

SL No. 44

BEFORE THE NATIONAL GREEN TRIBUNAL
EASTERN ZONE BENCH, KOLKATA
MEMORANDUM OF APPLICATION

(An application under Section 14 and 18 of the National Green Tribunal Act, 2010)

Original Application No. 156 of 2022(EZ)

Between

In the matter of:

Habibur Rahaman, son of Fazlur Rahaman, resiing at Klagechia, Opposite Asha Land, Police Station- Kalitala Ashuti, District- South 24 Parganas, Kolkata- 700 063.

... Applicant

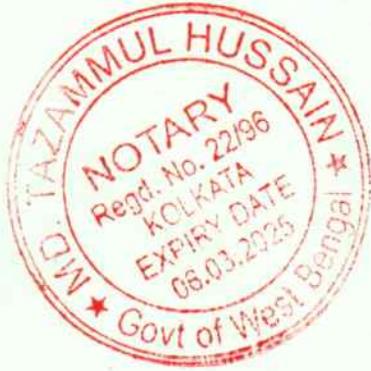
-VERSUS-

1. The State Level Environment Impact Assessment Authority, Department of Environment, Service through the Chairman, Government of West Bengal, Pranisampad Bhawan, Block- LB-II, Salt Lake City, Sector- III, Bidhannagar, Kolkata- 700 106. Email Id: environmentwb@gmil.com.
2. Member Secretary of the State Level Environment Impact Assessment Authority, Department of Environment, Government of West Bengal, Pranisampad Bhawan, Block- LB-II, Salt Lake City, Sector- III, Bidhannagar, Kolkata- 700 106. Email Id: environmentwb@gmil.com.
3. West Bengal Pollution Control Board, Department of Environment, Government of West Bengal, Service to the Member Secretary, Paribesh Bhawan, 10A, Block-LA, Sector-III, Salt Lake City, Kolkata- 700098, Email Id: ms.wbpcb-wb@bangla.gov.in



Filed By SOMA ENTERPRISE
Kibshi Banerjee
Harcour Halder
Advocate
Proprietor

4. Environment Engineer (PG & Asst. Cell), West Bengal Pollution Control Board, Mani Square, Block No. 8IT, Western Side, 8th Floor, 164/1, Maniktala Main Road, Kolkata- 700054, Email id: net.wbpcb-wb@bangla.gov.in
5. Environment Engineer, Alipore, Regional office, Minority Bhawan, 5th Floor, Alipore, Kolkata- 700027, Email id: net.wbpcb-wb@gov.in
6. The District Magistrate, South 24 Parganas District, 6, Baker Road, Alipore, Kolkata- 700027, email id: dm-ali@nic.in
7. The Block Development Officer, Thakurpukur & Maheshtala Block, Police Station- Maheshtala, District- South 24 Parganas, Email id: bdotp@gmail.com, Pin- 700104.
8. The Pradhan, Ashuti II Gram Panchayet, Village and Post Office- Ashuti, District- South 24 Parganas. Email id: ashuti2gp@gmail.com, Pin- 700141.
9. The Officer-In-Charge, Kalitala Ashuti Police Station, District- South 24 Parganas. Email id: ashutioc@gmail.com, Pin- 700141.
10. Soma Enterprise, Proprietor Haran Halder, son of Late Moni Mohan Halder, having its office at Kalagechia, Sakhiripota Road, Post Office- Thakurpurkur, Police Station- Kalitala Ashuti, District- South 24 Parganas, Pin Code No. 700063.



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 Haran Halder
 Proprietor
 Atishi Banerjee
 Advocate

11. Gousul Molla, son of Abdul Wahab, residing at Bonogram More, Police Station- Bishnupur, Post Office- Rosopunja, District- South 24 Parganas, Pin Code No. 700 104.



12. Lokesh Plastic, proprietor Loksh Bhuiya, service through Gousul Molla, having its office at Kalagechia, Sakhiripota Road, Post Office- Thakurpurkur, Police Station- Kalitala Ashuti, District- South 24 Parganas, Pin Code No. 700063.

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Haran Halder
Proprietor
Siddhi Banerjee
Advocate

COUNTER AFFIDAVIT ON BEHALF OF THE RESPONDENT NO. 10.

I, Haran Halder, son of Late Moni Mohan Halder, aged about 54 years, by faith Hindu, by occupation business, working for gain at Kalagechia, Sakhiripota Road, Post Office- Thakurpurkur, Police Station- Kalitala Ashuti, District- South 24 Parganas, Pin Code No. 700063, do hereby solemnly affirm and say as follows:-

1. I am the Respondent no. 10 and the Sole Proprietor carrying on business under the name and style of 'Soma Enterprises'. I am well acquainted with the facts and circumstances of the present case and am competent to make and affirm this affidavit.
2. I have perused a copy of an original application being O.A. No. 156 of 2022 affirmed by one Habibur Rahaman dated 11th November, 2022 (hereinafter referred to as the said application) and have understood the meaning, contents and purport thereof.
3. The said application is not maintainable in law or in the facts.
4. The Petitioner has failed to disclose any cause of action for filing the said application inasmuch as the Petitioner is not a person aggrieved and is not acting as a person interested in protection, restitution or otherwise securing maintenance of environment.
5. For the proper adjudication of the various averments contained in the said application, the true and correct facts are stated herein below:

A. The Appellant is operating a manufacturing unit from the address mentioned in the cause title hereinabove and is registered under the Micro Small and Medium Enterprises Development Act, 2006. The Appellant's concern is registered with the UDYAM as a Micro Manufacturing unit. The Manufacturing unit was incorporated from October 8, 2012. A copy of the registration certificate is annexed hereto and marked with the letter "A".

B. The Appellant is carrying on manufacturing activities of plastic articles such as carry bags from its unit situated at village Shankharipota on and from 08.08.2016.

C. The Appellant is carrying on its operation upon obtaining necessary permissions, sanction and licenses for carrying on such manufacturing activities.

D. The Appellant obtained certificate of registration from the Ashuti - II Gram Panchayat, being the competent authority to register such trade bearing registration no. 305/A-IIG.P/2016-17 dated August 8, 2016. A copy of the certificate of registration by the Ashuti - II, Gram Panchayat is annexed hereto and marked with the letter "B". The Appellant is regularly renewing his registration with the competent authority.

E. Trade Certificate form have been issued by the Ashuti - II Gram Panchayat for carrying on moulding manufacturing operation from its unit on the basis of the Certificate of Registration. A copy of the Trade Certificate Form is annexed hereto and marked with the letter "C".

F. Further, the Appellant has applied for necessary fire license from the Appropriate Authority i.e., the Collector of Fire License Section, the Respondent no. 6 herein for grant of Fire License that was issued in his favour upon payment of requisite fees. The Appellant has regularly renewed its Fire License for the said manufacturing unit. A copy of the Fire License along with receipt of payment is annexed hereto and marked with the letter "D".

G. In or around September 2022, the Appellant was granted certificates of Consent to Operate and Consent to Establish industrial and manufacturing plant for polythene and plastic processed products from the Respondent no. 1. The certificate of consent to establish was valid upto September 2029. Copies of the



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Xitishi Banerjee
Harcen Halder
Proprietor
Advocate

said certificates issued by the Respondent no. 1 in favour of the Appellant's unit is annexed hereto and marked with the letter "E".

H. The Appellant made substantial investment for the purpose of setting up the manufacturing unit. The Appellant had set up the polythene and plastic bags manufacturing unit at a project cost of Rs. 9,10,000/- and had to digress from its other moulding and manufacturing operations. The Appellant expanded his operation upon being certified to establish and operate the said manufacturing unit and employed for staff from the neighbouring areas.

I. The Appellant has been running its operation from the said manufacturing unit from 2012 upon compliance of all statutory, regulatory and environmental norms. The Appellant being a MSME unit is reliant on local skilled and unskilled work force whose families are dependent on the operation of the said manufacturing unit.



J. There are 10 nos. of employees of the Appellant having dependent family members and the said family units sustains job and livelihood of over 10 families of the neighbouring area. It is on the diligence, perseverance and hard work of these employees that the said manufacturing unit has gradually expanded its business.

K. The manufacturing unit is micro manufacturing unit that is entitled to funds and sanctions under various benevolent schemes of the Government of India and the State Government, particulars whereof are as follows :

i) Business loan from Union Bank, Sarat Bose Road Branch for a sum of Rs. 40,00,000/- (Forty Lakh)

L. The manufacturing unit of the Appellant was utilized for the purpose of manufacturing polythene and plastic bags of various specification and thickness. The Appellant had been operating its equipment and machinery and solely utilized for manufacture of polythene and plastic bags of 120 micron but the stock manufactured by the Appellant was not in demand in the market and the Appellant received continuous demands for 75 micron thick plastic bags.

M. At the said Manufacturing unit, the Appellant had infrastructure to manufacture 120 micron but the same were not in demand.

Inasmuch as the other plastic bags that were in demand in the market were being manufactured by the Appellant for the sustenance of its manufacturing unit.

- N. In the meantime, frivolous and vexatious complaints were made by some local residents alleging that operation of the manufacturing unit was the cause for pollution and improper waste management in the area causing threat to life of the individuals. Such complaints were made on or from November 2020, prior to the Appellant obtaining its Consent to Establish or commencing operation of the plastic and polythene bag manufacturing license.
- O. On the basis of such representations a complaint was filed before the Hon'ble National Green Tribunal being Original Application No. 128 of 2022 (EZ) wherein by order dated September 13, 2022 direction was passed for inspection of the manufacturing unit and surrounding areas for the purpose of ascertaining environmental pollution in the surrounding.
- P. In the course of such inspection by the Respondent authorities on September 28, 2022 and gave an opportunity of hearing on January 3, 2023 to the complainant therein. The issues raised in the complaints were dismissed by the Respondent authorities holding that there was neither any objectionable smell or noise generating machineries operating at the factory premises.
- Q. However, the Appellant had submitted during the hearing on January 3, 2023 that it was operating the said unit for manufacturing for virgin and non-virgin carry bags of 75 micron and also had previous stock of 15 microns. The equipment and machineries are capable of manufacturing plastic carry bags of 120 micron but the same was not being sold in the market.
- R. The Respondent no. 2 passed an order dated January 31, 2023 on the basis of the said inspection and hearing directing immediate closure of the said manufacturing unit including direction for disconnection of electricity on the West Bengal State Electricity Distribution Corporation Limited. A copy of the impugned order dated January 31, 2023 is annexed hereto and marked with the letter "F".
- S. The Appellant has forthwith decided to challenge the said order and take steps for operation of the manufacturing unit in respect of



the permitted, sanction and licensed use. In the meantime, the Respondent no. 2 issued another corrigendum dated February 13, 2023 modifying its directions on the Respondent nos. 3 and 8 for enforcing the direction for closure. A copy of the Corrigendum is annexed hereto and marked with the letter "G".

T. In the course of hearing the Appellant had submitted regarding the entire extents of operation of the said unit including manufacture of plastic carry bags that the Respondent No. 2 failed to consider and/or record. Therefore, the observation of the Respondent No. 2 that the said units was only carrying on operation of manufacturing non-virgin plastic carry bags having thickness of 15 micron was incorrect and false.

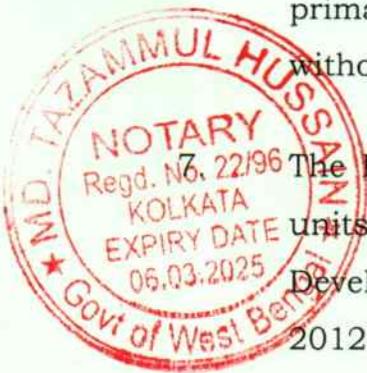
U. The impugned order was passed without reasons or without citing any reason having dire civil and penal consequences.

6. The said application has been filed without making out any case, regarding probable adverse impact on the environment, and has been filed on the basis of mere technical approach in such a case will not be appropriate. In so far as the complaint against the Respondent no. 10 and his unit is concerned the Petitioner has failed to establish any prima facie case of violation of the Environmental norms or operation without necessary license, permission and/or sanction.

7. The Respondent no. 10 has been operating the said manufacturing units and is registered under the Micro Small Medium Enterprises Development Act, 2006 as a micro manufacturing unit since October 2012 and having Certificate of Registration for carrying on trade of moulding manufacturing operations from the Competent authority. Further, the Respondent no. 10 was operating with Fire License from the Fire Department and Certificate of Consent to Establish and Consent to Operate issued by the West Bengal Pollution Control Board.

8. In the present complaint, it would be evident that the Petitioner made false and incorrect complaints with the intention of stoppage of operation of the said unit without there being any case made of adverse impact to the environment or leading to environmental issues like violation of provisions of the Air Act and Water Act.

9. On an inspection of the said manufacturing unit of the Respondent no. 10, the authorities of the Pollution Control Board came to the



conclusion that the said unit was operating with consent to establish and operate and there was no pungent smell or air pollution and/or noise pollution due to operation of heavy machineries as alleged by the Petitioner.

10. The said complaint against the Respondent no. 10 was based on surmises and conjectures and has filed with mala fide intention that was required to be dismissed with exemplary costs.
11. Save matters of records all allegations to the contrary in the said application are denied and disputed as if the same is set out in seriatim and specifically traversed.
12. With reference to the contents of paragraph nos. 1 to 4. (V) save matters of records all allegations to the contrary are denied and disputed. It is denied that Respondent no. 10 is running any illegal plastic factory or that the unit of the Respondent no. 10 is adjacent to the land of the Petitioner, as alleged or at all. The Petitioner is put to strict proof regarding him being a sensible, responsible citizen canvassing grievance against inactions or that there has been any assistance to the wrongdoer to perpetrate illegal establishment of plastic manufacturing or other factories or any disturbance or hampering peace or environment, as alleged or at all. It is denied that the said application is necessitated for the interest of the Petitioner or the interest of society at large, as alleged or at all. It is denied that the people residing in the area are suffering with imbalance of the environment or that there are illegal establishment of plastic manufacturing unit adjacent to the land of the Petitioner being that of the Respondent no. 10, as alleged or at all.
13. With reference to the contents of paragraph nos. 4(VI) to 4. (XIII) save matters of records all allegations to the contrary are denied and disputed. It is denied that area in question is only a residential area or that there has been any encroachment of land by the Respondent no. 10 or that there has been any uncontrollable use of power or any aid or assistance from Political Leaders or anti socials or that the Respondent no. 10 is running its unit illegally or unauthorizedly without any permission from appropriate authority, as alleged or at all. It is denied that the Respondent no. 10 is a powerful person or backed with uncontrollable powers of channels or that the Petitioner has received threat from muscle men caused by the Respondent no. 10, as alleged or at all. It is denied that there has been encroachment



or that the establishment of Respondent no. 10's unit is illegal or unauthorized or that it is on adjacent land or that concerned authorities had reasons to take any step, as alleged or at all. It is denied that the unit of the Respondent no. 10 has caused indiscriminate accumulation of raw materials or toxic plastic waste or gases like dioxin or mercury or that it spreads smoke from the factory or that it is not equipped to control pollution or do not have affiliation or approval to run its business or is running in disguised manner or carrying on illegal activities causing entire area to be vulnerable, as alleged or at all. It is denied that the establishment of the Respondent no. 10 is illegal or that it causes disturbances of cleanliness or hazard or inconvenience or ecological imbalance or pollution of air or sound or water or soil or the environment, as alleged or at all.

14. With reference to the contents of paragraph nos. 4(XIV) to 4. (XXI) save matters of records all allegations to the contrary are denied and disputed. The contents of the representations of the Petitioner mentioned in the said application in so far as the Respondent no. 10 is concerned is incorrect and false. It is denied that the said unit is illegal or need of urgent removal or demolition or is an unauthorized plastic manufacturing unit, as alleged or at all. There is no relevance of such alleged cause of action or the orders passed by this Hon'ble Tribunal is with regard to illegal construction and has no bearing to the facts of the present case. It is denied that the Petitioner could have made adverse inference regarding illegal operation of the said unit of the Respondent no. 10 or that it was run without necessary license or was illegal, as alleged or at all. The Petitioner is put to strict proof regarding his locus standi in making representative claims on behalf of the Society and the locality without any authorization or grounds made whatsoever. The Petitioner is put to strict proof regarding any disturbance, inconvenience or torture or hardship or environment hazard, as alleged or at all. It is denied that the said unit is run till late night or without permission or disturb the local people or makes it impossible to have free movement or that education of children are affected or causes noise pollution, as alleged or at all.

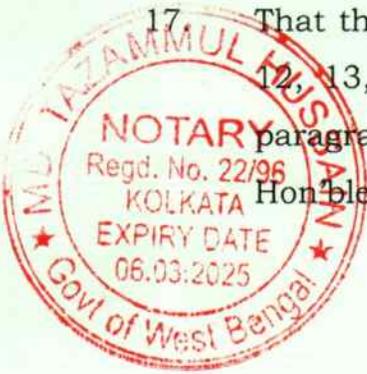
15. With reference to the contents of paragraph nos. 4(XXII) to 4. (XXIX) save matters of records all allegations to the contrary are denied and disputed. It is denied that due to operation of the said unit there is any cause for pollution or that any person is suffering from deformity



or violation of Fundamental Rights of the Citizen or locals, as alleged or at all. The purported grounds raised by the Petitioner in the said application are baseless, frivolous, harassive and vexatious in nature. Therefore, no orders can be granted in terms of reliefs sought therein.

16. It is submitted that the said application is frivolous, misconceived and an abuse of the process of tribunal and is also devoid of any merit, without any cause of action and hence, the same is liable to be dismissed with exemplary costs.

17. That the statements made in paragraphs no 1, 2, 3, 4, 5, 6, 7, 8, 9, 12, 13, 14 and 15 are true to my knowledge and those made in paragraphs 10, 11 and 16 are my humble submissions before this Hon'ble Tribunal.



Haron Halder

The deponent is known to me

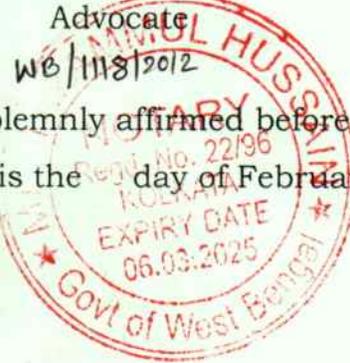
Prepared in my office

Niladri Banerjee

Advocate

WB/1118/2012

Solemnly affirmed before me on this the 20 day of February, 2023



Clerk to: Niladri Banerjee
Advocate

20 FEB 2023

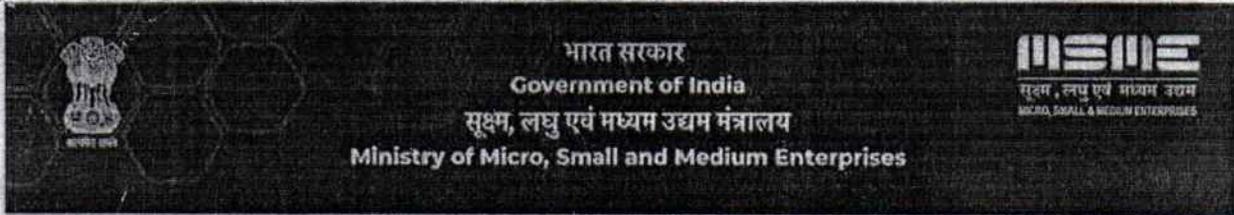
~~Solemnly affirmed and declared before me on Identification~~

[Signature]
MD T. HUSSAIN Notary
City Civil Court
Kolkata
Regd No 22/96 Govt of W B

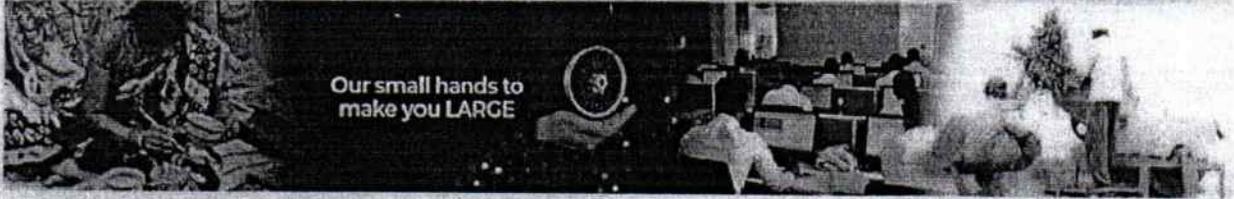
Before me
Notary Public

20 FEB 2023





UDYAM REGISTRATION CERTIFICATE



UDYAM REGISTRATION NUMBER	UDYAM-WB-18-0012838																							
NAME OF ENTERPRISE	SOMA ENTERPRISE																							
TYPE OF ENTERPRISE*	MICRO																							
MAJOR ACTIVITY	MANUFACTURING																							
SOCIAL CATEGORY OF ENTREPRENEUR	GENERAL																							
NAME OF UNIT(S)	<table border="1"> <thead> <tr> <th>S.No.</th> <th colspan="3">Name of Unit(s)</th> </tr> </thead> <tbody> <tr> <td>1</td> <td colspan="3">SOMA ENTERPRISE</td> </tr> </tbody> </table>				S.No.	Name of Unit(s)			1	SOMA ENTERPRISE														
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OFFICIAL ADDRESS OF ENTERPRISE	<table border="1"> <thead> <tr> <th>Flat/Door/Block No.</th> <th>2NO.</th> <th>Name of Premises/ Building</th> <th>0</th> </tr> </thead> <tbody> <tr> <td>Village/Town</td> <td>VILLAGE SHANKHARIPOTA</td> <td>Block</td> <td>0</td> </tr> <tr> <td>Road/Street/Lane</td> <td>KALAGACHIA ASHUTI</td> <td>City</td> <td>KOLKATA</td> </tr> <tr> <td>State</td> <td>WEST BENGAL</td> <td>District</td> <td>SOUTH 24 PRAGANAS , Pin 700104</td> </tr> <tr> <td>Mobile</td> <td>9339978035</td> <td>Email:</td> <td>dipaktax@gmail.com</td> </tr> </tbody> </table>				Flat/Door/Block No.	2NO.	Name of Premises/ Building	0	Village/Town	VILLAGE SHANKHARIPOTA	Block	0	Road/Street/Lane	KALAGACHIA ASHUTI	City	KOLKATA	State	WEST BENGAL	District	SOUTH 24 PRAGANAS , Pin 700104	Mobile	9339978035	Email:	dipaktax@gmail.com
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State	WEST BENGAL	District	SOUTH 24 PRAGANAS , Pin 700104																					
Mobile	9339978035	Email:	dipaktax@gmail.com																					
DATE OF INCORPORATION / REGISTRATION OF ENTERPRISE	08/10/2012																							
DATE OF COMMENCEMENT OF PRODUCTION/BUSINESS																								
NATIONAL INDUSTRY CLASSIFICATION CODE(S)	<table border="1"> <thead> <tr> <th>S.No.</th> <th>NIC 2 Digit</th> <th>NIC 4 Digit</th> <th>NIC 5 Digit</th> <th>Activity</th> </tr> </thead> <tbody> <tr> <td>1</td> <td>22 - Manufacture of rubber and plastics products</td> <td>2220 - Manufacture of plastics products</td> <td>22203 - Manufacture of plastic articles for the packing of goods (plastic bags, sacks, containers, boxes, cases, carboys, bottles etc)</td> <td>Manufacturing</td> </tr> </tbody> </table>				S.No.	NIC 2 Digit	NIC 4 Digit	NIC 5 Digit	Activity	1	22 - Manufacture of rubber and plastics products	2220 - Manufacture of plastics products	22203 - Manufacture of plastic articles for the packing of goods (plastic bags, sacks, containers, boxes, cases, carboys, bottles etc)	Manufacturing										
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DATE OF UDYAM REGISTRATION	01/12/2021																							

* In case of graduation (upward/reverse) of status of an enterprise, the benefit of the Government Schemes will be availed as per the provisions of Notification No. S.O. 2119(E) dated 26.06.2020 issued by the M/o MSME.

Disclaimer: This is computer generated statement, no signature required. Printed from <https://udyamregistration.gov.in> & Date of printing:- 07/12/2021

For any assistance, you may contact:

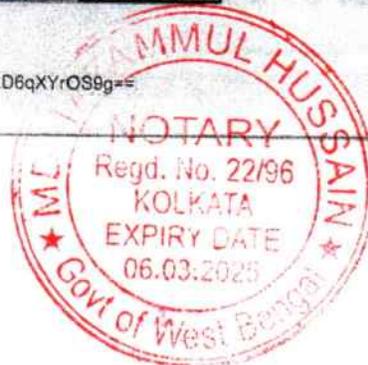
1. District Industries Centre: SOUTH 24-PRAGANAS (WEST BENGAL)
2. MSME-DI: KOLKATA (WEST BENGAL)

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	भारत सरकार Government of India सूक्ष्म, लघु एवं मध्यम उद्यम मंत्रालय Ministry of Micro, Small and Medium Enterprises	MSME सूक्ष्म, लघु एवं मध्यम उद्यम MICRO, SMALL & MEDIUM ENTERPRISES
Udyam Registration Number : UDYAM-WB-18-0012838		

Type of Enterprise	MICRO	Major Activity	Manufacturing
Type of Organisation	Proprietary	Name of Enterprise	SOMA ENTERPRISE
Owner Name	SHRI HARAN HALDER	PAN	ADBPH7865A
Do you have GSTIN	Yes	Mobile No.	9339978035
Email Id	dipaktax@gmail.com	Social Category	General
Gender	Male	Specially Abled(DIVYANG)	No
Date of Incorporation	08/10/2012	Date of Commencement of Production/Business	

Bank Details

Bank Name	IFS Code	Bank Account Number
UNION BANK OF INDIA	UBIN0555444	554401010050196

Employment Details

Male	Female	Other	Total
8	5	0	13

Investment in Plant and Machinery OR Equipment (in Rs.)

S.No.	Financial Year	Enterprise Type	Written Down Value (WDV)	Exclusion of cost of Pollution Control, Research & Development and Industrial Safety Devices	Net Investment in Plant and Machinery OR Equipment [(A)-(B)]	Total Turnover (A)	Export Turnover (B)	Net Turnover [(A)-(B)]	Is ITR Filled?	ITR Type
1	2019-20	Micro	1684940.00	0.00	1684940.00	11317000.00	0.00	11317000.00	Yes	ITR - 3, 5, 6

Unit(s) Details

SN	Unit Name	Flat	Building	Village/Town	Block	Road	City	Pin	State	District
1	SOMA ENTERPRISE	2NO.	0	VILLAGE SHANKHARIPOTA	0	KALAGACHIA ASHUTI	KOLKATA	700104	WEST BENGAL	SOUTH 24 PRAGANAS

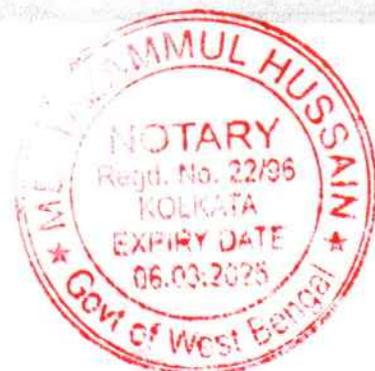
Official address of Enterprise

Flat/Door/Block No.	2NO.	Name of Premises/ Building	0
Village/Town	VILLAGE SHANKHARIPOTA	Block	0
Road/Street/Lane	KALAGACHIA ASHUTI	City	KOLKATA
State	WEST BENGAL	District	SOUTH 24 PRAGANAS , Pin : 700104
Mobile	9339978035	Email:	dipaktax@gmail.com

National Industry Classification Code(S)

SNo.	Nic 2 Digit	Nic 4 Digit	Nic 5 Digit	Activity
1	22 - Manufacture of rubber and plastics products	2220 - Manufacture of plastics products	22203 - Manufacture of plastic articles for the packing of goods (plastic bags, sacks, containers, boxes, cases, carboys, bottles etc)	Manufacturing

Are you interested to get registered on Government e-Market (GeM) Portal	No
Are you interested to get registered on TReDS Portals(one or more)	No
District Industries Centre	SOUTH 24-PRAGANAS (WEST BENGAL)
MSME-DI	KOLKATA (WEST BENGAL)
Date of Udyam Registration	01/12/2021
Date of Printing	07/12/2021



FORM 11
[SEE RULE 58 (2)]

Ashuti - II Gram Panchayat

(THAKURPUKUR MAHESHTALA PANCHAYAT SAMITY)

Vill.- Sonamukhi, P.O.- Ashuti, P.S.- Maheshtala, Dist.- South 24 Parganas, Kolkata - 700 141

E-mail ID : ashuti2gp@gmail.com

Certificate of Registration



Name of Panchayat Samity : Thakurpukur Maheshtala

Name of District : South 24 Parganas

Trade Registration No.: 305/A-II G.P./2016-17

Date : 08.08.2016

Trade Registration Certificate Issue No. 145/A-II G.P./22-23

Date : 17.05.2022

Trade Registration Certificate issued for the period of 2022-2023

Name of Prop./Partner/Director : HARAN HALDER

Gram Sansad / Part No. :

Full Address

Kalagachia, Thakurpukur

Kalibala Ashuti, South 24 parganas

Description of Trade

Moulding Manufacturing Goods

The Gram Panchayat acknowledges a sum of Rs. 1000/-

(Rupees One thousand only)

only from M/s. SOMA ENTERPRISE

vide Receipt No. C-67 dated 17.05.2022

Grant of this certificate shall not absolve the applicant from the requirement of procuring all the statutory clearances to be obtained from the appropriate authority before actual commencement of the trade. If any violation / default is noted later, the certificate shall be liable to be cancelled and the trade / business shall be closed down with immediate effect.

Executive Assistant/Secretary
Ashuti-II G.P.

Prodhan
Ashuti-II G.P.

N.B.: Gram Panchayat has every right to cancel or revoke or not allowing renewal of registration at any time on valid grounds under intimation to the Block Development Officer concerned.



Annexure-1c

ASHUTI-II GRAM PANCHAYAT

THAKURPUKUR MAHESHTALA PANCHAYAT SAMITY

VILL.- SONAMUKHI, P.O. - ASHUTI, P.S. - MAHESHTALA, SOUTH 24 PARGANAS

Renewed / ~~New~~



TRADE RUNNING ON GOVT. LAND AND
SELECTED DANGEROUS TRADE NOT
ACCEPTED & STRICTLY PROHIBITED

TRADE CERTIFICATE FORM

FOR TRADE / BUSINESS / PROFESSIONALS FOR THE PERIOD UP TO 31 ST MARCH 2017

THAKURPUKUR MAHESHTALA DEVELOPMENT BLOCK

CERTIFICATE NO. 036 305/ A-II G.P.120 16 - 20 17 Dt 8/8/2016

TRADE REGISTRATION NO. / 20

Received from Haran Halder

Village Kalagaehia P.O. Thakurpukur P.S. Maheshtala, South 24

Parganas in connection with the permission for operation of Trade / Business / Profession in

the name of "SOMA ENTERPRISE"

Name of Proprietorships / Partnerships / Directorships Haran Halder

Deal with Moulding Manufacturing goods.

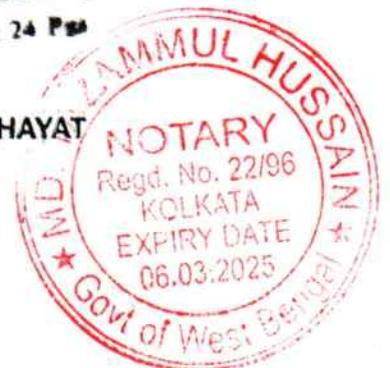
M. Nasir
Prodhan

Ashuti-II Gram Panchayat

T.M. Block, South 24 Parganas

PRODHAN

ASHUTI - II GRAM PANCHAYAT



Annexure-'D'



Government of West Bengal
West Bengal Form No. 393Z (28)
License under the West Bengal Fire Services Act, 1950

License no.:IND/WB/FSL/20192020/240646

Date: 25-05-2022

License is hereby granted to M/S SOMA ENTERPRISE under Section 12 of the West Bengal Fire Services Act, 1950, to use the building or place being No. (a) 1, KALAGACHIA, PO-THAKURPUKUR, PS-MAHESHTALA, SOUTH 24 PARGANAS, South 24 Parganas, Pincode - 700063, P.S. - Mahestola, Nearest Fire Station - Behala as a warehouse/workshop for storing or processing or keeping (b)

1. Plastic, Plastic Powder, granuels and Plastic Products - 8000 Kg.

subject to the conditions noted below and such other conditions as may be prescribed.
It is hereby acknowledged that a sum of Rs. 7500 being the license fee due by the said M/S SOMA ENTERPRISE for the period from 26/05/2022 to 25/05/2023 in respect of the aforesaid license has been received @Rs. 7500 per annum.

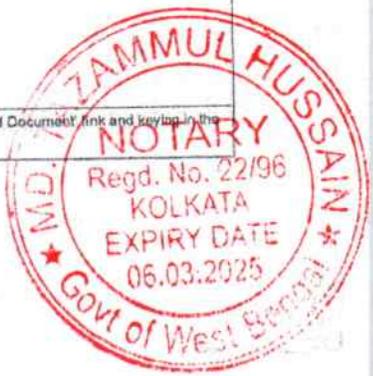
CONDITIONS ABOVE REFERRED TO:

- (1) The warehouse/workshop shall at all times be open to inspection by such officer or officers, being member or members of the Fire Brigade, as may be appointed by the Director General of Fire Service.
- (2) The warehouse/workshop shall conform to the conditions prescribed under Section 12 of the West Bengal Fire Services Act, 1950.
- (3) No article referred to in the Clause (i) of Section 12 of the West Bengal Fire Services Act, 1950, shall be made, prepared, dried or treated in any manner on the top or roof of any building constituting or forming a part of a warehouse.
- (4) No person shall be allowed to use as residence any part of the warehouse or to bring into the warehouse any match-boxes or match-sticks or any artificial light not duly and thoroughly protected or to smoke within the warehouse while jute or cotton is stored therein.
- (5) Needs to renewed within next 1 Year

Signature valid
Digitally Signed
Name: Prabir
Date: 25 May 2022 12:27
Region: Approved
Location: West Bengal

Collector

Fire License Section,
13D, Mirza Ghalib Street, Kolkata - 16





Government of West Bengal
OFFICE OF THE COLLECTOR OF FIRE LICENSE
Fire License Section, 13D, Mirza Ghalib Street, Kolkata - 16

Memo No: DN/GFL/0125183221200776

From:
The Collector,
Fire License,
West Bengal Fire & Emergency Services.

To: M/S SOMA ENTERPRISE

Sub: Demand Notice for issuance of Fire License

In pursuance of the reference to the Fire License application submitted in respect to the above proposal, this is to inform you that Fire License will be issued, subject to the payment of fee amounting to Rs. 7500. You are hereby requested to remit the above amount within 15 days from the date of issuance of Demand Notice.

Amount in Words: Rs. Seven Thousand Five Hundred.

Mode of Payment:

You are requested to deposit the above demand fees under the Head of Account 0070-60-109-001-13(0070- Other Administrative Service, 60-109-Fire Protection of Control, 001 - Fees Under the West Bengal Fire Services Act, 13 - License Fees) by online mode only through the Payment Link available in West Bengal e-District Portal (<https://edistrict.wb.gov.in/PACE/>) after login using your user id and password used for the submission of the above application within 15 (Fifteen) days from the date of issue of this notice positively.

Signature valid

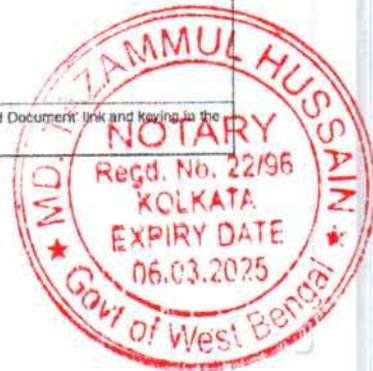
Digitaly Signed
Name: Justice S. Somnath
Date: 18-May-2022 10:55:55
Reason: Approved
Location: West Bengal

Collector
Fire License Section
13D, Mirza Ghalib Street, Kolkata - 16

Date: 18-05-2022
Place: Fire License Section
13D, Mirza Ghalib Street, Kolkata - 16

The authenticity of this document can be verified by accessing the URL: edistrict.wb.gov.in and then clicking on the 'Verification of Digitally Signed Document' link and keying in the Unique Number : 0125183221200776.

Page 1





Govt. of West Bengal
WB e-district
GRIPS eChallan

GRN Details

GRN:	192022230034783168	Payment Mode:	Online Payment (SBI Epay)
GRN Date:	25/05/2022 21:00:22	Bank/Gateway:	SBlePay Payment Gateway
BRN :	4287392423536	BRN Date:	25/05/2022 21:01:46
Gateway Ref ID:	202214546352995	Method:	State Bank of India New PG DC
Payment Status:	Successful	Payment Ref. No:	0125183221200776 <small>[Id Number]</small>

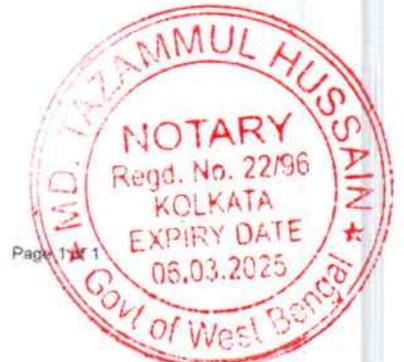
Depositor Details

Depositor's Name: Messrs SOMA ENTERPRISE
 Address:
 Mobile: 8777251353
 EMail: somaenterprise2012@gmail.com
 Period From (dd/mm/yyyy): 25/05/2022
 Period To (dd/mm/yyyy): 25/05/2022
 Payment ID: 0125183221200776
 Dept Ref ID/DRN: 0852022010951002

Payment Details

Sl. No.	Payment ID	Head of A/C Description	Head of A/C	Amount (₹)
1	0125183221200776	Fire License Fees	0070-60-109-001-13	7500
			Total	7500

IN WORDS: SEVEN THOUSAND FIVE HUNDRED ONLY.



Annexure - 'E'

West Bengal Pollution Control Board

Paribesh Bhawan, 10A, Block-LA, Sector-III,
Bidhannagar, Kolkata-700 098



Certificate for 'Consent to Operate'

No. 499/DIC/CTO/S-24Pg

Date: 23/09/2022

The West Bengal Pollution Control Board hereby grants its 'Consent to Operate' under section 25 & 26 of the water (Prevention & Control of Pollution) Act, 1974 and under section 21 of the Air (Prevention & Control of Pollution) Act, 1981 and the Rules and Orders made thereunder to M/s Soma Enterprise, Prop: Mouza Haldar for its unit located at Vill: Katagachia, P.O. Thakurpukur, PS. Maheshtala, South 24 Pgs. Pin. 700063 to run the industrial plant and to manufacture/store/install Polythene and Plastic processed for a period from Valid upto 30.09.2029 to operate the industrial plant and to discharge liquid effluents through outlets/outfalls and to emit the gaseous emission in accordance with the conditions as mentioned below provided on any day at any instant the quantity and quality of liquid discharge and gaseous emission shall not exceed the permissible limit as specified in the Environment (Protection) Act, 1986.

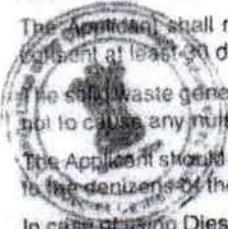
Products manufacturing (Synthetic plastic) (above 120 micron)
Breach of the conditions and/or failure to comply with the directions/conditions as stated below shall render the applicant liable for prosecution under the provisions of Water (Prevention & Control of Pollution) Act, 1974 and Air (Prevention & Control of Pollution) Act, 1981.

The State Board reserves its right to revoke, withdraw or make any reasonable variation of the conditions of or change or alter this consent by giving one month's notice to the applicant.

Mouza - Katagachia, JL NO - 40, Dag NO 170, Khalian NO - 1344

Conditions

01. The Applicant shall be responsible for the quantity and quality of liquid effluent and gaseous emissions.
02. The Applicant shall maintain the quality of liquid effluent discharge and air emissions and noise levels within statutory limits as mentioned in Environment (Protection) Act, 1986.
03. The Applicant shall submit analysis reports of the testing of liquid effluent and air emissions by Board-recognised laboratories with their applications, incase of any, discharge / Emission is involved in the process of manufacture.
04. To bring into any change in industrial plant, turnace, flues, chimneys, place and/or point of discharge of liquid and gaseous effluents, pollution control equipments the Applicant shall obtain prior permission of the Board in the regard. Total Project Cost Rs. 9,10,000/-
05. The Applicant shall maintain good house keeping, good working condition and take adequate measures for control of pollution from all sources.
06. The Applicant shall bring about at least 33% of the available open land under green coverage/plantation.
07. The Applicant shall control the fugitive emissions from the activity are so as to maintain clean and safe environment in and around the factory premises.
08. The Applicant shall provide drainage system of conveying liquid wastes. THE ACTIVITY COMES UNDER GREEN CATEGORY
09. The Applicant shall allow the officers of the Board to enter into the applicant's premises at any reasonable time for inspecting the unit. As per Notification No. EN/1209/3C-23/2019, Date 27/06/2022
Do not use transport, standing, distribution, sale and use single used plastic items.
10. The Applicant shall make an application to the State Board in the prescribed form for renewal of the consent at least 30 days before the date of expiry of this consent.
11. The solid waste generated within the factory premises, sweepings etc. be disposed off scientifically so as not to cause any nuisance / pollution.
12. The Applicant should adopt adequate precautionary measures to prevent any inconvenience or annoyance to the denizens of the locality due to its activity or be a cause for environmental concern.
13. In case of using Diesel Generator, adequate precautionary measures to be taken as per norms fixed by CPCB.



For and on behalf of the West Bengal Pollution Control Board

General Manager
District Industries Centre, Bidhannagar, Kolkata
General Manager
District Industries Centre, Bidhannagar, Kolkata



WEST BENGAL POLLUTION CONTROL BOARD

'Paribosh Bhawan', 16A, Block - LA, Sector III
Bidhannagar, Kolkata - 700 166



Certificate for 'Consent to Establish'

No. 469/12/CTE/S-24 Pgs.

Date: 15/09/2022

The West Bengal Pollution Control Board hereby grants its 'Consent to Establish' under section 25 (i) of Water (Prevention & Control of Pollution) Amendment Act, 1988 and section 21 of Air (Prevention & Control of Pollution) Amendment Act, 1987 and the Rules and Orders made thereunder to

M/s. Soma Enterprise

Prop: Haran Halder

for its unit located at

Vill: Kalagachia, P.O. Thakurpukur, P.S. Maheshtala, South 24 Pgs

Pin-700069

to establish the industrial plant and to manufacture/store/install Polythene and Plastic processed products manufacturing (virgin plastic) (above 120 micron) and to discharge liquid effluents through outlets/outfalls and to emit the gaseous emission in accordance with the conditions as mentioned below provided on any day at any instant the quantity and quality of liquid discharge and gaseous emission shall not exceed the permissible limits specified in the Environment (Protection) Act, 1986.

Breach of the conditions and/or failure to comply with the directions/conditions as stated below shall render the applicant liable for prosecution under the provisions of Water (Prevention & Control of Pollution) Act, 1974 and Air (Prevention & Control of Pollution) Act, 1981.

The State Board reserves its right to revoke, withdraw or make any reasonable variation of the conditions of or change or alter this consent by giving one month's notice to the applicant.

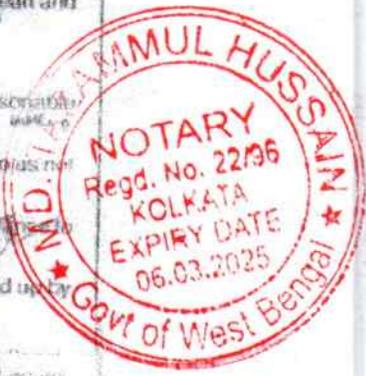
Conditions Mouza - Kalagachia, II No - 40, Dng NO - 170, Khata No - 1944

01. The Applicant shall be responsible for the quantity and quality of liquid effluent and gaseous emissions.
02. The Applicant shall ensure maintaining the quality of liquid effluent discharge and air emissions within statutory limits as mentioned in Environment (Protection) Act, 1986 and Rules made thereunder.
03. The Applicant should adopt suitable measures to treat the liquid effluent to produce the effluent so that quality of the same meets the prescribed standard.
04. The Applicant shall have to apply to this Board for its 'Consent to Operate' as per provisions of Water (Prevention & Control of Pollution) Act 1974 and Air (Prevention & Control of Pollution) Act, 1981 for discharge of liquid effluent and gaseous emissions. No liquid effluent and gaseous emission shall be discharged by the Applicant/unit without prior consent of the Board.
05. To bring into any change in industrial plant, furnace, flues, chimneys, place and/or point discharge of liquid and gaseous effluents, pollution control equipments the Applicant shall obtain prior permission of the Board in this regard. Total Project Cost Rs 9,10,000/-
06. The Applicant shall maintain good house keeping, good working condition and take adequate measures for control of pollution from all sources.
07. The Applicant shall bring about at least 33% of the available open land under green coverage/plantation.
08. The Applicant shall ensure that fugitive emissions from the activity are controlled so as to maintain clean and safe environment in and around the factory premises.
09. The Applicant shall provide drainage system for conveying liquid wastes.
10. The Applicant shall allow the officers of the Board to enter into the applicant's premises at any reasonable time for inspecting the unit. Do not allow transport, stocking, distribution, sale and use of single used plastic items.
11. The solid waste generated within the factory premises, sweepings etc. be disposed off scientifically so as not to cause any nuisance/pollution.
12. The Applicant should adopt adequate precautionary measures to prevent any inconvenience or annoyance to the persons of the locality due to its activity or be a cause for environmental concern.
13. In case of using Diesel Generator, adequate precautionary measures to be taken as per norms fixed up.

Valid upto 30.09.2029

Valid upto 30.09.2029

THE ACTIVITY COMES UNDER GREEN CATEGORY



Signature and Stamp of the Board Officer

Annexure - 'F' - 20 -

Parvosh Bhanu, Bldg. 10A, Block LA
Sector III, Bidhannagar, Kolkata 700 106
Tel: 2335-6730, 2335-9088/7428/8211/6731/0261/8861
Fax: (0091) (033) 2335-2813

Memo No.

-1M-11/2009(Pl.-V)

Date: /01/2023

CLOSURE ORDER WITH DISCONNECTION OF ELECTRICITY

WHEREAS, M/s. Soma Enterprise, Prop. Haran Halder (hereinafter referred to as the unit) located at Sakharipota Road, Vill. & P.O.- Kalagachia, P.S.- Kalitala Ashuti, Dist.- South 24 Parganas, Pin-700063 is a plastic carry bags manufacturing unit using reprocessed plastic granules as raw material.

AND WHEREAS, in connection with O.A. No. 128/2022/EZ of Hon'ble National Green Tribunal (NGT), Eastern Zone Bench, Kolkata as well as a complaint lodged by Sri Habibur Rahaman, Kalagachia, South 24 Pgs., Kolkata-700063 alleging environmental pollution in the surroundings caused due to operation of the unit, the West Bengal Pollution Control Board (hereinafter referred to as the State Board) official inspected the unit on 28.09.2022. During inspection the unit was in operation and the following observations were made by the inspecting official:

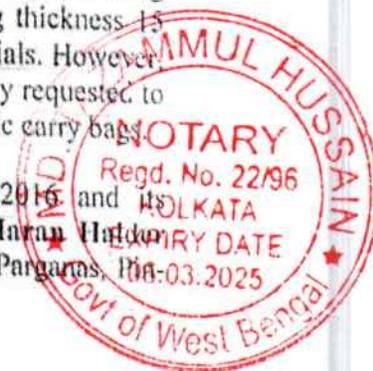
- The unit has obtained Consent to Establish and Consent to Operate from DIC for manufacturing plastic products from virgin granules having thickness 120 micron. But the unit is manufacturing non-virgin plastic carry bags having thickness 15 microns only.
- The unit is operating violating the Plastic Waste Management Rules, 2016 and its amendments as well as the Consent to Establish / Consent to Operate conditions.
- The unit is yet to apply for registration under Plastic Waste Management Rules, 2016 and its amendments.
- The House of complainant, Mr. Habibur Rahaman is about 150 ft. from the unit.
- During inspection no objectionable smell was felt from outside of the factory and no major noise generating machinery was found within the factory premises.

AND WHEREAS, the Hon'ble NGT directed the State Board vide dated 13.09.2022 in connection with O.A. No. 128/2022/EZ to give an opportunity to the applicant through a hearing.

AND WHEREAS, the unit was called for a hearing on 03.01.2023 at the Head office of the Board for the above mentioned non-compliance of environmental norms. The complainant was also present during the hearing and he alleged that the unit is located adjacent to his house and is running whole day and night and creating air pollution, noise pollution in the locality. He also alleged that the nature and character of the land of the unit is Shali land and the unit has been set up at the said land and is operating without converting the nature and character of the land and without obtaining any approval from the appropriate authority. In this regard, copies of RTI reply received from BL&LRO, South 24 Pgs. and SPIO & Executive Assistant, Ashuti II Gram Panchayet have been submitted by him during the course of hearing. He also complained that several other plastic carry bags manufacturing units have been set up in the said area without obtaining necessary permission from the appropriate authority.

AND WHEREAS, the representatives on behalf of the unit appeared in the hearing and admitted that during inspection by the Board official they are manufacturing non-virgin plastic carry bags having thickness 15 microns only at their unit premises due to old machinery and clear of earlier stock of raw materials. However, they would install new machineries for manufacturing virgin plastic above 120 microns and they requested to grant some time for procurement and installation of new machinery for production of such plastic carry bags.

NOW THEREFORE, considering the violation of Plastic Waste Management Rules, 2016 and its amendments as well as public complaint against the unit, M/s. Soma Enterprise, Prop. Haran Halder located at Sakharipota Road, Vill. & P.O.- Kalagachia, P.S.- Kalitala Ashuti, Dist.- South 24 Parganas, Pin-700063 is hereby closed by the State Board with immediate effect.



The electricity connection of the unit is ordered to be disconnected forthwith.

The Director (HR), WBSEDCL is requested to take necessary steps for disconnection of electricity of the unit immediately.

The closure order will take immediate effect and the Officer-in-Charge, Kalitala Ashuti Police Station is directed to execute the closure order against the aforementioned unit and submit the compliance report to the State Board within seven (07) days from the receipt of this Memo.

This direction has been issued to the Officer-in-Charge, Kalitala Ashuti, Police Station and the Director (HR), WBSEDCL in conformity with the order of the Hon'ble High Court, Calcutta dated 21/08/1998 and 28/04/1999 respectively.

The Sr. Environmental Engineer & In-charge, Alipore Regional Office, WBPCB is requested to take necessary steps for proper execution of the closure order against the above mentioned unit and also visit the unit involving the local police station and the Nodal Police Officer. The Sr. Environmental Engineer & In-charge, Alipore R.O., WBPCB is also requested to inspect the similar type of units located at the surrounding area of M/s. Soma Enterprise, as complainant claimed during the course of hearing and send the report to the headquarter immediately for taking necessary action.

This direction is issued in exercise of the powers conferred under the provision of the Environment (Protection) Act, 1986 and Plastic Waste Management Rules, 2016 and its amendments after being approved by the Competent Authority.

By Order,

Sd/-

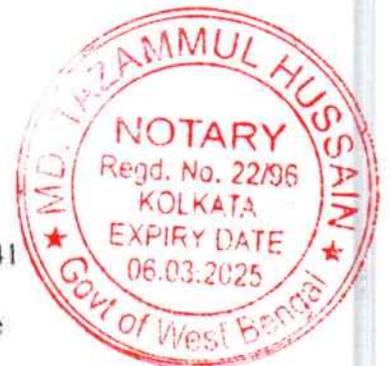
Chief Engineer
Operation & Execution Cell
West Bengal Pollution Control Board

Memo No. 81 (01) - -1M-11/2009(Pt.-V)

Date: 31/01/2023

Copy forwarded for information and necessary action to:

- ✓ M/s. Soma Enterprise, Prop. Haran Halder, Sakharipota Road, Vill. & P.O.- Kalagachia, P.S.- Kalitala Ashuti, Dist.- South 24 Parganas, Pin-700063
2. OSD to the Hon'ble MIC, Dept. of Environment, Govt. of W.B. Prani Sampad Bhavan, 5th Floor, LB-2, Sector-III, Bidhannagar, Kolkata-700106
3. Sr. P.A to the Principal Secretary, Dept. of Environment, Govt. of W.B., Prani Sampad Bhavan, 5th Floor, LB-2, Sector-III, Bidhannagar, Kolkata-700106
4. The Director (HR), WBSEDCL, Bidyut Bhawan, Bidhannagar, Kolkata - 700 091
5. The Superintendent of Police, Diamond Harbour Police District, Opposite Bharat Sevasram Sangha Hospital, P.O. Pailan Hat, P.S.- Bishnupur, Kolkata-700104
6. The Chief Technical Adviser, WBPCB
7. The Chief Engineer, Planning & EIM Cell, WBPCB
8. The Senior Law Officer, WBPCB
9. The Sr. Environmental Engineer & In-charge, Alipore Regional Office, WBPCB
10. The Law Officer, WBPCB
11. T.A. to the Member Secretary, WBPCB
12. P.A. to the Chairman, WBPCB
13. The Officer-in-Charge, Kalitala Ashuti Police Station, F7J5+9GP, Kolkata - 700141
14. Technical Cell, WBPCB for updating the website
15. Environment Officer- Communication, WBPCB - for circulation through float file
16. Guard file of O & E Cell



[Signature]
Chief Engineer
Operation & Execution Cell
West Bengal Pollution Control Board

Annexure 'G'



West Bengal Pollution Control Board
(Department of Environment, Government of West Bengal)
Paribesh Bhawan, Bldg. 10A, Block LA
Sector III, Salt Lake, Kolkata 700 106
Tel: 2335-9088, 2335-7428/8211/6731/0261/8861
Fax: (0091) (033) 2335-2813

Memo No. -IM-11/2009(Pt.-V)

Date: /02/2023

CORRIGENDUM

The State Board has issued Closure order with disconnection of electricity against M/s. Soma Enterprise, Prop. Haran Halder located at Sakharipota Road, Vill. & P.O.- Kalagachia, P.S.- Kalitala Ashuti, Dist.- South 24 Parganas, Pin-700063 vide Memo No. 81-IM-11/2009(Pt.-V) dated 31.01.2023.

However, due to an inadvertent mistake, the Director (HR), WBSEDCL was requested to take necessary steps for disconnection of electricity of the above mentioned unit immediately (please refer to para 7 of page 2 of the Closure order vide Memo No. 81-IM-11/2009(Pt.-V) dated 31.01.2023.), instead of the Vice President (Distribution and Service), CESC Ltd. Therefore, the power supplying agency should be read as the Vice President (Distribution and Service), CESC Ltd. instead of the Director (HR), WBSEDCL as mentioned in the said Closure order. Hence, the Vice President (Distribution and Service), CESC Ltd. is requested to take necessary steps for disconnection of electricity of M/s. Soma Enterprise, Prop. Haran Halder located at Sakharipota Road, Vill. & P.O.- Kalagachia, P.S.- Kalitala Ashuti, Dist.- South 24 Parganas, Pin-700063 in conformity with the order of the Hon'ble High Court, Calcutta dated 28/04/1999 and submit the compliance report to the State Board within seven (7) days from the receipt of this Memo.

This may be treated as the Corrigendum to the Closure order with disconnection of electricity issued by the State Board against M/s. Soma Enterprise, Prop. Haran Halder located at Sakharipota Road, Vill. & P.O.- Kalagachia, P.S.- Kalitala Ashuti, Dist.- South 24 Parganas, Pin-700063 vide Memo No. 81-IM-11/2009(Pt.-V) dated 31.01.2023.

Other conditions as mentioned in the Closure order with disconnection of electricity issued against M/s. Soma Enterprise, Prop. Haran Halder located at Sakharipota Road, Vill. & P.O.- Kalagachia, P.S.- Kalitala Ashuti, Dist.- South 24 Parganas, Pin-700063 (please refer Memo No. 81-IM-11-2009(Pt.-V) dated 31.01.2023) remain unaltered.

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

Memo No. 128 (61) -IM-11/2009(Pt.-V)

Date: 13.02.2023

Copy forwarded for information and necessary action to:

- ✓ M/s. Soma Enterprise, Prop. Haran Halder, Sakharipota Road, Vill. & P.O.- Kalagachia, P.S.- Kalitala Ashuti, Dist - South 24 Parganas, Pin-700063
- 2. OSD to the Hon'ble MIC, Dept. of Environment, Govt. of W.B. Prani Sampad Bhavan, 5th Floor, LB-2, Sector-III, Bidhannagar, Kolkata-700106

