

**BEFORE THE NATIONAL GREEN TRIBUNAL  
EASTERN ZONE BENCH, KOLKATA  
ORIGINAL APPLICATION NO. 21/2023/EZ**

**PAULA KAUSIKI BASAK & ORS.**

..... APPLICANT(S)

**VERSUS**

**STATE OF WEST BENGAL & ORS.**

..... RESPONDENT(S)

**AFFIDAVIT ON BEHALF OF THE RESPONDENT NO. 02, THE  
WEST BENGAL POLLUTION CONTROL BOARD.**

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**FILED BY**

**PRITHWISH KUMAR BASU  
ADVOCATE  
HIGH COURT AT CALCUTTA**



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**Most Respectfully Sheweth**

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:-

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

**30 JUN 2023**

circumstances of the case. I have been duly authorized by the Respondent No. 02 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 orders passed by the Hon'ble Tribunal dated 28.02.2023 & 25.04.2023.

03. That, as per the order of the Hon'ble National Green Tribunal dated 28.02.2023, a Committee was constituted comprising the following members:-

- 1) Senior Scientist from West Bengal Pollution Control Board.
- 2) Senior Scientist from Central Pollution Control Board.
- 3) Senior Officer, as may be nominated by the Commissioner, Bidhannagar Municipal Corporation.

04. That before compliance of the order of inspection, vide memo dated 11.04.2023, the State Board issued Circular for Ceremonial House/ Lawns, Banquet Halls and Club Houses to bring them under regulatory regime of the Board. This circular was issued in compliance to the order dated 19.09.2019 of the Hon'ble National Green Tribunal, Principal Bench passed in connection with O.A No 400/2017

30 JUN 2023



(Westend Green Farm Society Vs Union of India & Ors) and guidelines issued by the Central Pollution Control Board thereafter.

Copy of the Circular is annexed herewith and marked as "R1":

05. That, on 25.04.2023, the said Committee inspected the site in question, namely, the Ceremonial House of Mr. Banka, located at DA-41, Section-I, Salt Lake City, Bidhannagar, Kolkata-700064.

Copy of the inspection report is annexed herewith and marked as "R2".

06. That, in the inspection report the inspecting officers made following observations:-

The alleged ceremonial house is a G+3 storied building with approximate 1000 sq. ft. of ceremonial space on the ground floor (parking area) and 5 nos. rooms on each of the 1<sup>st</sup> and 2<sup>nd</sup> floors. The 3<sup>rd</sup> floor is meant for residential use of the owners i.e. the Banka family. During inspection, the house was found to be empty with no signs of any ceremonies having been held in the recent past. It was found that fume extraction system has been installed in the covered backyard of the house that is used as the kitchen during ceremonies. However no other cooking equipment like oven, grill, etc. was observed. No Effluent Treatment Plant has been installed.

On enquiry, Mr. Banka submitted that the house is not being used for any ceremonial purpose since February, 2023 after the expiry of the



30 JUN 2023

permission of the UD & MA Department, Government of West Bengal.

Mr. Banka also informed that the building will be modified so that it can be used for purely residential purpose.

07. That, in the inspection report the inspecting officers made the following remarks :-

Since the operation of the alleged ceremonial house has stopped and the house is being converted to a residential building, no further action may be necessary now. However, in case the owners decide to

restart the ceremonial house, then prior clearance is to be taken from

all concerned authorities, including the State Board after ensuring

compliance with the guidelines issued by the Central Pollution

Control Board and the directions issued by the State Board. Also, the

unit should intimate this Committee when the revised sanction plan

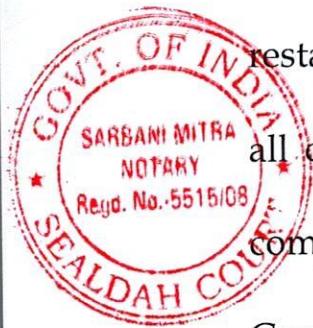
is issued by Bidhannagar Municipal Corporation.

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.



DEPONENT

30 JUN 2023





## 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 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.

*S. Subrata Ghosh*

DEPONENT

Identified and Settled by me

*Prithwish Kumar Basu.*

Advocate

WBPCB

Solemnly Affirmed &  
Declared Before Me  
On Identification By

*hm*

SARBANI MITRA  
NOTARY  
Regd. No.-5515/08

30 JUN 2023

**Dr.Rajesh Kumar, IPS**  
Member Secretary



**West Bengal Pollution Control Board**  
(Department of Environment, Government  
of West Bengal)

Memo No. 23-4A-10/2012

Dated : 11.04.2023

**CIRCULAR**

**Subject : Circular for Ceremonial House/Lawns, Banquet Halls and Club Houses**

**WHEREAS**, West Bengal Pollution Control Board (hereinafter will be referred to as the State Board) is entrusted with the enforcement of the provision of the Water (Prevention and Control of Pollution) Act, 1974, the Air ((Prevention and Control of Pollution) Act, 1981, for the purpose of protection of environment and for the prevention and control of pollution in the State of West Bengal.

**AND WHEREAS**, as per provision of section 25 & 26 of the Water (Prevention and Control of Pollution) Act, 1974 and under section 21 of Air (Prevention and Control of Pollution) Act, 1981, any industry can operate in the state after obtaining Consent to Establish/ Consent to operate from the State Board.

**AND WHEREAS**, in compliance to the order dated 19.09.2019 of the Hon'ble National Green Tribunal, Principal Bench passed in connection with O.A.No. 400/2017( Westend Green Farms Society Vs Union of India & Ors.), the Central Pollution Control Board has framed Mechanism / Guidelines for Control of Pollution and enforcement of Environment Norms at Individual Establishments and the Area/Cluster of Restaurants / Hotels / Motels / Banquets etc.

**AND WHEREAS**, in compliance to the above mentioned order of the Hon'ble Tribunal, The West Bengal Pollution Control Board has decided to bring Ceremonial Houses / Lawns, Banquet Halls and Club Houses in the State under the regulatory regime of the Board. The Ceremonial Houses / Lawns, Banquet Halls and Club Houses in the State will henceforth be required to obtain Consent to Establish / Consent to operate from the State Board under



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section 25 & 26 of the Water (Prevention and Control of Pollution) Act, 1974 and under section 21 of Air (Prevention and Control of Pollution) Act, 1981 for its establishment / operation and shall follow Guidelines of the Board as given in the Annexure.

The Municipal Commissioners/Chief Executive Officers of all local bodies /local authorities are instructed to strictly implement and impose the above directions at the time of granting permission to Ceremonial Houses / Lawns, Banquet Halls and Club Houses.

In case of any default, the appropriate authority shall take necessary steps as mentioned in the Annexure to this memo. The Police Authorities also should take steps in case of violation of the guidelines.

Mechanism/Guidelines for Control of Pollution and enforcement of Environment Norms at Individual Establishments and the Area/Cluster of Restaurants/Hotels/Motels/Banquets etc. by the Central Pollution Control Board should also be strictly followed.

These directions have been issued under the powers conferred by Section 33A of the Water (Prevention and Control of Pollution) Act, 1974, Section 31A of the Air (Prevention and Control of Pollution) Act, 1981, and in suppression of earlier statutory circular issued by the Board vide Memo No. 314/383L/WPB/2017 dated 05/10/2021.

This will take immediate effect.

*Shen*  
11/A/2023

Member Secretary



## ANNEXURE

### Guidelines for Ceremonial Houses / Lawns, Banquet Halls and Club houses

#### ❖ Water pollution control measures:

- 1) Ceremonial Houses/lawns and Banquet Halls and Club Houses having domestic effluent generation more than 10m<sup>3</sup>/day shall provide Sewage Treatment Plant (STP) of adequate capacity and achieve the standard as prescribed in Notification No. GSR 1265(E) dated 13.10.2017 of the Ministry of Environment, Forest & Climate Change.
- 2) Ceremonial Houses/lawns, Banquet Halls and Club Houses having domestic effluent generation less than 10m<sup>3</sup>/day shall provide Septic Tank and Soak Pit of adequate capacity. The soak pit shall be got cleaned periodically.
- 3) In order to save water resources and minimize water generation, effective water saving devices should be installed and appropriate water saving and/or water/recycle programmes should be implemented.

#### ❖ Noise pollution control measures:

- 1) Use of loudspeakers/sound system, including D J, in Ceremonial House and Banquet Halls shall require prior permission of the competent Authority so as to avoid nuisance in nearby/surrounding area of the Ceremonial House and Banquet Hall. The Ceremonial House and Banquet Hall should not generate or allow to generate any noise level which may be responsible for violation of the ambient noise level as fixed up under the Environment Protection Act, 1986.
- 2) No loudspeaker/microphone/sound blowing system without sound limiter will be fitted in any uncovered area and/or outside the area of the premises.
- 3) No fireworks of any kind except Green Crackers will be used within the covered or uncovered area or outside the premises. Fire Crackers should not be used before 5 p.m. and after 10 p.m. Use of noise making fireworks is totally prohibited.
- 4) Noise Pollution (Regulation and Control) Rules, 2000 and amendments thereof shall be strictly followed.

#### ❖ Air pollution control measures;

- 1) Properly designed exhaust system shall be provided in kitchens. There should be no free passage in the premises through which cooking fumes and odor could escape to the neighboring areas.
- 2) Appropriate air pollution control equipment with adequate stack height should be



installed such that there are no visible fumes or emission from the kitchen exhaust and the emission should not cause any odor nuisance to nearby sensitive receptors such as residential premises, school, hospitals etc.

- 3) Diesel Generator sets should comply with the prescribed norms as per Ministry of Environment, Forest and Climate Change Notification No. GSR 371(E) dated 17.5.2002 and its subsequent amendments.

❖ **Solid and Plastic waste management measures:**

- 1) The waste materials shall be accumulated in an environmentally safe manner within the boundary of the premises concerned and shall be disposed of properly within twelve hours after completion of the ceremony.
- 2) Solid Waste Management Rules, 2016 and its amendments thereof shall be strictly followed.
- 3) Gazette Notification vide no. EN/1209 /3C-22/2019 dated 27/06/2022 issued by Environment Department, Government of West Bengal regarding ban on use of Single Use Plastic and below 120 micron Plastic Carry Bag, should be strictly followed.

❖ **Local authority shall consider the following before granting trade license :**

- 1) Locational aspect of the Ceremonial Houses/lawns and Banquet Halls and Club Houses i.e., the distance from residential area, educational institutes, health care units, religious institutions.

For the existing Ceremonial Houses/lawns and banquet Halls and Club Houses, if such residential area, educational institutes, health care units, religious institutions exist in vicinity proper measures should be adopted so that there is no adverse impact on the environment of the area.

- 2) The availability of adequate potable water and resources.
- 3) The necessary car parking arrangement.



**Steps to be taken by the appropriate authority in case of non-compliance of the provisions of the circular**

❖ **Pollution Control Board :-**

Immediate action should be taken as per provisions of the Water (Prevention and Control of Pollution) Act, 1974, The Air (Prevention and Control of Pollution) Act, 1981 and the Environment (Protection) Act, 1986.

❖ **Local Authority :**

- i) The local authorities shall withdraw the trade licence of Ceremonial Houses/lawns and Banquet Halls and Club Houses should not be allowed to hold any further social functions till necessary measures are taken to comply with this guidelines.
- ii) Urgent steps should be taken as per the provisions of the prevailing laws.
- iii) Matters should be intimated to the West Bengal Pollution Control Board for taking immediate steps as per provisions of the Water (Prevention and Control of Pollution) Act, 1974, The Air (Prevention and Control of Pollution) Act, 1981 and the Environment (Protection) Act, 1986.

❖ **Police Authority :**

- i) The police authority shall file a case of u/s 188 of Indian Penal Code for violation of Government order.
- ii) In case of noise pollution, the provisions of the Noise Pollution (Regulation and Control) Rules, 2000 and its amendments should be followed.
- iii) In case of use of "Black DG" ( Diesel Generator Set without Air Pollution Control System or Acoustic Measures) the directions/Order of the Hon'ble National Green Tribunal, Eastern Zone passed in the Original Application No.-158/2016/EZ (Subhas Datta -Vs- State of WB & Ors.), should be strictly followed.



Memo No. 23(16)/4A-10/2012

Dated : 11.04.2023

Copy forwarded to:-

- 1 **The Principal Secretary**, Department of Environment, GoWB
- 2 **Principal Secretary**, Department of Urban Development & Municipal Affairs, GoWB Nagarayan, DF-8, Sector-I, Salt Lake, Kolkata – 700064
- 3 **The Principal Secretary**, Department of Micro, Small & Medium Enterprises and Textiles (MSME&T), GoWB, Shilpa Sadan, Camac Street, 7th Floor, Kolkata - 7000016
- 4 **The Commissioner of Police :-** Asansol – Durgapur / Barrackpore / Bidhannagar / Chandannagar / Howrah / Siliguri Police Commissionerate
- 5 **The Superintendent of Police :-** Alipurduar / Bankura / Barasat / Baruipur / Bashirhat / Birbhum / Bongaon / Cooch Behar / Dakshin Dinajpur / Darjeeling / Diamond Harbour / Hooghly (Rural) / Howrah (Rural) / Jalpaiguri / Jhargram / Jangipur / Kalimpong / Malda / Murshidabad / Krishnanagar / Ranaghat / Purba Bardhaman / Paschim Medinipur / Purba Medinipur / Purulia / Sundarban / Raigunj / Islampur Police District
- 6 **Chief Engineer (O&E / Planning & EIM)**, WBPCB
- 7 **Chief Technical Advisor**, WBPCB
- 8 **Chief Scientist**, WBPCB
- 9 **Director**, State Urban Development Agency, GoWB, HB-305, AB Rd, HC Block, Sector III, Bidhannagar, Kolkata, West Bengal 700106 :- with a request to communicate all Corporations / Municipalities.
- 10 **Senior Personnel Manager**, WBPCB
- 11 **Joint Director (Durgapur Zone)**, Micro, Small & Medium Enterprise (MSME), N.S.Building, Kolkata-700001
- 12 **Senior Environmental Engineer**, WBPCB – BMW Cell / Malda RO / Alipore RO / Kolkata RO / Salt Lake RO
- 13 **Environmental Engineer**, WBPCB – O&E Cell / Asansol RO / Hooghly RO / Howrah RO / Durgapur RO / EIM Cell / Barrackpur RO / Siliguri RO
- 14 **Senior Scientist**, WBPCB - D. Gupta / Dr. D. Chakraborty
- 15 **Senior Law Officer**, WBPCB
- ✓ 16 **Law Officer**, WBPCB
- 17 **Finance & Accounts Manager**, WBPCB
- 18 **Assistant Environmental Engineer**, WBPCB – Haldia RO
- 19 **Environment Officer (Communication)** - for circulation in float file
- 20 **TA to Member Secretary**, WBPCB
- 21 **PA to Chairman**, WBPCB

*M. Mitra*  
11/04/2023  
**Chief Engineer (Planning)**  
**West Bengal Pollution Control Board**

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**INSPECTION REPORT**  
**In the Hon'ble NGT Matter OA No. 21/2023/EZ**

Name and address of the unit	<b>Ceremonial House (of Mr. Banka's)</b> DA-41, Sector -I, Salt Lake City, Bidhannagar, Kolkata – 700064.
Local Body/Authority	Bidhannagar Municipal Corporation
Power Supply agency	WBSEDCL
Date & Time of inspection	25/04/2023 (11.30 am onwards)
Reference	The site visit was conducted by the Committee comprising members of the Central Pollution Control Board (CPCB), West Bengal Pollution Control Board (WBPCB) and Bidhannagar Municipal Corporation (BMC) in reference to the order of the Hon'ble NGT dated 28/02/2023 in the matter of O.A.no. 21/2023/EZ
Inspecting officers	Sri. S. Roy, Sc D, CPCB, Kolkata Sri. U. K. Karan, EE, BMC Smt. S. Kundu, SEE, WBPCB Sri. D. Das, AEE, WBPCB
Persons met during inspection	Mr Mahabir Banka – respondent on behalf of the ceremonial House

**Observation:-**

The alleged ceremonial house is a G + 3 storied building with approx. 1000 sq.ft. of ceremonial space on the ground floor (parking area) and 5 nos. rooms on each of the 1<sup>st</sup> and 2<sup>nd</sup> floors. The 3<sup>rd</sup> floor is meant for residential use of the owners i.e. the Banka family.

During inspection, the house was found to be empty with no signs of any ceremonies having been held in the recent past. It was found that fume extraction system has been installed in the



covered backyard of the house that is used as the kitchen during ceremonies. However no other cooking equipment like oven, grill, etc. was observed. No Effluent Treatment Plant has been installed.

Mr. Banka submitted that the house is not being used for any ceremonial purpose since February 2023 after the expiry of the permission of the UD & MA department, Govt. of West Bengal. Copy of the said expired permission is enclosed. He further submitted that henceforth the house will not be used for any ceremonial purpose.

Mr. Banka also informed that the building will be modified so that it can be used for purely residential purpose. Their application for revision of sanctioned plan has already been approved and final plan will be issued soon. Copy of relevant document was shared (enclosed).

**Remarks:**

Since the operation of the alleged ceremonial house has stopped and the house is being converted to a residential building, no further action may be necessary now. However, in case the owners decide to restart the ceremonial house, then prior clearance is to be taken from all concerned authorities, including the WBPCB after ensuring compliance with the guidelines issued by the CPCB and the directions issued by the WBPCB. Also, the unit should intimate this Committee when the revised sanction plan is issued by BMC.



Sri. S. Roy, Scientist D,  
CPCB



Sri. U. K. Karan, EE,  
BMC



Smt. S. Kundu, SEE,  
WBPCB



Sri. D. Das, AEE,  
WBPCB



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