R.O./B.R.O./D.R.O./Haldia R.O./S.R.O./Asansol/ Sub-R.O./WBPC Board
 

Himalaya Bhawan Delhi Road, Dankuni Dist. Hooghly	Vill, Panpur Kalyani Expressway P.O. Narayanpur Dist. 24 Pgs. (N)	Sahid Khudiram Sarani City Centre, Durgapur-16 Dist. Burdwan	10, Camac Street 2nd Floor Kolkata-700 017
Paribesh Bhawan 10A, LA-Block, Sector-III Salt Lake City, Kolkata - 700 098	Block-05 at 40 Flats Complex Adjacent to Priyambada Housing Estate P.O. : Khanjanchak, P.S. Durgachak Haldia-721602 Dist. : Purba Medinipur	Paribahan Nagar Matigara, Siliguri Dist.-Darjeeling	
Satya Chowdhury Indoor Stadium Balurchar Bandh Road Maida-732101	Asansol Sub-Regional Office ADDA Commercial Market (2nd Floor) Opposite Asansol Fire Station G.T. Road, Asansol-713 301		Member Secretary, West Bengal Pollution Control Board



All Communication to State Board should be addressed with Number Date and Subject.



WEST BENGAL POLLUTION CONTROL BOARD  
(Department of Environment, Government of West Bengal)  
Paribesh Bhawan, 10A, Block LA, Sector III, Bidhannagar, Kolkata 106 (Near Beliaghata & E.M. BY PASS Crossing),  
Ph.: (033)2335 9088 / 8212, Fax: (033)2335-5272  
Internet: www.wbpcb.gov.in, Email:wbpbcnet@cal3.vsnl.net.in

Complain Docket No. PCB5097  
Memo No. 0505-5L/WPM-2021/M-2972

Dated: 26-07-2022

To  
Modern Engineering, Prop. Barun Mondal  
35/1/C, Kalinath Ghosal Road,  
PS: Belgharia, PO: Ariadaha,  
Dist: Kolkata, Pin: 700057  
West Bengal

Sub: Complaint related to Environmental Pollution

Sir/Madam,

Take notice that a complaint has been lodged against you/your unit/establishment for causing environmental problems.

Therefore, you are hereby informed to appear before the hearing officer of State Board on **08-08-2022 at 12:30 PM at Mani Square, Block/Space-8 IT on Western Side of 8th Floor, 164/1 Manicktala Main Road, Kolkata-700054**, with all statutory licenses including consent of the State Board, if any and status of Pollution Control System.

In case of non-appearance, the State Board may issue necessary regulatory order and take legal step against you/your unit/establishment considering the records kept and maintained by the State Board without any further notice.

Sr. Scientist

In-Charge - Public Grievance Cell

Memo No. 0505-5L/WPM-2021/M-2972

Dated: 26-07-2022

Copy forwarded to:  
1. Biswanath Mondal and Others  
35/5, Kalinath Ghosal Road,  
PO: Ariadaha, PS: Belgharia,  
Dist: North 24 Parganas, Pin: 700057  
West Bengal

He/She/They is/are requested to remain in the hearing on the date and time mentioned above or send an authorized representative for the purpose.

Sr. Scientist

In-Charge - Public Grievance Cell

N.B

In view of the Covid-19 Pandemic, only two persons per party is permitted. Complainants and respondents shall wear masks, gloves, face shields and other protective equipments in keeping with the guidelines of the Govt. of West Bengal regarding prevention of spread of Covid-19.

o/c



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