

BEFORE THE NATIONAL GREEN TRIBUNAL
EASTERN ZONE BENCH, KOLKATA

ORIGINAL APPLICATION NO. 07/2023/EZ

VIJAY KUMAR BURMAN

.....APPLICANT(S)

VERSUS

CENTRAL POLLUTION CONTROL BOARD & ORS.

..... RESPONDENT(S)

AFFIDAVIT ON BEHALF OF THE RESPONDENT NOs.
02, 03 & 04 i.e. THE WEST BENGAL POLLUTION
CONTROL BOARD.

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Filed by

Dipanjana Ghosh

DIPANJAN GHOSH
ADVOCATE
HIGH COURT AT CALCUTTA

SL No: 40 of 28/04/23.



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CONTROL BOARD.**

Most Respectfully Sheweth

I, Sri Subrata Ghosh, Occupation- Service, residing at Narkelbagan, Gorosthan, Chinsurah son of Shri Biswanath Ghosh, aged about 59 years, by faith-Hindu, by, District - Hooghly, do hereby solemnly declare and say as follows:-

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01. That, I am the Chief Engineer, West Bengal Pollution Control Board (hereinafter will be referred to as the 'State Board') and look 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. 02, 03 & 04 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 orders passed by the Hon'ble Tribunal dated 16.03.2023.

03. That, in compliance to the direction of the Hon'ble National Green Tribunal, officials of the State Board caused an inspection of the industry in question, namely, M/s. Shree Balajee Enterprise, located Kada Road, Dist. - Paschim Bardhaman, Pin. - 713203, on 05.04.2023 from 4.40 p.m. onwards.

The said industry is a Slag Crushing Unit and falls under the Orange category.

Copy of the inspection report of the State Board dated 12.04.2023 is annexed herewith and marked with letter "R".



04. That, at the outset, it is pertinent to mention that the application was preferred against M/S " Laxmi Service Centre", which was stated to be engaged in Stone crushing Activities. During inspection, when the inspecting officers contacted the applicant over phone, he identified

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the unit. The complainant alleged that he and his family members have been suffering a lot due to dust generated from the activity of the unit. Whenever the crusher operates, huge dust engulfs the entire area and causes severe inconvenience to the people living in the surroundings.

05. That, The inspecting officers met Smt Rita Shaw(wife of Raj Kumar Shaw, the owner), who asserted that an automobile service centre, named M/S Laxmi Service Centre was operating in that premises long ago. It was submitted by the representative of M/s Shree Balajee Enterprise that it has been lying closed since the last three weeks and also stated that blast furnace slag is procured from authorized contractors of M/s. Durgapur Steel Plant. The crushed slag is sold in the market.

06. That, from the inspection carried out, the following observations were made by the State Board Officials: -

- a) The unit was not operating at the time of inspection.
- b) The unit has one number slag crushing machine.
- c) Blast furnace slag was found dumped all around the factory premises.
- d) The unit has no dust suppression system to control fugitive dust generated from its' activity.
- e) The unit has no dry fog system.
- f) The conveyor of the crusher is not provided with canopies.



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- g) The unit has no water sprinkling arrangement.
- h) The raw materials (blast furnace slag) and products (crushed slag) were found stored under open sky without any cover.
- i) Internal roads were found not paved/concretized.
- j) The unit could not show valid Consent to Operate of the Board.

07. That, the following recommendations were made from the said inspection: -

- a) The unit has obtained Consent to Establish from the State Board vide memo no. 1526 dated 21.01.2002, but the unit did not obtain Consent to Operate till date.
- b) The activity of the unit falls under Orange category. As per existing siting policy of the Board, there is no restriction of setting up of any Orange category industry within Durgapur Municipal Corporation area. As such, the unit may be directed to operate only after obtaining valid Consent to Operate of the State Board.
- C) Consent to Operate may be granted only after compliance of the following conditions:-
 - a) The unit has to install dust suppression system to control fugitive dust generated from its' activity.
 - b) The unit has to install proper dry fog system.

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- c) The conveyor of the crusher should be provided with closed canopies.
- d) The unit has to install adequate number of water sprinklers all along the periphery.
- e) The raw materials (blast furnace slag) and products (crushed slag) should be stored under permanent sheds.
- f) Adequate water sprinkling should be carried out on raw materials prior to crushing.
- g) Green belt should be developed along the boundary wall.
- h) Internal roads should be paved/concretized.
- i) Vehicles to be used for transportation of crushed slag should not be overloaded.

08. That Since the unit has been operating without valid Consent to Operate of the Board and violating environmental norms, necessary regulatory action is going to be initiated against the unit shortly.

09. 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.


DEPONENT

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VERIFICATION

I, Sri Subrata Ghosh, son of Shri Biswanath Ghosh, aged about 59 years, by Religion - Hindu, by Occupation- Service, residing at Narkelbagan, Gorosthan, Chinsurah, District-Hooghly, do hereby solemnly declare and say as follows:-

1. That, I am the Chief Engineer, 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 my knowledge and belief.
3. That, the statements made in paragraphs 2 to 8 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.

Subrata Ghosh
DEPONENT

Identified and Settled by me

Dipankar Ghosh

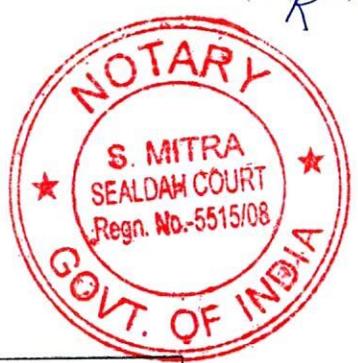
Advocate

WBPCB

Solemnly Affirmed &
Declared Before Me
On Identification By

Sm
SARBANI MITRA
NOTARY
Regd. No.-5515/08

26 APR 2023



Inspection Report Cum Check list

Ref: 1) Order of National Green Tribunal Eastern Zone Bench, Kolkata Vide Original Application No. 07/2023/EZ dated 16/03/2023.

1.	Name of the industry	::	M/s. Shree Balajee Enterprise.
2.	Address of the unit	::	Kada Road, P.O.- Main Gate P.S. Durgapur, Dist. Paschim Bardhaman, PIN-713203.
3.	Local Body	::	Durgapur Municipal Corporation
4.	Electric Supplying Agency	::	WBSEDCL
5.	Category of industry	::	Orange, Slag Crushing Unit
6.	Date & time of inspection	::	05/04/2023, 4.40p.m. onwards
7.	Name of the Inspecting officer	::	Sri Sudipto Banerjee, AEE, DRO Sri Kalyan Modak, JEE, DRO
8.	Person meet during inspection	::	Mr. Joy Sankar Singha, Manager Mobile no. 7601946077
9.	Introduction	:	The unit is engaged in crushing of blast furnace slag procured from authorized contractors of M/s. Durgapur Steel Plant. The unit is located under Durgapur Municipal Corporation area.
10.	Allegation of complainant	:	The complainant Sri Vijay Kumar Burman was not available at the time of inspection. However, complainant was contacted over phone. It was stated that they have been suffering a lot due to dust generated from the slag crushing activity of M/s. Shree Balajee Enterprise. The complainant submitted that his land (presently rented to M/s. Shyam Enterprise-engaged in wholesaling and retailing of rods, tiles and grill items) is situated just beside the unit. It was further submitted that whenever the slag crusher operates, a huge dust engulfs the entire area and causes severe inconveniences to the people living in the surroundings.
11.	Submission of unit representative	:	It was submitted by the representative of the unit that long back (around 15 years) an automobile servicing station was operating in the premises under question, in the name and style of M/s. Laxmi Service Station. The service centre was discontinued and in it's place M/s. Shree Balajee Enterprise- a slag crushing unit was set up. It was submitted by the representative of the unit that the crusher is owned by Smt Rita Shaw (wife of Raj Kumar Shaw) and has been operating since the last 15 years using two nos. workers. It was stated that till a couple of months back, the electricity connection was in the name of M/s. Laxmi Service Station, but recently the name in electric connection has been changed to M/s. Shree Balajee Enterprise. At present, the unit has been lying closed since the last three weeks. It was stated that blast

		furnace slag is procured from authorized contractors of M/s. Durgapur Steel Plant. The crushed slag is sold in the market.
12.	Observation	<ol style="list-style-type: none">1. During inspection it was observed that the activity of the unit is slag crushing and not stone crushing.2. The unit has one no. slag crushing machine. The slag crushing machine was not operating at the time of inspection.3. Blast furnace slag was found dumped all around the factory premises.4. The unit has no dust suppression system to control fugitive dust generated from its' activity.5. The unit has no dry fog system.6. The conveyor of the crusher is not provided with canopies.7. The unit has no water sprinkling arrangement.8. The raw materials (blast furnace slag) and products (crushed slag) were found stored under open sky without any cover.9. Internal roads were found not paved/concretized.10. The unit could not show valid Consent to Operate of the Board.
13)	Recommendation	<p>:</p> <ol style="list-style-type: none">1. The unit has obtained Consent to Establish in the name of 'Shree Balaji Enterprise' from the General Manager, DIC, Paschim Bardhaman vide memo no. 1526 dated 21/01/2002 (copy enclosed) but the unit has not obtained Consent to Operate till date. Since the unit has been operating without valid Consent to Operate of the Board and violating environmental norms, necessary regulatory action is recommended and the unit should immediately be directed by the Board to stop its' activity.2. It is hereby recommended before the Competent Authority of the Board that necessary Environmental Compensation may be imposed upon the unit (for operating without Consent to Operate and violating environmental norms).3. The activity of the unit falls under Orange category. As per existing siting policy of the Board, there is no restriction of setting up of any Orange category industry within Durgapur Municipal Corporation area. As such, the unit may be directed to operate only after obtaining valid Consent to Operate of the Board. Consent to Operate may be granted only after compliance of the



		<p>following conditions:-</p> <ol style="list-style-type: none"> The unit has to install dust suppression system to control fugitive dust generated from its' activity. The unit has to install proper dry fog system. The conveyor of the crusher should be provided with closed canopies. The unit has to install adequate number of water sprinklers all along the periphery. The raw materials (blast furnace slag) and products (crushed slag) should be stored under permanent sheds. Adequate water sprinkling should be carried out on raw materials prior to crushing. Green belt should be developed along the boundary wall. Internal roads should be paved/concretized. Vehicles to be used for transportation of crushed slag should not be overloaded.
14)	Remarks	: Any other action may be taken by the Competent Authority of the Board as deemed to be appropriate.

K. Modak
25/04/2023
K.Modak

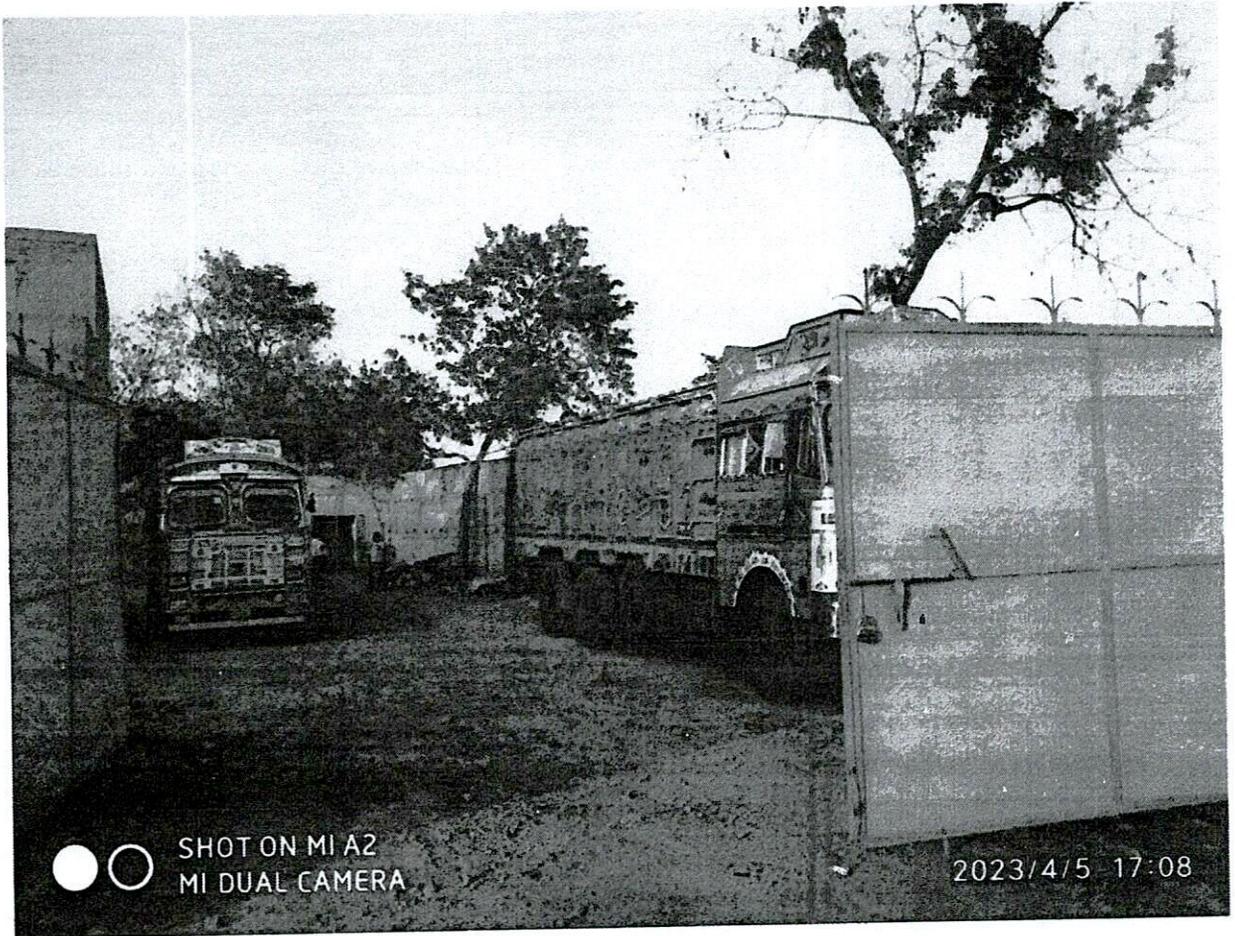
Junior Environmental Engineer
Durgapur Regional Office

S. Banerjee
25/04/2023

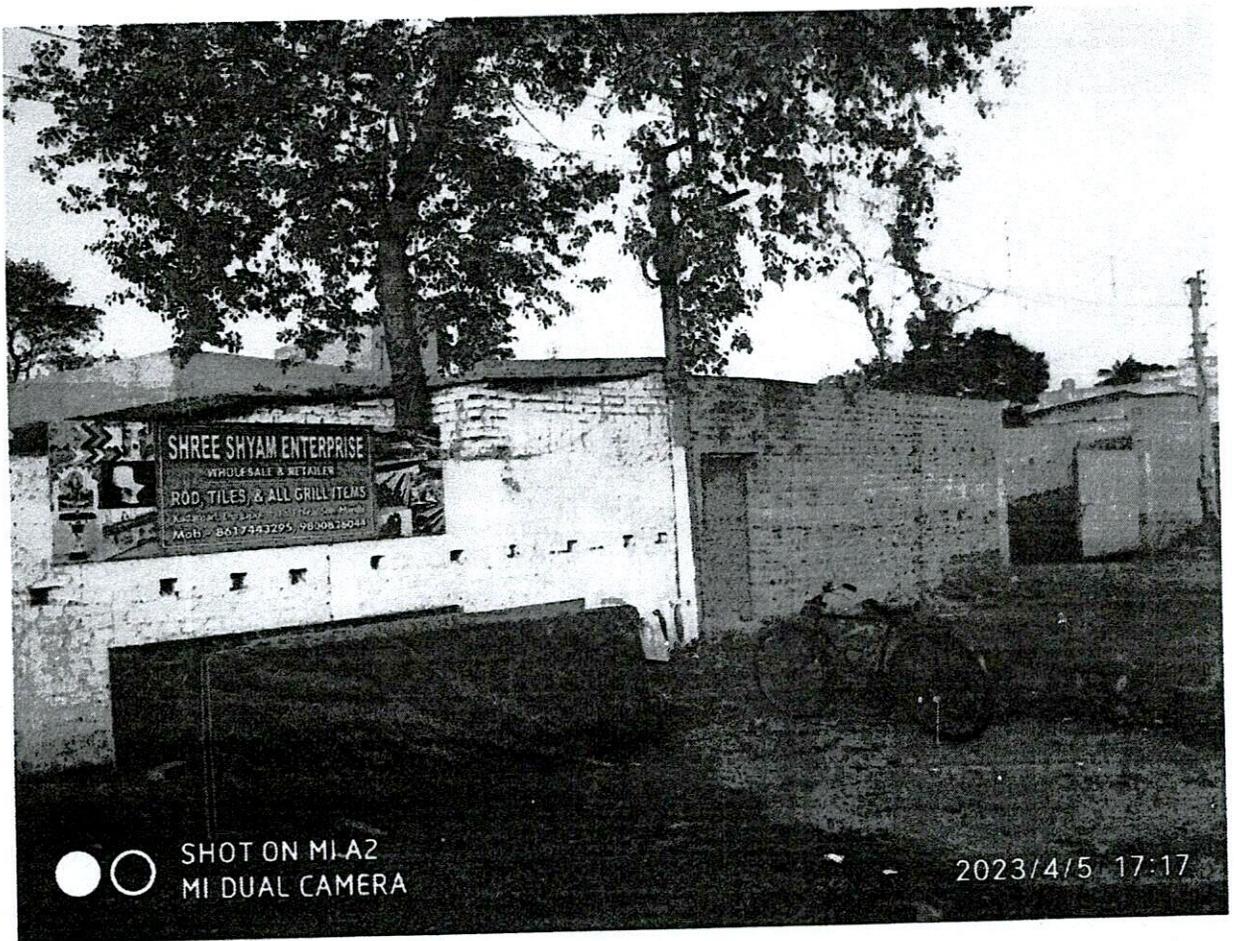
S. Banerjee
Assistant Environmental Engineer
Durgapur Regional Office

Enclosed: Photographs





Entrance of the unit



Complainant's land (presently rented to M/s. Shree Shyam Enterprise) adjacent to the unit





Raw Materials (Blast Furnace Slag) stacked inside the premises under open sky



Slag crushing machine with hopper



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