

BEFORE THE NATIONAL GREEN TRIBUNAL
EASTERN ZONE BENCH, KOLKATA



ORIGINAL APPLICATION NO. 174/2023/EZ

SONJIT KUMAR KAYAL

.....APPLICANT(S)

VERSUS

DEPARTMENT OF ENVIRONMENT & ORS.

..... RESPONDENT(S)

COUNTER AFFIDAVIT FILED BY THE WEST
BENGAL POLLUTION CONTROL BOARD.

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Filed by
Dipanj Ghosh
DIPANJAN GHOSH
ADVOCATE
HIGH COURT AT CALCUTTA

SL. NO. 404/2024

BEFORE THE NATIONAL GREEN TRIBUNAL
EASTERN ZONE BENCH, KOLKATA

ORIGINAL APPLICATION NO. 174/2023/EZ



SONJIT KUMAR KAYAL

.....APPLICANT(S)

VERSUS

DEPARTMENT OF ENVIRONMENT & ORS.

..... RESPONDENT(S)

BEFORE THE NOTARY PUBLIC
AT BISHNUPUR WAGAR
DIST. NORTH 24 PARGANAS

COUNTER AFFIDAVIT FILED BY THE WEST
BENGAL POLLUTION CONTROL BOARD.

Most Respectfully Sheweth

I, Sri Subrata Ghosh, son of Shri Biswanath Ghosh, aged about 60 years, by faith-Hindu, Occupation- Service, residing at Narkelbagan, Gorosthan, Chinsurah, District - Hooghly, do hereby solemnly declare and say as follows:-

15 JAN 2024

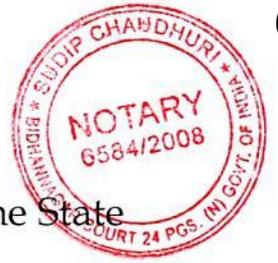


01. That, I am the Officer on Special Duty (OSD), West Bengal Pollution Control Board (hereinafter will be referred to as the 'State Board') and I am well acquainted with the facts and circumstances of the case. I have been duly authorized by the Respondent No. 02 to affirm this Affidavit on his behalf and as such, I am competent to do so.

02. That, this affidavit is being affirmed in pursuant to the solemn order passed by this Hon'ble Tribunal dated 30.11.2023.

03. That, the Hon'ble National Green Tribunal vide order dated 30.11.2023, directed all Respondents to file their counter-affidavit.

15 JAN 2024



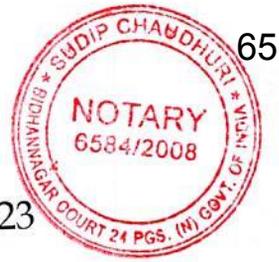
04. That, in compliance with the aforesaid order the State

Board caused an inspection of the said unit, namely, M/s. Maa Kali Food Products, located at 169/1C, Haridas Dutta Road, Hazariapara, Ward No. 6, P.S.- Joynagar, Dist.- South 24 Parganas, Pin- 743337, on 29.12.2023.

05. That, during inspection, the State Board official made the following observation:

- (a) Coal fired oven used for making food product (snacks item) has been dismantled. No activities for manufacturing snacks items were observed. Hence, no gaseous emission as well as effluent generation could be observed.
- (b) The unit has applied online for Consent to Establish.

15 JAN 2024



06. That, the unit has submitted a letter on 18.12.2023 stating that he will use diesel fired oven instead of coal fired oven after getting permission from the State Board.

07. That, the State Board official after conducting the inspection, made the following remarks:

“ As the unit will use cleaner fuel like HSD (High Speed Diesel) for frying food product and considering siting policy of State Board, the unit may be allowed to operate.”

Copy of the Inspection Report of the State Board dated 02.01.2024 is annexed herewith and marked with letter “R”.

5 JAN 2024



08. 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.

Identified by me
Dipankar Ghosh
Advocate

Sudip Chaudhuri
DEPONENT

Sudip Chaudhuri
S. CHAUDHURI
★ NOTARY ★
GOVT. OF INDIA
Regd. No.-6584/08
Bidhannagar Court
Dist.-North 24 Pgs.

15 JAN 2024



VERIFICATION

I, Sri Subrata Ghosh, son of Shri Biswanath Ghosh, aged about 60 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 Officer on Special Duty (OSD), 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 7 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.



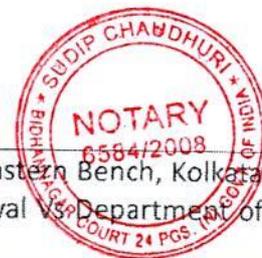
D. Jayaraj
Identified by me
Advocate
WBPCB

S. Subrata Ghosh
DEPONENT

S. Chaudhuri
S. CHAUDHURI
* NOTARY *
GOVT. OF INDIA
Regd. No.-6584/08
Bidhannagar Court
Dist.-North 24 Pgs.

15 JAN 2024

Inspection Report cum Check List
West Bengal Pollution Control Board
Alipore Regional Office



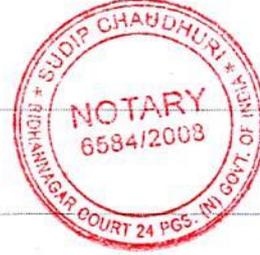
Ref	: Order of Hon'ble National Green Tribunal, Eastern Bench, Kolkata w.r.t. OA No. 174/2023/EZ (Sanjit Kumar Kayal Vs. Department of Environment & Ors.)
Name of the industry	: Maa Kali Food Product, Prop. Arup Mandal
Address	: 169/1C, Haridas Dutta Road, Hazaripara, Ward No. 6, P.S.- Joynagar, Dist. South 24 Paraganas, PIN-743337
P.O. & Pin code	: Joynagar-Mozilpur 743337
P.S	: Joynagar
District	: 24 Parganas (South)
Local body/authority	: Joynagar –Mozilpur Municipality
Power supply agency/authority	: WBSEDCL
Category of industry	: --
Date of inspection	: 29.12.2023
Inspecting officer	: N. Mandal, AEE Alipore RO
Observation	During inspection, it was observed that coal fired oven used for
[A] Sources of generation of Industrial liquid waste	: making food product (snacks items) has been dismantled (Pic-1). No activities were observed. So, there is no option to generate waste water from manufacturing process.
[B] Facilities available for treatment	: NA
[C] Generation of sewage and its treatment/disposal	: Septic tank to drain
[D] Observation & comments on performance of treatment facility of liquid waste	: During inspection , it was observed that coal fired oven; used for making food product (snacks items) has been dismantled. No activities were observed for making snacks items. So, there is no option to generate waste water from manufacturing process. Hence, no treatment is required.
[E] Sources of generation of gaseous emission	: During inspection , it was observed that coal fired oven used for making food product (snacks items) has been dismantled. So, there is no source of generation of gaseous emission.
[F] Facility available for treatment of gaseous emission	: -NA
[G] Observation & comments on performance of treatment facility for gaseous emission	: During inspection , it was observed that coal fired oven used for making food product (snacks items) has been dismantled. No activities for manufacturing snacks items were observed. So, there is no source of generation of gaseous emission.
[H] Observation on noise pollution generated from	:

industrial process along with measured levels (if measurement required)

[I] Information regarding solid waste generation and disposal/storing facility : .

[J] Information regarding Hazardous waste generation and onsite storing facility : --

[K] Status of Haz. Waste (M & H) authorisation : --



[L] Storing of Hazardous Chemicals under M S & I (HC) Rules : Not applicable

[M] Status of consent to establish : The unit has applied for Consent to Establish vide application no. 4388854 under orange category. Then they have changed type of industry as food product under green category, which will be dealt by District Industry Centre, 24 Parganas (South). Application has been transferred to District Industries Centre 24 Parganas (South) from Alipore RO of WBPCB.

[N] Status of consent to operate : Not yet applied for CTO

[O] Status of Environmental Clearance (EC) : Not required

[P] Any other relevant information :

1. The unit has submitted a letter on 18.12.2023 stating that he will use diesel fired oven instead of coal fired oven after getting permission from WBPCB..

Remarks :

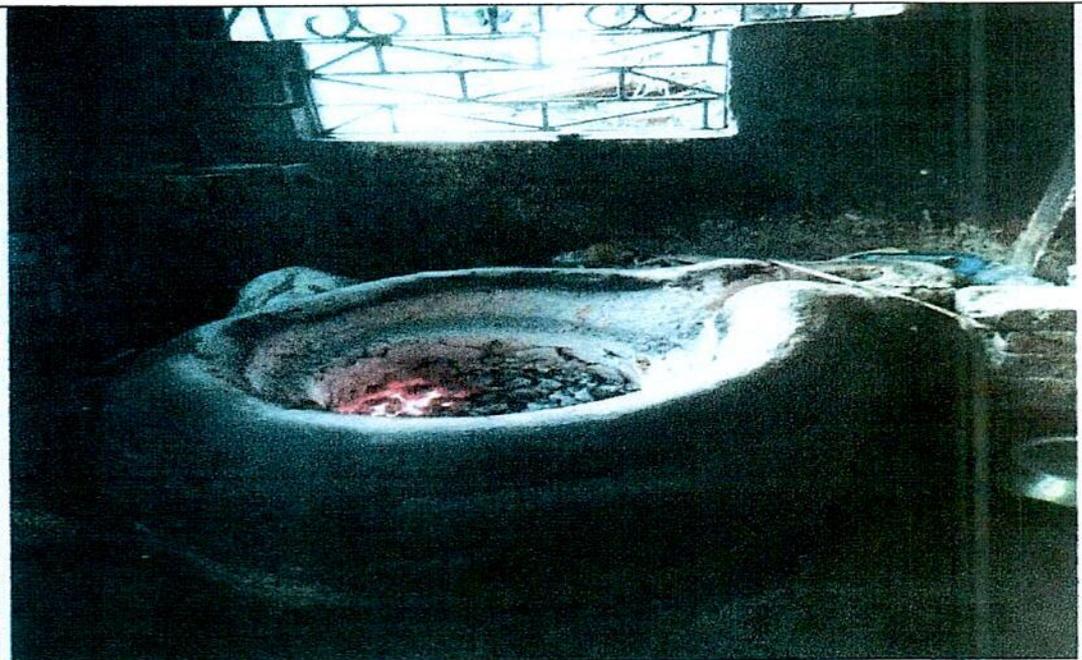
1. As the unit will use cleaner fuel like HSD for frying food product and considering siting policy of State Board, the unit may be allowed to operate.
2. Necessary decision may be taken as deemed fit and proper.

N. Mandal
02/01/2024
N. Mandal, AEE

Photographs of Maa Kali Food Product taken on 29.12.2023



Pic-1(Oven dismantled) taken on 29.12.2023



Pic-2(coal fired Oven, which has been dismantled) taken on 06.06.2023

Application Details

[print](#)**From :** M/s MAA KALI FOOD PRODUCT (O230034388850)

Haridas Dutta Road, PO: Jaynagar Mozilpu, PS: Jaynagar, Pin: 743337, WB, India., Joynagar Mozilpur, South Twenty Four Pgs

No : 4388854**Date :** 28-10-2023**Sub :** Application For -**Date Time:** 16-11-2023 06:08**Note By:** SEE RO(WB005)**Forwarded To :** AEE(Alipore)**Description:****Activity:** Forward**Date Time:** 29-11-2023 01:19**Note By:** AEE(Alipore)(WB011)**Forwarded To :** AEE(Alipore)**Description:****Activity:** Forward

Please upload a undertaking for Gross Capital Investment for land, building and plant & machinery mentioning 1.5 lakh of which investment for plant and machinery 50000/- as mentioned in the application.

Scrutiny Query: Production capacity 50Kg/Day, Average Production 1500Kg/Day? Please check and modify Please upload a photographs of Oven and chimney. Please do the needful and resubmit for further feedback

Scrutiny Status: In-Complete [View Scrutiny Report](#)

Please upload a undertaking for Gross Capital Investment for land, building and plant & machinery mentioning 1.5 lakh of which investment for plant and machinery 50000/- as mentioned in the application.

Scrutiny Description Production capacity 50Kg/Day, Average Production 1500Kg/Day? Please check and modify Please upload a photographs of Oven and chimney. Please do the needful and resubmit for further feedback

Activity: Reject**Description:****Date Time:** 29-11-2023 01:21**Note By:** AEE(Alipore)(WB011)**Forwarded To :** AEE(Alipore)**Description:** Kindly See the attachment.....**Activity:** Forward

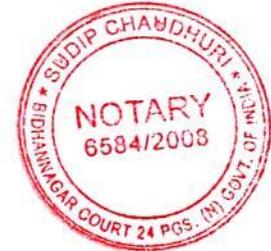
Please upload a undertaking for Gross Capital Investment for land, building and plant & machinery mentioning 1.5 lakh of which investment for plant and machinery 50000/- as mentioned in the application.

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Scrutiny Status: In-Complete [View Scrutiny Report](#)

Please upload a undertaking for Gross Capital Investment for land, building and plant & machinery mentioning 1.5 lakh of which investment for plant and machinery 50000/- as mentioned in the application.

Scrutiny Description Production capacity 50Kg/Day, Average Production 1500Kg/Day? Please check and modify Please upload a photographs of Oven and chimney. Please do the needful and resubmit for further feedback



Activity: Forward

Activity: Application Re-Submitted

Query Reply: Kindly See the attachment.....

Note By: MAA KALI FOOD PRODUCT(Industry)

Date Time: 18-12-2023 11:15

Forwarded To : AEE(Alipore)

Date Time: 19-12-2023 11:17

Note By: AEE(Alipore)(WB011)

Forwarded To : SEE RO

Description: They have changed fuel from coal to HSD. So, it is a green category , small scale unit. _Please send the file to DIC

Activity: Forward

Date Time: 19-12-2023 11:38

Note By: SEE RO(WB005)

Forwarded To : Env. Engineer(Planning Cell)

Description: Please send the file to DIC

Activity: Forward

Date Time: 20-12-2023 06:41

Note By: Env. Engineer(Planning Cell)(WB055)

Forwarded To : General Manager

Description:

Activity: Forward

Date Time: 03-01-2024 01:28

Note By: General Manager(WBD068)

Forwarded To : Manager

Description: Please check, the unit has submitted any valid documents where it is established that the unit has changed its fuel from coal to HSD.

Activity: Forward

Date Time: 03-01-2024 02:14

Note By: Manager(WBD069)

Forwarded To : Industrial Development Officer(IDO)

Description: Please check and process the application.

Activity: Forward

Date Time: 03-01-2024 02:34

Note By: Industrial Development Officer(IDO) (WBD070)

Forwarded To : Industrial Development Officer(IDO)

Description:

Activity: Forward

Scrutiny Query: Complete application sheets.Upload all documents as per guidelines of WBPCB.

Scrutiny Status: In-Complete [View Scrutiny Report](#)

Scrutiny Description: Complete application sheets.Upload all documents as per guidelines of WBPCB.

Activity: Reject

Description:



