



BEFORE THE HON'BLE NATIONAL GREEN TRIBUNAL

EASTERN ZONE BENCH, KOLKATA

ORIGINAL APPLICATION NO. 96/2023/EZ

Tribunal on its own motion

... Applicant

Versus

The State of West Bengal & Ors.

... Respondents

AFFIDAVIT ON BEHALF OF THE RESPONDENT NUMBER 2, THE DISTRICT
MAGISTRATE & COLLECTOR, HOWRAH DISTRICT.

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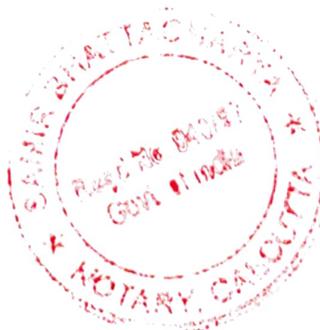
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Filed by

Sibojyoti Chakraborty
SIBOJYOTI CHAKRABORTY

Advocate

For The State of West Bengal



10 OCT 2023



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AFFIDAVIT ON BEHALF OF THE RESPONDENT NUMBER 2, THE DISTRICT
MAGISTRATE & COLLECTOR, HOWRAH DISTRICT.

I, Dr. Deepap Priya P., daughter of Sri I. Palraj,, aged about 38 years,
by faith: Hindu, by Occupation: Service, working for gain as the
District Magistrate, Howrah at P.O. & P.S. Howrah, District
Howrah Pin-711101 do hereby solemnly affirm and submit as
follows:-

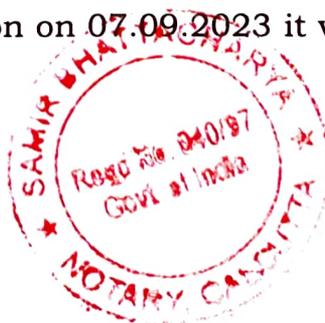
1. That I have been communicated with a copy of the order in
O.A. No. 96/2023/EZ from the Learned Counsel for the State
associated with the instant case.



- 3
2. That this affidavit is being filed in compliance to the Solemn Order dated 29.09.2023 passed by the Hon'ble Tribunal.
 3. That The Hon'ble National Green Tribunal, Eastern Zone Bench has been pleased to constitute 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.
 4. That 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.
 - i. Sri Azar Zia, Additional District Magistrate (Dev.),
Howrah
 - ii. Sri Bhim Tikader, Asst. Environmental Engineer,
Howrah Regional Office, WBPCB.

The members of the committee carried out the site visit on 07.09.2023. (Committee report attached as "R-1")

5. That during inspection on 07.09.2023 it was observed that



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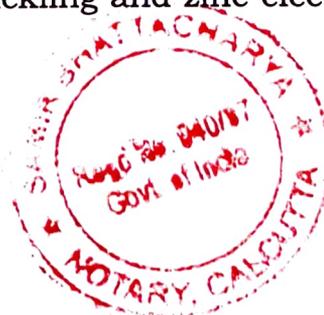
the unit is situated in the ground floor of G+5 storied residential building located in a congested residential cum commercial area. The area of the unit was found to be about 2000 sq. ft. The unit is engaged in manufacturing HT/LT overhead line materials by using drill machines, thread cutting machines, lathe machine and punching machine. The manufacturing process involves jobbing and machining, assembling of HT/LT overhead line materials.

6. That 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. (report attached as 'R-2')
7. That 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.

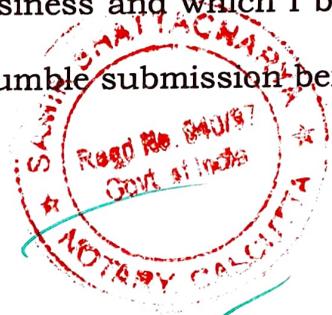
8. That one (01) effluent sample was collected for verification and analysis, from the connected drain of the unit which was discharging into the main municipal drain. Results of the above sample areas follows: pH -7.11, Total Suspended Solids (TSS) 230 mg/L, Oil & Grease -4.5 mg/L, Hexavalent Chromium - 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.
9. That 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.

10. It is therefore prayed that the Hon'ble Tribunal may pass necessary order or further orders as it may deem fit and proper in the interest of justice.

11. The statements made in paragraph 1 to 9 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 my humble submission before this Hon'ble Tribunal.



Identified by me

Sibajyoti Chakraborti
Advocate 10/10/2023
State of West Bengal

[Signature]
Deponent

District Magistrate
Howrah

Solemnly Affirmed
Declared before me U/S 1,
CPC/11/5297 (C) CRPC

10.10.23

10 OCT 2023

Sambunathacharya
Notary, Sevakalipadi
Regd. No: 840/97
City Civil Court, Calcutta



VERIFICATION:

I, the deponent above- named, do hereby verify and declare that the statements made in the aforesaid paragraphs are true and correct to the best of my knowledge and information and I believe that no material has been concealed therefrom.

Verified at *Kolkata* on *10th* day of *October* 2023.

Identified by me

Sibajyoti Chakrabarti

Advocate

State of West Bengal

10/10/2023

D. Sanyal
Deponent

District Magistrate
Howrah



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

Amexure - (2-2)

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

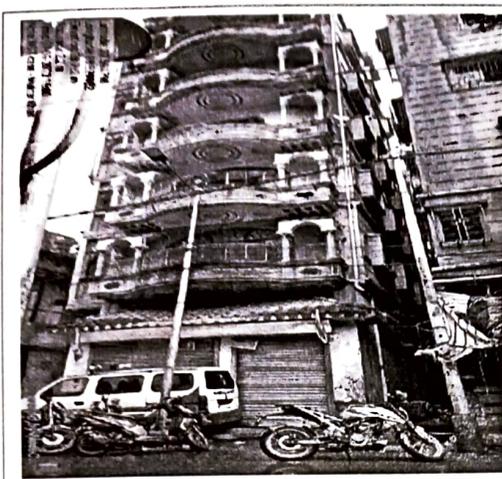
Soumen Roy
11/08/2023
Soumen Roy, Sanitary
Inspector, Howrah Municipal
Corporation

Bhim
11/08/2023
Bhim Tikader,
Asstt. Env. Engineer, Howrah
Regional Office, WBPCB

Monotosh Ray
11/8/2023
Monotosh Ray 11/8/2023
WBCS (Exe.), DMDC, Howrah,

M.S.
11/8/23 &
Sri Mahadeo Singh, Licence
Sub Inspector, Howrah
Municipal Corporation.

Photographs taken during inspection on 07.09.2023

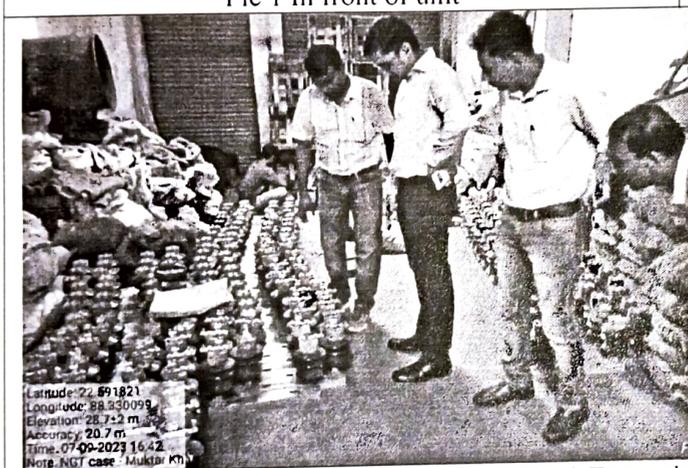


Pic 1 In front of unit



Latitude: 22.591865
 Longitude: 88.329971
 Elevation: 28.812 m
 Accuracy: 2.6 m
 Time: 07-09-2023 16:45
 Note: NGT case - Muktar Khan

Pic. 2 Team in front of the unit for inspection

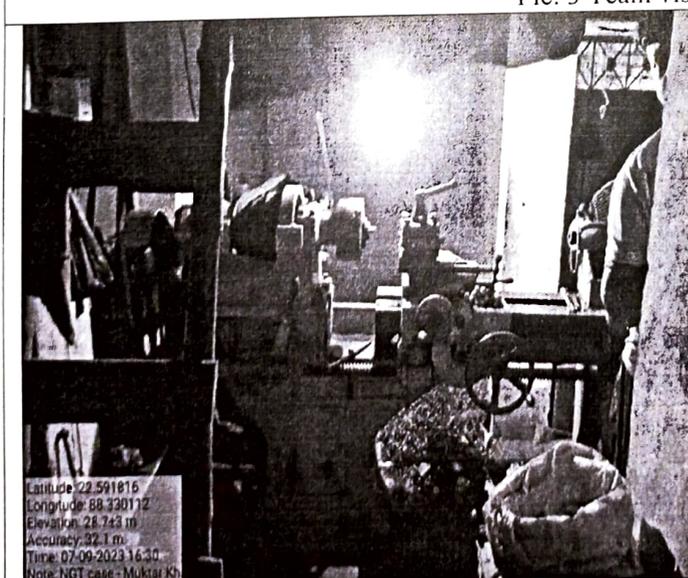


Latitude: 22.591821
 Longitude: 88.330099
 Elevation: 28.752 m
 Accuracy: 20.7 m
 Time: 07-09-2023 16:42
 Note: NGT case - Muktar Khan



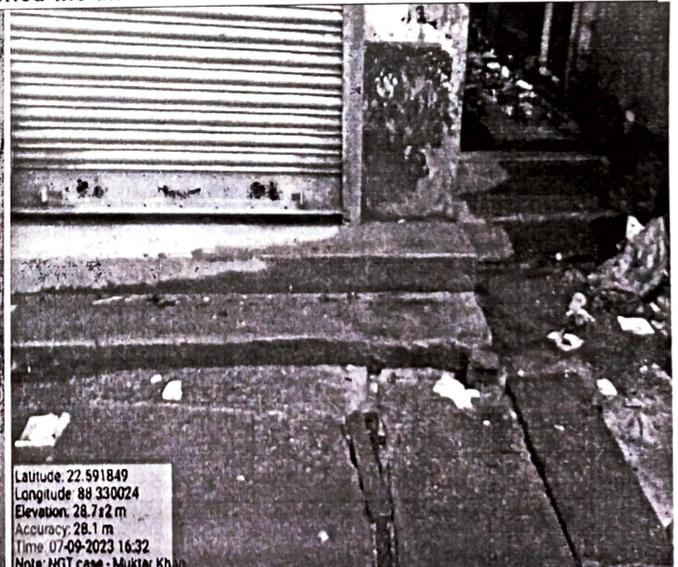
Latitude: 22.591777
 Longitude: 88.330264
 Elevation: 28.843 m
 Accuracy: 42.5 m
 Time: 07-09-2023 16:42
 Note: NGT case - Muktar Khan

Pic. 3 Team visited the unit



Latitude: 22.591816
 Longitude: 88.330112
 Elevation: 28.743 m
 Accuracy: 32.1 m
 Time: 07-09-2023 16:30
 Note: NGT case - Muktar Khan

Pic. 4 Lathe machine



Latitude: 22.591849
 Longitude: 88.330024
 Elevation: 28.752 m
 Accuracy: 28.1 m
 Time: 07-09-2023 16:32
 Note: NGT case - Muktar Khan

Pic.5 Previously acid pickling activity was performed here