



**BEFORE THE HON'BLE NATIONAL GREEN TRIBUNAL  
EASTERN ZONE BENCH, KOLKATA  
ORIGINAL APPLICATION NO. 185/2023/EZ**

Shiyarketiya Yubashakti Seba Samiti

..... Applicant

- Versus -

State of West Bengal & Ors.

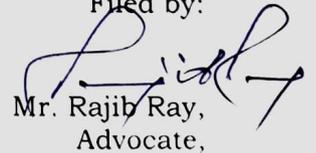
...Respondent

**AFFIDAVIT ON BEHALF OF THE RESPONDENT NO. 2, DISTRICT  
MAGISTRATE, JHARGRAM.**

INDEX

SL	PARTICULARS	ANNEXURE	PAGE
1.	Affidavit		1-3
2.	Committee report	A	4-5
3.	Service/acknowledgement report	B	6-12

Filed by:



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**BEFORE THE HON'BLE NATIONAL GREEN TRIBUNAL  
EASTERN ZONE BENCH, KOLKATA  
ORIGINAL APPLICATION NO. 185/2023/EZ**

Shiyarketiya Yubashakti Seba Samiti  
..... Applicant

- Versus-

State of West Bengal & Ors.  
...Respondent

Sunil Agarwala

**AFFIDAVIT ON BEHALF OF THE RESPONDENT NO. 2, DISTRICT  
MAGISTRATE, JHARGRAM.**

I, Sri Sunil Agarwala, son of Lt. Laxmi Chand Agarwala, Hindu, aged about 54 years, by faith Hindu, by occupation- Government Service, now posted as District Magistrate, Jhargram District- Jhargram, Pin No- 721507 , do hereby solemnly verify and say as follows:-

1. I am the Distract Magistrate, Jhargram, herein. I have made myself acquainted with the facts and circumstances of this case and competent to affirm this affidavit.

2. That this affidavit is being affirmed in pursuant to the solemn order dated 09.01.2024 passed by the Hon'ble Tribunal, whereby the Hon'ble Tribunal was pleased to direct all the respondents to file counter affidavit within four weeks and further constituted a Committee comprising of the following members and the committee has been directed to visit the site in question and submit its report and disclose the name and proprietor/proprietors as well as its postal address in its report :-

- (i) Senior Scientist, West Bengal Pollution Control Board; and
- (ii) District Magistrate, Jhargram, or is representative not below the rank of Additional District Magistrate,

3. That in compliance with the said Order dated 09.01.2024, a spot enquiry/inspection of the area in question has been done by the (i) Sri Hirak Mondal, WBCS Exe, Additional District Magistrate & District Land and Land

JOYPRAKASH DAS  
NOTARY (Govt. of India)  
Jhargram Judge's Court (W.B)

07 FEB 2024

Reforms Officer, Jhargram, (ii) Sri Sisir Mondal, EE & In-charge, WBPCB, Haldia R.O. along with other officers.

4. That the said Committee after physical verification of the area in question as per the direction of the Hon'ble Tribunal duly submitted its report.

Photocopy of the said report is annexed herewith and marked with Annexure - "A".

5. That in compliance with the said Order dated 09.01.2024, a copy of the order as well as complaint letter of Shiyarketia Yubashakti Seba Samiti, has been served upon the charcoal factory in question i.e. M/s Deven Enterprises on 24/01/2024.

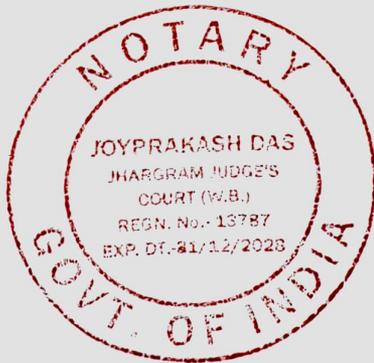
Photocopy of the service/acknowledgement report is annexed herewith is annexed herewith and marked with Annexure - "B".

6. It is therefore respectfully prayed that Hon'ble Tribunal may pass such other order or orders as it deem fit and proper in the interest of justice.

7. That the statements made in paragraph 1 to 5 are based on information derived from the record which are usually kept and maintained by the answering respondent in the ordinary course of business and which I believe to be true and rest thereof are my humble submission before this Hon'ble Tribunal.

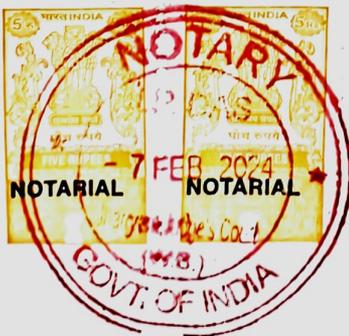
Prepared in my office

*[Signature]*  
Advocate



*[Signature]*  
Deponent

Identified by me & Sign. in my presence  
*[Signature]*  
Advocate



SOLEMNLY AFFIRM BEFORE NOTARY PUBLIC AT- JHARGRAM (W.B)

NO- 44.

Identified by-

*[Signature]*  
P. Pal (Adv)

07 FEB 2024

*[Signature]*

**Inspection Report**

Reference of Inspection	: Direction of Hon'ble NGT(EZB-Kolkata) .O.A No-185/2023/EZ dated 09.01.2024 in connection with public complaint against a charcoal manufacturing unit for emitting hazardous gases and causing severe health concerns for the villagers.
Name of the Industry	: M/s. Deven Enterprises
Address	: Shiyarketia, P.O.-Bhandaru, P.S.Binpur, Jhargram – 721514,Binpur G.P
Category of Industry	: Red , Coke Making
Date & time of Inspection	: 29.01.2024 (12.20hrs. to 13.30hrs.)
Inspecting Officers	: 1. Shri Hirak Mandal, ADM-L&LR, Jhargram 2. Shri Sisir Mondal, EE & In-charge, WBPCB, Haldia R.O.
Other Government Officials	1. Balaram Panja, District Forest Officer, Belpahari 2. Dr. Tarun Kr. Sardar, MO, Belpahari RH As desired ADM , L&LR officers from District Forest Office and concerned BMOH office are also co-opted in the inspection team.
Persons met during Inspection Complainant's(s) met	: Unit side: Shri Rajesh Agarwal, <i>Partner</i> . : Complainants side: 1. Mr Rahit Patihar, <i>Shiyarketia</i> . 2. Mr. Papu Ghosh, <i>Shiyarketia</i> . 3. Mr. Som,en Patihar, <i>Shiyarketia</i> . 4. Mr.Goutam Mallick of <i>Shiyarketia</i> village.
Observation	:
(A) Sources of generation of liquid waste	: Only process effluent/cooling water from kilns.
(B) Facility available for treatment	: The effluent is stored in earthen pits and informed it is recycled. No such liquid effluent was observed during inspection. Domestic effluent is treated in Septic tank & Soak pit.
(C) Generation of sewage and its treatment/disposal	: Domestic effluent generated due to residential worker (6 nos. as stated) discharged to own land.
(D) Sources of generation of gaseous Emissions	: Charcoal kiln (10 nos.), made of bricks and mud , shape like dome/Igloo.
(E) Facility available for treatment of gaseous emissions	: Yet to install.
(F) Observation & comments on performance of treatment facility for gaseous emission	: During inspection, the unit was found not in operation. The charcoal manufacturing process as stated is as follows- This is basically a Pyrolysis process and consist of heating wood or other substances (dry leaves, straw etc.) in absence of oxygen. Pyrolysis is initiated by heating a pile of wood at a temperature of between 300 and 350 °C under controlled condition in a closed space (charcoal kiln) with a very limited supply of air the carbonization process start. The process usually takes six to nine days - during which the charcoal burning is controlled maintaining the draught (by piercing/resealing some holes,16 nos. such holes are there in three rows) with a closed front door, used for wooden logs loading/unloading purpose & finally sealed by brick & mud). The biomass produced, as a result of the pyrolysis process, a mixture of gas, liquid and charcoal. It was observed that the unit generally used small size wooden logs of various trees for charcoal making process. For a particular kiln 1300 kgs of wood used and finally after nine days process it gives approx. 600 kgs

	of charcoal & left over like ash, partially logs etc. & rest is gaseous substances which is emitted. No emission control system was observed attached with the kiln. No stacks as well as no Air Pollution Control System was found provided with the kilns.  (Some photographs taken during inspection is annexed)
(G) Observation /Commentes by the District Forest Officer / MO on compliance of the unit from their respective département.	: The detail observation and comments are attached herewith.
(H) Information regarding solid waste generation and disposal/ storing facility.	: Partially burned wooden logs are reused. Ash mixed with dust charcoal is stored in open yard & stated it is sold.
(I) Status of consent to establish (CFE) from WBPCB	: Yet to obtain the same. The unit is in operation for last five to six months (as informed).
(J) Status of consent to operate (CFO) from WBPCB	: From the records kept and maintained by this office, the unit does not possess Consent to Operate of WBPCB.
Remarks/Comments/Recommendation	
<p>1. The unit shall not operate without CFE &amp; CFO of West Bengal Pollution Control Board and shall also take appropriate steps to install its Air Pollution Control Devices and Waste Water Treatment Plant to meet the discharge standard in respect gaseous emission and liquid effluent before its operation.</p> <p>2. The unit shall take measures to prevent fugitive emission from dome/kiln etc.</p> <p>3. The unit shall strictly abide by the statutory conditions imposed by the relevant statutory departments like SWID, Land, GP, Fire, Forest etc. &amp; shall obtain necessary licences before resuming its operation.</p> <p>4. The unit shall increase its greenery area at least 33% of plot area all along the boundary specially at the north &amp; west part (where the <i>Shiyarketia</i> village &amp; other village is situated) of the unit to arrest dust and fugitive emission.</p> <p>5. The unit shall improve its house keeping and shall make arrangement for water sprinkling inside and approach road.</p> <p>6. Regulatory action(s) may be taken against the unit for these violations.</p>	

  
Shri Sisir Mondal, Env. Engineer & In-charge,  
Haldia Regional Office, WBPCB

**SISIR MONDAL**  
Environmental Engineer  
Haldia Regional Office  
West Bengal Pollution Control Board

  
Shri Hiral Mandal, WBCS (Exe.)  
ADM-L&LR, Jhargram

Additional District Magistrate  
District Land & Land Reforms Officer  
Jhargram

6  
Auncare B (4)

Shiyarketiya Yubashakti Seva Samiti  
Reg. No. S/11/54772  
Shiyarketiya, Bhandaru, Binpur  
Jhargram, West Bengal 721504  
29th October, 2023

To,  
Registrar,  
National Green Tribunal, Eastern Zone Bench,  
Finance Centre, 3<sup>rd</sup> Floor, Block III B, New Town,  
Kolkata- 700 157

**Subject: Immediate Action Required to Address Charcoal Factory Emission Effects on Public Health and Environment**

Dear Sir/Madam,

We are writing this letter in our capacity as the members of Shiyarketiya Yubashakti Seva Samiti, representing the collective concerns of the undersigned villagers residing in Vill. Shiyarketiya, P.O. Bhandaru, P.S. Binpur, Dist. Jhargram, West Bengal. We wish to address a pressing issue that has been deeply affecting our community in recent months.

At Jawahar Ganj near the Shiyarketiya Shishu Shiksha Kendra (SSK) a charcoal manufacturing company has initiated its operations a couple of months ago. We, as the residents of this area, greatly value economic activities that contribute to our region's development. However, it has come to our attention that this factory emits hazardous gasses, particularly during the evening, causing severe health concerns for our community.

The primary raw material utilized by this factory is wood tree trunks, and this practice is causing us to worry about potential deforestation in the near future. Furthermore, the emissions from the factory are endangering the respiratory health of our residents, especially among the elderly and the children who attend Shishu Shiksha Kendra. These emissions infringe upon their right to a safe and healthy learning environment.

Despite our previous attempts to raise this issue with the authorities, our appeals have gone unanswered, and the factory continues its operations unabated.

Judicial

21/11/23

Reserve  
Rajesh Agarwal

4 Page Notice

NOTIFIED

Receipt No. NGL/2023/1401/355

Date... 21/11/2023

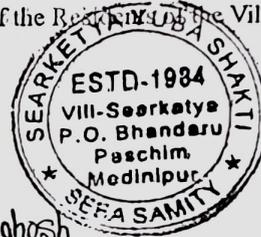
We urgently request your intervention to cease the factory's operations for the sake of public health, environmental preservation, and the safety of the children attending Shishu Shiksha Kendra.

Thank you for your attention to this matter, and we anticipate a swift and positive resolution to our concerns.

Sincerely,

Members,

Shiyarketiya Yubashakti Seba Samiti  
(On behalf of the Residents of the Village)



Signatures of The Residents of Vill. Shiyarketiya :

1. Patu Ghosh
2. Laj Pratihari
3. श्री १२३ ४५६७८९
4. Patit Pratihari
5. ३४५६ ७८९०१२
6. Shyamal Pratihari
7. Prasanta Ghosh
8. Pradip Pratihari
9. Koushik Pratihari
10. Sourav Pratihari
11. ३४५६ ७८९०
12. ३४५६ ७८९०
13. ३४५६ ७८९०
14. ३४५६ ७८९०
15. ३४५६ ७८९०
16. ३४५६ ७८९०
17. ३४५६ ७८९०
18. Anand Pratihari
19. ३४५६ ७८९०
20. Bhabataram Pratihari
21. ३४५६ ७८९०
22. ३४५६ ७८९०
23. Anup Ghosh
24. Anup Pratihari
25. Gnanesh Pratihari
26. Nayan Pratihari
27. Tumpa Ghosh
28. ३४५६ ७८९०
29. Kausalya Ghose
30. ३४५६ ७८९०
31. Santanu Pratihari
32. ३४५६ ७८९०
33. ३४५६ ७८९०
34. Anmol Pratihari
35. ३४५६ ७८९०
36. KUSH Pratihari
37. Uttam Manick
38. Shantu Mallick
39. Pouchu Pratihari
40. Sourav Pratihari

Originals

1. ମାଧ୍ୟମିକ  
 2. ମାଧ୍ୟମିକ  
 3. ପ୍ରାଥମିକ  
 4. ଦ୍ଵିତୀୟ ମାଧ୍ୟମିକ  
 5. ତୃତୀୟ ମାଧ୍ୟମିକ  
 6. ଚତୁର୍ଥ ମାଧ୍ୟମିକ  
 7. ପଞ୍ଚମ ମାଧ୍ୟମିକ  
 8. ଷଷ୍ଠ ମାଧ୍ୟମିକ  
 9. ସପ୍ତମ ମାଧ୍ୟମିକ  
 10. ଅଷ୍ଟମ ମାଧ୍ୟମିକ  
 11. ନବମ ମାଧ୍ୟମିକ  
 12. ଦଶମ ମାଧ୍ୟମିକ  
 13. ଶତାବ୍ଦୀ ମାଧ୍ୟମିକ  
 14. ଦ୍ଵିତୀୟ ମାଧ୍ୟମିକ  
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 16. ଚତୁର୍ଥ ମାଧ୍ୟମିକ  
 17. ପଞ୍ଚମ ମାଧ୍ୟମିକ  
 18. ଷଷ୍ଠ ମାଧ୍ୟମିକ  
 19. ସପ୍ତମ ମାଧ୍ୟମିକ  
 20. ଅଷ୍ଟମ ମାଧ୍ୟମିକ  
 21. ନବମ ମାଧ୍ୟମିକ  
 22. ଦଶମ ମାଧ୍ୟମିକ  
 23. ଶତାବ୍ଦୀ ମାଧ୍ୟମିକ

Rijesh

SPEED POST

Immediate Action Required to Address Charcoal factory  
Public Health and Environment.

From, (Shiyarketiya Yuba shakti  
ge- Shiyarketiya seba samiti)

0 - Bhandardary  
S - Bimpur  
Dist - Jhargram  
Pin - 721504  
State - West Bengal  
Contact no - 6295579070

To,  
The Registrar,  
National Green Tribunal  
Eastern Zone  
Finance Centre,  
Block III B,  
Kolkata 700170.



Shiyarketiya

Item No.01

Court No. 1

**BEFORE THE NATIONAL GREEN TRIBUNAL  
EASTERN ZONE BENCH, KOLKATA  
(THROUGH PHYSICAL HEARING WITH HYBRID MODE)**

Original Application No.185/2023/EZ

Shiyarketiya Yubashakti Seba Samiti  
Versus  
State of West Bengal & Ors.

Applicant(s)

Respondent(s)

Date of hearing: 09.01.2024

**CORAM: HON'BLE MR. JUSTICE B. AMIT STHALEKAR, JUDICIAL MEMBER  
HON'BLE DR. ARUN KUMAR VERMA, EXPERT MEMBER**

For Applicant(s) : *Suo Motu*,**ORDER**

1. This Original Application is being taken up in view of a complaint letter sent by Shiyarketiya Yubashakti Seba Samiti dated 29.10.2023 received in the Office of the Tribunal on 21.11.2023. The members of the Applicant's Samiti are stated to be villagers residing in Village Shiyarketiya, P.O.-Bhandaru, P.S.-Binpur, District-Jhargram, West Bengal.
2. The allegation of the Applicants is that at Jawahar Ganj near the Shiyarketiya Shishu Shiksha Kendra (SSK), a charcoal manufacturing company has initiated its operations a few months ago which is emitting hazardous gases, particularly during the evening, causing severe health concerns for the residents of the village.
3. It is also alleged that the primary raw material utilized by this factory is wood tree trunks and this practice is causing worry about potential deforestation in the near future.
4. The name and address of the factory has not been mentioned in the complaint letter but in view of the allegations made, we deem it



appropriate to take up the issue, since environmental questions are involved. We, therefore, direct that following parties to be impleaded in the array of Respondents:-

1. West Bengal Pollution Control Board, through its Member Secretary, Kolkata, and
2. District Magistrate, Jhargram,
5. Issue notice to the Respondents, returnable within four weeks.
6. Mr. Dipanjan Ghosh, learned Counsel who is present in Court, accepts notice on behalf of the Respondent No.1, West Bengal Pollution Control Board.
7. Mr. Rajib Ray, learned Counsel who is present (in Virtual Mode), accepts notice on behalf of the Respondent No.2, District Magistrate, Jhargram.
8. All the Respondents shall file their counter-affidavits within four weeks.
9. Considering the allegations made, we also deem it appropriate to constitute a Committee comprising of the following Members:-
  - (i) Senior Scientist, West Bengal Pollution Control Board; and
  - (ii) District Magistrate, Jhargram, or is representative not below the rank of Additional District Magistrate,
10. The Committee shall visit the site in question and submit its report within four weeks. The Committee shall also identify the charcoal factory and disclose the name and proprietor/proprietors as well as its postal address in its report.
11. The District Magistrate, Jhargram, shall communicate a copy of our order as well as complaint letter of Shiyarketia Yubashakti Seba Samiti, on the basis of which the present Original Application is being taken up *suo-motu*, to the charcoal factory in question.

*Rajib*

12. The West Bengal Pollution Control Board shall be Nodal Office for all logistic purposes and for filing the report of the Committee on affidavit.
13. List on 08.02.2024.

.....  
**B. Amit Sthalekar, JM**

.....  
**Dr. Arun Kumar Verma, EM**

January 09, 2024,  
Original Application No.185/2023/EZ  
AK

*Rajesh*

BEFORE THE HON'BLE NATIONAL  
GREEN TRIBUNAL  
EASTERN ZONE BENCH, KOLKATA  
O. A. NO. 185/2023/EZ

In the matter of:

Shiyarketiya Yubashakti Seba  
Samiti ....Applicant

-Vs-

State of West Bengal & Ors..

... Respondents.

Affidavit on behalf of the respondent  
no. 2, District Magistrate, Jhargram.

RAJIB RAY

Advocate

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