

BEFORE THE NATIONAL GREEN TRIBUNAL
EASTERN ZONE BENCH, KOLKATA



ORIGINAL APPLICATION NO. 114/2015/EZ

BETWEEN

SUBRATO MUKHERJEE

..... APPLICANT(S)

VERSUS

GENERAL MANAGER, KOLAGHAT
THERMAL POWER STATION & ORS.

..... RESPONDENT(S)



AFFIDAVIT ON BEHALF OF THE RESPONDENT NO. 03, THE
WEST BENGAL POLLUTION CONTROL BOARD.

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Filed by

Dipanjana Ghosh

DIPANJAN GHOSH
ADVOCATE
W.B.P.C.B

03 JAN 2022

1680

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Most Respectfully Sheweth

I, Sri Subrata Ghosh, son of Shri Biswanath Ghosh, aged about 58 years, by faith-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 circumstances of the case. I have been duly authorized by the Respondent No. 03 to affirm this Affidavit on its behalf and as such, I am competent to do so.

03 JAN 2022

02. That, this affidavit is being affirmed in pursuance to the solemn orders passed by the Hon'ble Tribunal.

03. That, the State Board issued a direction vide Memo dated 20.12.2021 to M/s. Kolaghat Thermal Power Station (WBPDC) located at P.O.-Mecheda, P.S.-Kolaghat, Dist.-Purba Medinipur, Pin.-721137. The State Board directed the industry to do as follows :-

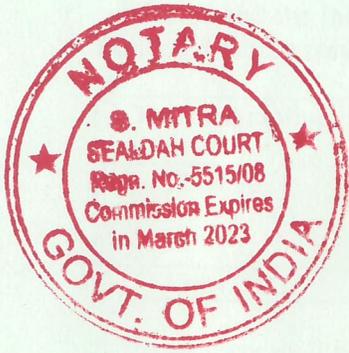
- a) "That, the industry shall always operate pollution control system efficiently to comply with the environmental norms.
- b) That, the industry shall take necessary steps for enhancement of dry fly ash utilization so as to achieve 100% utilization.
- c) That, the industry shall always its Ash Water Recovery System be made functional and recovery water from ash pond shall be fully recycled and reused in the plant.
- d) That, the industry shall immediately install Flue Gas Desulfurization (FGD) and submit a compliance report to the State Board.
- e) The industry shall submit an EC (environmental Compensation) of Rs. 10,00,000/- (Rupees ten lakh) only within ten (10) days from the date of issuance of this direction, by Demand Draft in favour of WEST BENGAL POLLUTIONN CONTROL BOARD payable at Kolkata for non-compliance of environmental norms.
- f) That, the industry shall execute a Bank Guarantee (BG) (proforma enclosed) of Rs. 20,00,000/- (Rupees twenty lakh) only valid for twelve (12) months within fifteen (15) days from the date of issuance of this direction in favour of the WEST BENGAL POLLUTIONN CONTROL BOARD (Union Bank of India IFSC Code UBIN0906638) as an assurance to comply with the above direction as well as environmental norms."

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Copy of the direction of the State Board dated 20.12.2021 is annexed herewith and marked with letter 'R'.

04. 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.



Sudhakar
DEPONENT

VERIFICATION

Verified at Kolkata by the deponent above named on this the day of December, 2021 and say that the contents of this affidavit made in paragraph nos. 1 is true to my knowledge and those made in paragraphs no. 2 & 3 are true to my information derived from records and rest are my respectful submission before this Hon'ble Tribunal.

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

Sudhakar
DEPONENT

S
SARBAJIT MITRA
NOTARY
Regd. No.-5515/08

IDENTIFIED BY ME

N. Gupta

ADVOCATE

03 JAN 2022



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Memo No.

-344/WPB(HRO)-K/2011 (Pt.-V)

Date: /12/2021

DIRECTION

WHEREAS, M/s. Kolaghat Thermal Power Station (WBPDCI) [hereinafter referred to as the industry] located at P.O. – Mecheda, P.S. – Kolaghat, Dist. – Purba Medinipur, Pin – 721137 is a thermal power plant having 6 nos. Boilers.

AND WHEREAS, the industry was inspected by the **West Bengal Pollution Control Board** (hereinafter referred to as the State Board) officials on 12.04.2021 & 13.04.2021. During inspection stack sampling was conducted and the industry has failed to meet the emission standard of particulate matter for the stack of Boiler 5 & 6. The results are given below:-

Date of sampling	Sample collected from	Concn. of PM (mg/Nm ³)	Permissible standard (mg/Nm ³)
12.04.2021	Pass-A of Boiler No.6	268.65	150*
	Pass-B of Boiler No.6	182.27	
13.04.2021	Pass-A of Boiler No.5	170.09	

* The industry shall achieve SPM level of 100 mg/Nm³ for all boiler within the stipulated time period as per Direction of Central Pollution Control Board vide dated 11.12.2017 and order of Hon'ble National Green Tribunal, Principal Bench, New Delhi vide dated 30.09.2020.

AND WHEREAS, previously a direction was issued to the unit vide dated 04.01.2020 with imposition of a Bank Guarantee (BG) of Rs. 12,00,000/- and an Environmental Compensation of Rs. 12,00,000/-. The unit submitted the EC & BG amount. Validity of BG expired on 09.02.2021.

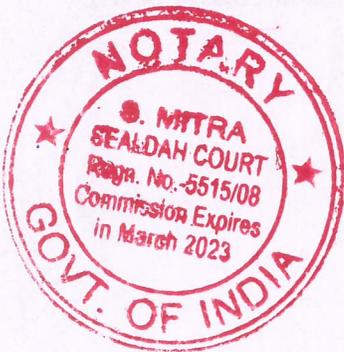
AND WHEREAS, the Consent to Operate of the industry is valid upto 31.08.2023.

AND WHEREAS, the industry was called for a hearing on 17.08.2021 at the Head office of the State Board. The General Manager on behalf of the industry appeared in the hearing and submitted the following:

- Approval from WBPDCI Board has been accorded for de-commissioning of Unit #1 & #2 and presently they are waiting for cabinet approval for the same.
- Maintenance work of ESP attached to Unit #3 & #6 has been completed.
- Total overhauling work of ESP attached to Unit #4 & #5 has been done.
- Installation work of Dry Sorbent Injection (DSI) type of FGD for Unit #3-Unit #6 is under process.

NOW THEREFORE, considering the above, **M/s. Kolaghat Thermal Power Station (WBPDCI)** located at P.O. – Mecheda, P.S. – Kolaghat, Dist. – Purba Medinipur, Pin – 721137 is hereby directed as follows:

1. **That,** the industry shall always operate pollution control system efficiently to comply with the environmental norms.
2. **That,** the industry shall take necessary steps for enhancement of dry fly ash utilization so as to achieve 100% utilization.



1684

3. **That**, the industry shall always its Ash Water Recovery System be made functional and recovery water from ash pond shall be fully recycled and reused in the plant.
4. **That**, the industry shall immediately install Flue Gas Desulfurization (FGD) and submit a compliance report to the State Board.
5. The industry shall submit an EC(Environmental Compensation) of **Rs. 10,00,000/-** (Rupees ten lakh) only within ten (10) days from the date of issuance of this direction, by Demand Draft in favour of **WEST BENGAL POLLUTION CONTROL BOARD** payable at Kolkata for non-compliance of environmental norms.
6. **That**, the industry shall execute a **Bank Guarantee (BG)** (proforma enclosed) of **Rs. 20,00,000/-** (Rupees twenty lakh) only valid for twelve (12) months within fifteen [15] days from the date of issuance of this direction in favour of the **WEST BENGAL POLLUTION CONTROL BOARD (Union Bank of India IFSC Code UBIN0906638)** as an assurance to comply with the above direction as well as environmental norms.

The Assistant Environmental Engineer & In-Charge, Haldia Regional Office of the Board is requested to keep a strict vigil on the industry. In case of further non-compliance, the Board will take strict regulatory action against the industry.

This direction is issued in exercise of the powers conferred under the provision of Section 33A of Water (Prevention & Control of Pollution) Act, 1974, Section 31A of Air (Prevention & Control of Pollution) Act, 1981, the Environment (Protection) Act, 1986 and Rules made thereunder after being approved by the Competent Authority.

By Order,

Sd/-
Chief Engineer
Operation & Execution Cell
West Bengal Pollution Control Board

Memo No. 910 (5) -344/WPB(HRO)-K/2011 (Pt.-V) Date: 20/12/2021

Copy forwarded for information and necessary action to:

1. M/s. Kolaghat Thermal Power Station (WBPDC), P.O. – Mecheda, P.S. – Kolaghat, Dist. – Purba Medinipur, Pin – 721137
2. T.A. to the Member Secretary, WBPCB
3. P.A. to the Chairman, WBPCB
4. The Chief Engineer, Planning & EIM Cell, WBPCB.
- ✓ 5. The Senior Law Officer, WBPCB
6. The FAM (A), WBPCB.
7. The Assistant Environmental Engineer & In-Charge, Haldia Regional Office, WBPCB
8. Technical Cell, WBPCB for updating the website.
9. Environment Officer- Communication, WBPCB – for circulation through float file.
10. Guard file of O & E Cell


Chief Engineer
Operation & Execution Cell
West Bengal Pollution Control Board



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