

BEFORE THE NATIONAL GREEN TRIBUNAL
EASTERN ZONE BENCH, KOLKATA

ORIGINAL APPLICATION NO. 152/2022/EZ

ANKUR SHARMA

.....APPLICANT(S)

VERSUS

THE STATE OF WEST BENGAL & ORS.

..... RESPONDENT(S)

AFFIDAVIT ON BEHALF OF THE RESPONDENT NO. 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. 51² of 08/02/23

**BEFORE THE NATIONAL GREEN TRIBUNAL
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**AFFIDAVIT ON BEHALF OF THE RESPONDENT NO. 04,
i.e. THE WEST BENGAL POLLUTION 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:-

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

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circumstances of the case. I have been duly authorized by the Respondent No. 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 06.12.2022.

03. That, as per the order of the Hon'ble Tribunal, the State Board caused an inspection of the site namely, Patipukur Wholesale Fish Market, located at 62B, Khudiram Bose Sarani, Kolkata - 700037, on 28.12.2022 between 11.a.m. to 13.30 hrs.

04. That, the inspecting officials of the State Board inter alia observed: -

- i) The inspected site is a wholesale fish market comprising one big/original market and another small/new/upper market, laid over approximately 56 cottahs of land.
- ii) The market has been in existence for a long time exceeding a century.
- iii) The market site is surrounded by local residences on almost all sides except on the south where there is the local road.
- iv) The entire complex, consist of 200 stalls (120 in original market and 80 in new market) is managed by three merchant Associations, namely, B.K. Pal Bazar Paikari Matsya Byabsayee Samity,



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Patipukur Fish Market Owner's Welfare Association and Patipukur Fish Market Owner's Welfare Society.

- v) The daily handling of fish amounts to 30 MT approx. (25 MT in original market and 5MT in new market) and approx. 5,000 buyers visit the market daily.
- vi) Waste water is generated mainly due to melting of ice slabs that are used for frozen fish delivery. This waste water goes finally into local KMC sewer.
- vii) Solid waste generated includes discarded/broken fiberglass crates and thermocol boxes, jute bags and discarded vegetations/leaves required for fish packing. During inspection, small garbage piles were noted at some places within the market. It was stated by the market representatives that cleaning of wastes is done by twelve labourers.
- viii) Such market cleaning operation was found being conducted and handcarts were observed being loaded with garbage at some sites.
- ix) The market representative submitted that there is compactor station of KMC in the vicinity of the market to which all the accumulated solid wastes were being sent for disposal until recent past. Supporting bills for the same KMC service were produced as testimonials. The association also complained that the KMC waste collection service is irregular.

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- x) Thermocol wastes (broken boxes) are disposed to a makeshift area earmarked for that purpose, beside the said Compactor Station near the market and is reported to be collected by a local group for further processing.
- xi) No accumulation of any market generated solid waste nor any encroachment of the market operations was seen into the adjacent road or ambient locality.

Copy of the inspection report of the State Board dated 02.01.2023 is annexed herewith and marked with letter "R1".

05. That, the following remarks/recommendations were made by the Inspecting Officials of the State Board in their inspection report: -

" Since the fish market conducts mainly whole-selling operations, it has very limited generation of effluent and fish waste. However, it is located at prominent locality of the city and therefore, considering the entire circumstances it is recommended that an efficient waste disposal plan should be worked out by the market associations in consultation with KMC and special care should be taken to ensure regular disposal of all types of solid wastes."

06. That, considering the same, the State Board has issued a letter to the Kolkata Municipal Corporation for compliance.



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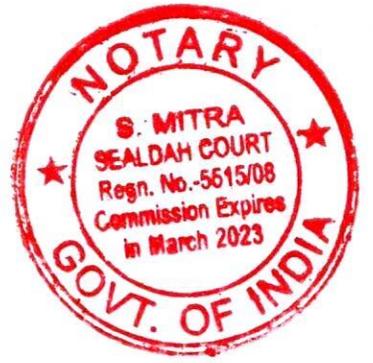
Copy of the letter of the State Board is annexed herewith and marked with letter "R2".

07.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 6 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.


DEPONENT

Identified and Settled by me



Advocate

WBPCB

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


SARBANI MITRA
NOTARY
Regn. No.-5615/08

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INSPECTION REPORT OF PATIPIKUR WHOLESALE FISH MARKET

Reference : Q.A. NO.152/2022/EZ before the Hon'ble NGT, EZ Bench, Kolkata

| | |
|---------------------------------|--|
| NAME OF THE UNIT/SITE | PATIPIKUR WHOLESALE FISH MARKET |
| Address | 62B, Khudiram Bose Sarani, Kolkata-700037 |
| P.S. | Tala |
| District | Kolkata |
| Local Body/Authority | KMC |
| Power Supply agency | CESC |
| Date & Time of inspection | 28-12-2022 at 11.00am hrs. to 13.30 hrs. |
| Inspecting official(s) of WBPCB | Sri A. Dasgupta, Env. Engineer, Salt Lake R.O. & Sri D. Das, Astd. Env. Engineer, Salt Lake, R.O. |
| Persons met during inspection | Sri Rabindra Nath Sardar, for B.K.Pal Bazar Paikari Matsya Byabsayee Samity Sri Kamal Das, for Patipukur Fishmarket Owners' Welfare Association Sri Shib Sankar Singh for Patipukur Fishmarket Owners' Welfare Society Upper Section |

OBSERVATIONS :

The inspected site is a wholesale fish market comprising one big/original market and another small/new/upper market. The market has been in existence for a long time exceeding a century. The market site is surrounded by local residences on almost all sides except on the South where there is the local road. The entire complex, laid over approximately 56 Kattas of land and having 200 stalls (120 in original market and 80 in new market) is managed by three merchant Associations, namely B.K.Pal Bazar Paikari Matsya Byabsayee Samity, Patipukur Fishmarket Owners' Welfare Association and Patipukur Fishmarket Owners' Welfare Society Upper Section.

The market activity involves procurement of packed fishes from several states of India and subsequent sale/delivery to retail buyers. Only whole sale of fish, without any processing (cutting, descaling or otherwise), takes place in the market except for a few shops (about

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10 to 15 nos) in the new smaller section of the market, namely upper section market, that also conduct very limited selling of vegetables & cut fish.

As learnt, the daily handling of fish amounts to 30MT approx (25MT in original market & 5MT in new market). As per the associations' submission, approx. 5000 buyers visit the market daily during the early morning hours and fish delivery is done daily through approx. twenty small commercial vehicles in early morning and approx. ten trucks in late night hours. During inspection no ongoing commercial transaction was noticed in the market.

The market has three water taps connected to Kolkata Municipal Corporation (KMC) water supply. Waste water is generated mainly due to melting of ice slabs that are used for frozen fish delivery. This waste water goes finally into local KMC sewer, through internal drains & partly as run off, over sloped grounds via three intermediate catchment pits located at Western, Central & Eastern peripheries of the market complex.

Packed fishes are mainly brought in large ice-packed fibreglass crates and also in thermocol boxes and delivered through personal containers of the purchasing retailers. Since mainly wholesale business occurs, almost no fish waste (fish scales, discarded body parts, blood fluids, blood, etc.) is generated.

Solid waste generated includes discarded/broken fibreglass crates & thermocol boxes, Jute bags and discarded vegetation/leaves required for fish packing. During inspection small garbage piles were noted at some places within the market. It was stated by the market representatives that cleaning of wastes is done daily by twelve labourers. Such market cleaning operation was found being conducted and handcarts were observed being loaded with garbage at some sites.

The market representative submitted that there is a compactor station of KMC in the vicinity of the market to which all the accumulated solid wastes were being sent for disposal until recent past. Supporting bills for the same KMC service were produced as testimonials. However, it was alleged that the same market-bred solid waste is no longer being allowed by the KMC to be disposed to the said compactor unit on ground of its wetness (high moisture content). Now the same waste has to be disposed to a distant

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Compactor Station and higher charges have to be paid to the KMC for such service. The association also complained that the KMC waste collection service is irregular.

Thermocol wastes (broken boxes) are disposed to a makeshift area earmarked for that purpose, beside the said Compactor Station near the market and is reported to be collected by a local group for further processing. No accumulation of any market generated solid waste nor any encroachment of the market operations was seen into the adjacent road or ambient locality.

Usual strong characteristic fish smell was noted inside the market specially at the old section.

Photographs gathered on the occasion are enclosed herewith.

Remarks/Recommendation :

Since the fish market conducts mainly whole-selling operations, it has very limited generation of effluent & fish waste. However, it is located at a prominent locality of the city and therefore, considering the entire circumstances it is recommended that an efficient waste disposal plan should be worked out by the market associations in consultation with KMC and special care should be taken to ensure regular disposal of all types of solid wastes.


Signature of Env. Engineer


Signature of Assistant Env. Engineer

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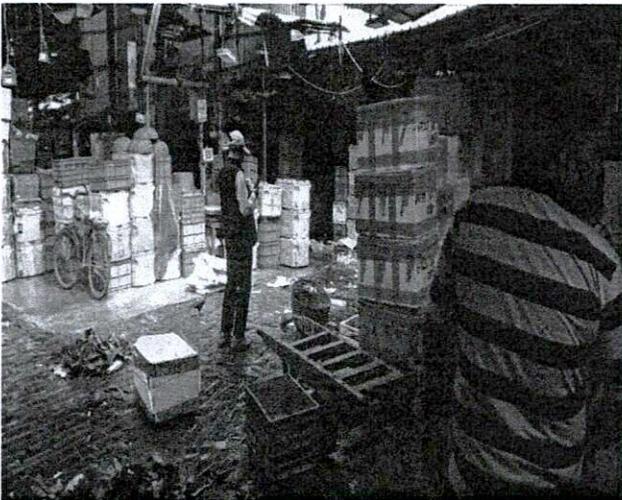
Patipukur Fish Market



Market effluent catchment pit



Solid waste (Leaves & misc)



Accumulated garbage piles



Waste disposal cart



Market cleaning personnel

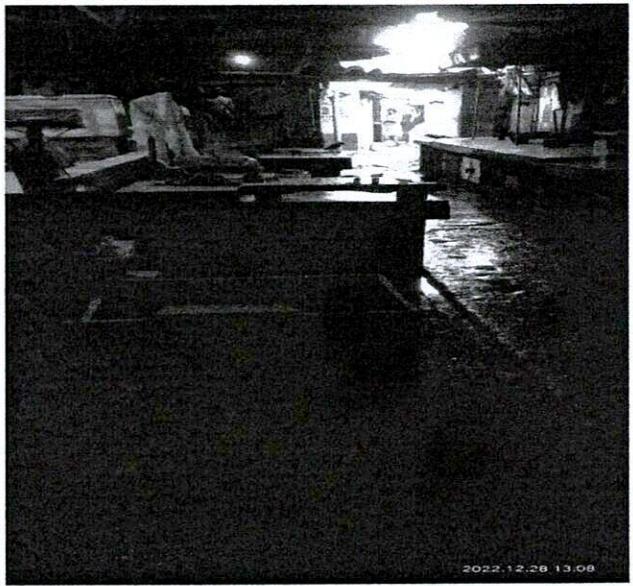


Garbage loading on hand cart

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Market old section road



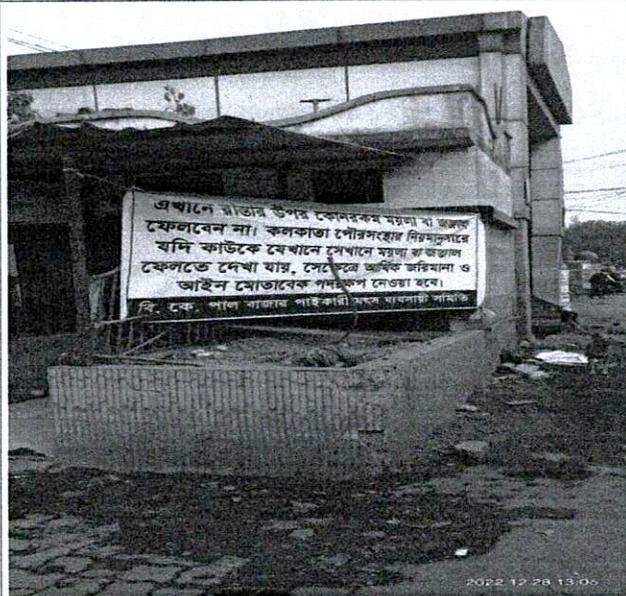
Old market zone after cleaning



Fibreglass crates



Adjoining compacter station



Market display hoarding



Temporary thermocol storage

Amindya Das Gupta

[Signature]

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WEST BENGAL POLLUTION CONTROL BOARD

(Department of Environment, Government of West Bengal)

"Paribesh Bhawan", 10A, Block - LA, Sector - III,
Salt Lake City, Kolkata - 700 106

Ph.: (033)2335-9988/8212, Fax : (033)2335-8073

Website : www.wbpcb.gov.in E-mail : net.wbpcb-wb@bangla.gov.in

Memo No. 39 3L/WPB-G(IV)/2022

Dated: 07/02/2023

To

The Commissioner,
Kolkata Municipal Corporation
5, S.N. Banerjee Road,
Kolkata - 700013.

Sub: Compliance of Solid Waste Management Rules within the Patipukur Wholesale Fish Market, located at 62B, Khudiram Bose Sarani, Kolkata - 700037.

Ref: O.A. NO. 152/2022/EZ (Ankur Sharma-Vs- The State of West Bengal & Ors.)

Sir,

Whereas the above mentioned Original Application has been filed before the Hon'ble Tribunal for non-compliance of Solid Waste Management Rules, 2016 in the Patipukur Wholesale Fish Market area.

And whereas in compliance of the direction of Hon'ble Tribunal dated 06.12.2022, the State Board caused an inspection of the market on 28.12.2022. After inspection, the inspecting officer has found that the solid waste disposal system is not sufficient and the State Board officials feel that a proper disposal plan should be worked out by the KMC with the market associations.

You are hereby requested to take steps in this regard and submit the compliance report within fifteen days from the date of receipt of this letter.

This is for your information and necessary action.

Yours faithfully,

Chief Engineer (O & E)

West Bengal Pollution Control Board

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