

BEFORE THE NATIONAL GREEN TRIBUNAL
EASTERN ZONE BENCH, KOLKATA
ORIGINAL APPLICATION NO. 96/2023/EZ

Tribunal on its own motion regarding:

Pollution caused due to escape of Hazardous Gas from
Unauthorised workshop of Mukhtar Khan

.....APPLICANT(S)

VERSUS

The State of West Bengal & ors.

..... RESPONDENT(S)

AFFIDAVIT ON BEHALF OF THE WEST BENGAL
POLLUTION CONTROL BOARD.

INDEX

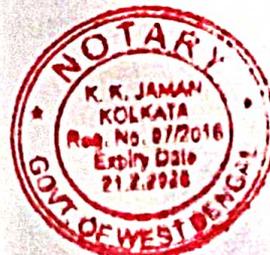
SL No	PARTICULARS	ANNEXURE	PAGE
1.	Affidavit		1-5
2.	Copy of the inspection report of the State Board.	"R"	6-10

Filed by

PRITHWISH KUMAR BASU
ADVOCATE
HIGH COURT AT CALCUTTA

ATTESTED

K
Kazi Khalekujjaman
Notary, Govt. of W. B.
Regn. No.: 07/2016
Kolkata



27 SEP 2023

BEFORE THE NATIONAL GREEN TRIBUNAL
EASTERN ZONE BENCH, KOLKATA

ORIGINAL APPLICATION NO. 96/2023/EZ

Tribunal on its own motion regarding:
Pollution caused due to escape of Hazardous Gas from
Unauthorised workshop of Mukhtar Khan

.....APPLICANT(S)

VERSUS

The State of West Bengal & ors.

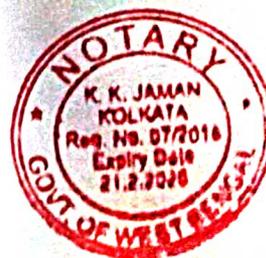
..... RESPONDENT(S)

AFFIDAVIT ON BEHALF OF THE WEST BENGAL
POLLUTION CONTROL BOARD.

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 circumstances of the case. I have been duly authorized by the West

ATTESTED
K
Kazi Khalekujuman
Notary, Govt. of W. B.
Regn. No. : 07/2016
Kolkata



27 SEP 2023

Bengal Pollution Control Board 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 order passed by the Hon'ble Tribunal dated 28.08.2023.

03. That, the Hon'ble National Green Tribunal constituted Committee visited the site on 07.09.2023.

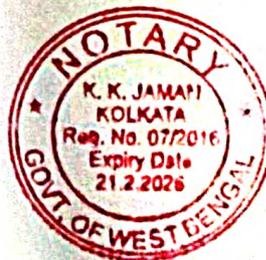
Copy of the inspection report of the State Board is annexed herewith and marked with letter "R".

04. That, the inspection report reveals as follows:-

- a) The unit is situated in the ground floor of G+5 storied residential building located in congested residential cum commercial area.
- b) The unit is engaged in manufacturing of HT/LT overhead line materials by using drill machine, thread cutting machine, lathe machine and punching machine.
- c) Previously an inspection had been carried out at the unit on 11.08.2023 as per direction of Hon'ble High Court, Calcutta passed in connection with W.P.A (P) No. 423 of 2023, where it was observed that the unit was involved in Jobbing and munching, acid pickling and zinc electroplate activity. It was also reported at that time, untreated effluent were being directly being discharged into

ATTESTED

K
Kazi Khalekujaman
Notary, Govt. of W. B.
Regn. No. : 07/2016
Kolkata

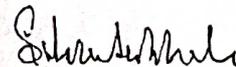


27 SEP 2023

common municipal drain. Accordingly, State Board issued letter vide dated 14.08.2023 to stop Zinc electroplating as well as surface treatment activities as those activities are not permissible in Howrah Municipal Corporation area.

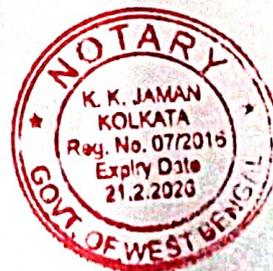
- d) Mr. Maheboob Khan, Proprietor of M/s. M.K. Isolator Company, elder brother of Mukhtar Khan (the applicant) informed that acid pickling and zinc electroplating activity had now been discontinued since 11.08.2023.
- e) During inspection, one effluent sample was collected for verification. Analysis report of that sample reveals that some parameters are within permissible limit, which indicates that unit had not carried out any acid pickling and zinc electroplating activity in the recent period prior to this inspection.

05. 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

ATTESTED

Kazi Khalekujjaman
Notary, Govt. of W. B.
Regn. No. : 07/2016
Kolkata



27 SEP 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 4 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

Prithwick Kumar Basu

Advocate

WBPCB

ATTESTED

K
Kazi Khalequjjaman
Notary, Govt. of W. B.
Regn. No.: 07/2016
Kolkata



27 SEP 2023

6

Report of the Committee constituted in the matter of Original Application No. 96/2023/EZ by the Hon'ble NGT (Eastern Zone Bench, Kolkata) dated 28.08.2023

The Hon'ble National Green Tribunal, Eastern Zone Bench constituted a Committee comprising Senior Scientist, WBPCB, and District Magistrate, Howrah or his nominee not below the rank of Additional District Magistrate, Howrah. The West Bengal Pollution Control Board has been directed to act as the nodal agency for all logistic purposes.

Pursuant to the order of the Hon'ble NGT, the Committee comprising the following members was constituted as per nominations received from the participating departments/ offices.

1. Sri Azar Zia, Additional District Magistrate (Dev.), Howrah
2. Sri Bhim Tikader, Asst. Environmental Engineer, Howrah Regional Office, WBPCB.

The members of the committee carried out the site visit on 07.09.2023.

Observations:

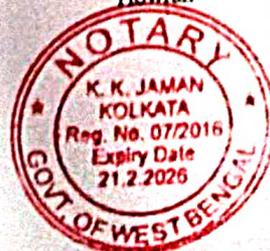
- During inspection on 07.09.2023 it was observed that the unit is situated in the ground floor of G+5 storied residential building located in a congested residential cum commercial area. The area of the unit was found to be about 2000 sq. ft. The unit is engaged in manufacturing HT/LT overhead line materials by using drill machines, thread cutting machines, lathe machine and punching machine. The manufacturing process involves jobbing and machining, assembling of HT/LT overhead line materials.
- It was informed to the Committee that previously an inspection had been carried out at the unit on 11.08.2023 in connection with W.P.A. (P) No. 423 of 2023 of the Hon'ble High Court, Calcutta, by a team of officials. At the time of the previous inspection, it was observed that the unit was involved in jobbing and machining, acid pickling and zinc electroplating activity. Acid pickling and zinc electroplating were being carried out in PVC drums inside the unit as well as in open spaces. As reported, at the time, untreated effluents were directly being discharged into the common municipal drain.
- As per trade license records of Howrah Municipal Corporation, the proprietor of the said unit M/s. M.K Isolator Co is Maheboob Khan who was present during inspection. Maheboob Khan informed during inspection that Mukhtar Khan is his younger brother but is in no way attached with this work. He further informed that acid pickling and zinc electroplating activity had earlier been undertaken but had now been discontinued since 11.08.2023. No such activity could be observed during the visit.
- One (01) effluent sample was collected for verification and analysis, from the connected drain of the unit which was discharging into the main municipal drain. Results of the above sample are as follows: pH -7.11, Total Suspended Solids (TSS) 230 mg/L, Oil & Grease -4.5 mg/L, Hexavalent Chromium - Below Detection limit (BDL), Ammoniacal Nitrogen- 33.20 mg/L, Cyanide - Below Detection limit (BDL), Total Chromium - Below Detection limit (BDL), Iron -1.37 mg/L, Lead - Below Detection limit (BDL) and Zinc -0.19 mg/L.
- The effluent sample analysis reveals traces of some parameters in the sample which were found to be within permissible limits. This indicates that the unit had not carried out any acid pickling and zinc electroplating activity in the recent period prior to inspection.


Bhim Tikader,
Asstt. Env. Engineer, Howrah Regional Office
WBPCB


Azar Zia
Additional District Magistrate (Dev.)
Howrah

ATTESTED

Kazi Khalekujaman
Notary, Gov. of W. B.
Regn. No. : 07/2016
Kolkata



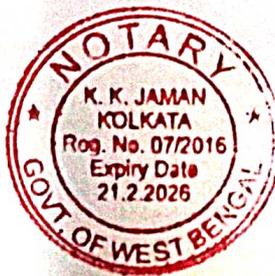
27 SEP 2023

Photographs taken during inspection on 07.09.2023



ATTESTED

K. K. J.
Kazi Khalekujaman
 Notary, Govt. of W. B.
 Regn. No. : 07/2016
 Kolkata



27 SEP 2023



HOWRAH MUNICIPAL CORPORATION

Income Department

482798

Name: _____
 Address: _____
 Nature of Trade: _____
 Sub-Trade: _____

Receipt No. _____ Ward No. _____ Date of Receipt _____

FEES & CHARGES UNDER THE FOLLOWING HEADS AS PER THE DM: 61/1998

Sl. No.	Section	Description	Rate
1	U/S 102	Fees for Certificate of Enlistment	_____
2	U/S 107A	Fees for Specific Services	_____
3	U/S 140	Fees for keeping/storing in warehouse and own transport for export to other	_____
4	U/S 147FA	Fees for selling edible oil, food, cheese etc./Food Licences	_____
5	U/S 107AB	Fees for eating house, restaurant, hotel, bakery, water supply factory	_____
6	U/S 143	Fees for theatre, cinema, circus, resort, ceremonial house	_____
7	U/S 142	Power of commissioner to stop use of premises otherwise in conformity of license	_____
8	U/S 136	Fees for Keeping open any private market	_____
9	U/S 107AB	Fees for sale of meat, butcher shop, fish etc.	_____
10	U/S 200 201	Fees for license for sale of fish, poultry, fresh	_____
11	U/S 206	Fees for keeping open any shop for retail sale of drug	_____
12	U/S 110	Fees for tax on owner, possessor of such carriage & animals	_____
13	U/S 108/209	Fees for tax on carriage & animals	_____
14	U/S 191	Fees for establishing factory, workshop with power (Horse Power)	_____
15		Conservancy Fees	_____
		Total Arrear License Fees For 0 Year, 01	_____
		Total Penalty	_____
		Processing Fees	_____
		Adjustment Amount	_____
		Net Amount payable	_____

Words (in word) Three Thousand Six Hundred And Forty Five Rupees

PAY HMDC DUES IN TIME TO AVOID EMBARRASMENT

Last date of renewal without fine

30-06-2024

Valid Upto

31-03-2024

This document is auto generated through computer system as per data submitted by applicant himself/herself/respective department/agencies/institutions may be. It is not a receipt. It is a certificate of Enlistment and valid upto 31-03-2024. Concerned Authorities/Agencies/Institutions can verify the validity of the receipt from HMDC Web portal.

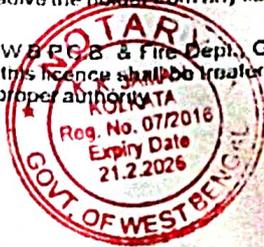
If any unfair/illegal means had been adopted by or any knavery/wrong doing had been resorted to by the applicant for obtaining CE, the CE holder shall be liable/responsible for that, and would be liable for prosecution and punishment under the IPC 1860 and/or any other law for the time being in force.

TE

- N.B. i) This certificate is granted without any prejudice to the right of the Howrah Municipal Corporation to proceed for penalties already incurred or for arrear dues & does not cover liabilities under any other section of the same Act.
- ii) Certificate of such enlistment or renewal thereof shall not absolve the holder from any liability to take out any licence under this act or any other law for the time being in force.
- iii) The licensee is liable to submit a copy of the NCC from W.B.P.S.B. & Fire Deptl. Govt. of West Bengal within the months from the date of issue of the licence, failing which this licence shall be treated as cancelled and the trader shall be deemed to have carried out business without proper authority.

27 SEP 2023

Kazi Khalekujaman
 Notary, Govt. of W. B.
 Regn. No. : 07/2016
 Kolkata



9

Report in the matter of W.P.A. (P) No. 423 of 2023 file Hon'ble High Court, Calcutta

Md Altaf vs State of West Bengal & others.

The Committee is constituted by District Magistrate, Howrah. The Office of the District Magistrate is to act as the nodal agency for coordination and compliance.

Pursuant to the order of the Hon'ble High Court, Calcutta, the Committee comprising of the following members has been constituted as per nominations received from the participating departments offices.

1. Sri Monotosh Ray, WBCS (Exe.), DMDC, Howrah
2. Sri Bhim Tikader, Asstt. Env. Engineer, Howrah Regional Office, WBPCB
3. Sri Soumen Roy, Sanitary Inspector, Howrah Municipal Corporation
4. Sri Mahadeo Singh, Licence Sub Inspector, Howrah Municipal Corporation.

The members of the committee carried out site visit on 11.08.2023 for the purpose of preparation of the report.

Observation:

- The unit is situated in the ground floor of G+5 storied residential building located in a congested residential cum commercial area. The area of the unit approx 2000 sqft.
- The unit is engaged in manufacturing HT/LT overhead line materials. Manufacturing process involves jobbing and machining, acid pickling and zinc electroplating activity. Acid pickling is carried out in PVC drums inside the unit as well as in open spaces. Zinc electroplating is also carried out in a PVC drum. All process effluent is directly discharged in Howrah Municipal Corporation drain without any treatment. No acid fume collection system has been provided over the pickling and electroplating drums.
- The unit could not produce 'Consent to Establish' and 'Consent to Operate' of West Bengal Pollution Control Board during inspection.
- As per the record of Howrah Municipal Corporation the said unit belong to M/s. M.K Isolator Co owned by Maheboob Khan. During inspection Muktar Khan has informed that unit is run by Maheboob Khan since last two months.
- Photographs taken during visit are attached herewith

Remarks:

The unit is located at ward no 19 under Howrah Municipal Corporation. The said activity fails under Red Category as per the categorisation of West Bengal Pollution Control Board. The said activity is not permitted within Howrah Municipal Corporation area as per present policy of West Bengal Pollution Control Board.

Soumen Roy
Soumen Roy, Sanitary
Inspector, Howrah Municipal
Corporation

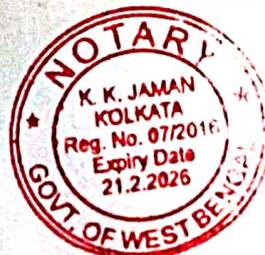
Bhim Tikader
Bhim Tikader,
Asstt. Env. Engineer, Howrah
Regional Office, WBPCB

Monotosh Ray
Monotosh Ray
WBCS (Exe.), DMDC, Howrah.

Sri Mahadeo Singh
Sri Mahadeo Singh, Licence
Sub Inspector, Howrah
Municipal Corporation.

ATTESTED

K. K. Jaman
Kazi Khalekujaman
Notary, Govt. of W. B.
Regn. No. : 07/2016
Kolkata



27 SEP 2023

10

WEST BENGAL POLLUTION CONTROL BOARD
(Department of Environment, Govt. of West Bengal)
Howrah Regional Office
'Minority Bhawan', 5th Floor,
12, Biplaabi Kanailal Bhattacharjee Sarani,
Alipore, Kolkata-700027
Phone No.- +91 (033) 2448-2219/2220

Memo No. 54(01) / PCB/How/ 212-2019 (new).

Date: 14/08/2023

To,
M/s. M.K Isolator Co.
Proprietor Maheboob Khan
239, Belilious Road
P.O. & Dist. Howrah
Howrah -711101

Ref: Inspection of your unit on 11.08.2023

Sir,

This is to inform you that your unit was inspected on 11.08.2023. During inspection it was found that the unit is engaged in Zinc electroplating as well as surface treatment activities. As the said activities are not permitted within Howrah Municipal Corporation area as per present policy of West Bengal Pollution Control Board, you are directed to discontinue those activities within your premises immediately.

You are directed to comply with the above and submit a compliance report in this regard within 03 days from the date hereof. Please note that regulatory action will be initiated against your unit for non submission or unsatisfactory reply within the stipulated period.

This should be treated as extremely urgent.

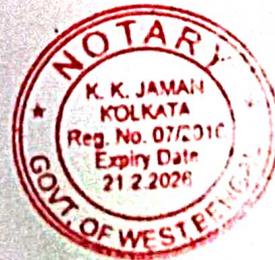
Thanking you,

Yours faithfully

R. Satter,
14/08/23,
Environmental Engineer & In-charge
Howrah Regional Office

ATTESTED

K. K. Jaman
Kazi Khaleq Jaman
Notary, Govt. of W. B.
Regn. No. : 07/2016
Kolkata



27 SEP 2023

BEFORE THE NATIONAL GREEN TRIBUNAL
EASTERN ZONE BENCH, KOLKATA

ORIGINAL APPLICATION NO. 96/2023/EZ

Tribunal on its own motion regarding:

Pollution caused due to escape of Hazardous Gas from
Unauthorised workshop of Mukhtar Khan

.....APPLICANT(S)

VERSUS

The State of West Bengal & ors.

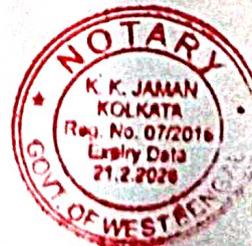
..... RESPONDENT(S)

AFFIDAVIT ON BEHALF OF THE WEST BENGAL
POLLUTION CONTROL BOARD.

PRITHWISH KUMAR BASU
ADVOCATE
HIGH COURT AT CALCUTTA

ATTESTED

K
Kazi Khalekujerman
Notary, Govt. of W. B.
Regn. No. : 07/2016
Kolkata



27 SEP 2023