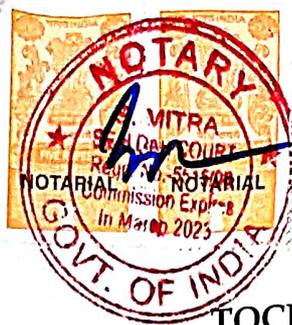


1

BEFORE THE NATIONAL GREEN TRIBUNAL
EASTERN ZONE, KOLKATA



ORIGINAL APPLICATION NO. 86/2020/EZ

TOCHHIMODDIN MONDAL & ORS.

..... APPLICANT(S)

VERSUS



THE STATE OF WEST BENGAL & 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

HIGH COURT AT CALCUTTA

20 SEP 2021

-33-

BEFORE THE NATIONAL GREEN TRIBUNAL
EASTERN ZONE, KOLKATA

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

Most Respectfully Sheweth

I, Subrata Ghosh, 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:-

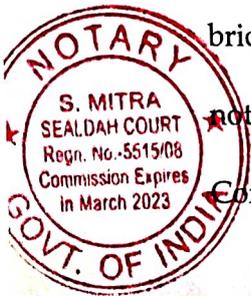
20 SEP 2021

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.

02. That, this affidavit is being affirmed in pursuance to the solemn orders passed by the Hon'ble Tribunal dated 26.07.2021.

03. That, on 21.06.2021, State Board caused an inspection of M/s. Friend Brick Co. Inspection report reveals that during inspection the said brick field was inoperative due to rain, however, the brickfield has not yet obtained Environment Clearance, Consent to Establish and Consent to Operate.

A copy of said inspection report of the State Board is annexed hereto and marked with letter 'R1'.



20 SEP 2021

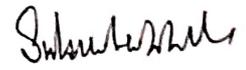


04. That, considering the aforementioned inspection report, the State Board vide Memo dated 15.09.2021 issued closure order with disconnection of electricity to M/s. Friend Brick Co., as the unit was operating without obtaining either Consent to Establish and Consent to Operate from the State Board.

Copy of closure order with disconnection of electricity of the State Board is annexed hereto and marked with letter 'R2'.

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.

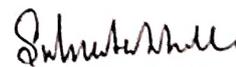
Identified by me
Dipriyagosh
Adv.


DEPONENT

VERIFICATION

Verified at Kolkata by the deponent above named on this theday of September, 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 to 4 are true to my information derived from records and rest are my respectful submission before this Hon'ble Tribunal.

Identified by me
Dipriyagosh
Adv.


DEPONENT

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


SARBANI MITRA
NOTARY
Regd. No. 8518/08

20 SEP 2021

Inspection Report

Name & Address of the unit	M/s. FRIEND BICK CO. Vill: Raipur, PO: Raipur Mirpur, P.S: Nowda, Murshidabad – 742 121.
Name of the inspecting officer	S. Barua, AEE & I/c, S. Saren, AEE
Date of inspection	21/ 06/ 2021 and 23/ 06/ 2021
Electricity supply Authority	WBSSEDCL
Name of the local body	Raipur GP
Person meet during inspection	Mr. Mosaraf Hossain & Mr. Khademul Islam (Owner cum – Partner) Mr. Jahiruddin Mondal, Mrs. Rashida Begam & Mr. Rahidul Sardar (local people of South – West side) and Mr. Tochimoddin Mondal, Mr. Ali Hossain Shaikh (Local people of Eastern side, the main complainant).
EC/ CFE/ CFO status	The Brick Field not yet obtained EC, CFE, CFO Certificate from appropriate authority. (As per statement of Mr. Nilanjan Sinha, OC of DL & LRO Dept., Murshidabad)
Reference of inspection	NGT Case (V.O.No. 141 Dt. 18/06/2021) Ref. Original Application No. 86/2020/EZ of Eastern Zone Bench, Kolkata.

About the unit:

The industry in question is a brick field unit, engaged in manufacturing of bricks about approximately 4 lacks per charge, using generally top soil as their raw material, although M/s. Sagardighi Thermal Power Project of Murshidabad has fairly agreed to supply fly ash as per the general guide line of Thermal Power Station only after producing valid CFO certificate only by the said Brick Field.

The alleged brick field was located in the Dag no. 4371, 4372, 4374, 4375 & JL no. 17, Mouza & Village – Raipur as per the said Brick Field authority.

The local people (the main complainant) on the Eastern side, about 800 ft away from the of the said Brick Field have been arise strong complainant against the unit and according to them that they are suffering from black dust pollution, emitted from the stack of the Brick Field unit in question.

But on the other hand, the local people on the South – Waste side, about 900 ft away from the said Brick Field, have nothing to say against the said Brick Field.

Observation:

During inspection the alleged Brick Field was found inoperative due to heavy rain. The unit owner not yet obtained EC, CFE as well as CFO certificate from Dist. LRO office. But has obtained Trade



Registration Certificate for the period 2020-21 and was deposited royalty towards the Government for business.

The Brick Field in question has been adopted Zig-Zag technology as per the State Board Notification.

Remarks:

The said unit should obtain EC, CFE and CFO certificate before further operation.

Necessary action may be taken as deem fit and proper.


03/08/2021

Signature of the inspecting officer


03/08/2021

Signature of the inspecting officer





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'R2'

West Bengal Pollution Control Board
(Department of Environment, Government of West Bengal)
Paribesh Bhawan, 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. 378/WPB/O&E/2019

Date: /09/ 2021

CLOSURE ORDER WITH DISCONNECTION OF ELECTRICITY

WHEREAS, M/s Friend Brick Co. (hereinafter referred to as the industry) located at Vill. – Raipur, P.O.-Raipur Mirpur, P.S.-Nowda, Dist.-Murshidabad, Pin-742121 is a Brick Field.

AND WHEREAS, the Hon'ble NGT in the matter of OA No.86/2020/EZ dated 24.05.2021 directed the State Board to inspect the brick field and to take appropriate action in case of any violation.

AND WHEREAS, the State Board officials inspected the industry on 21.06.2021. Inspection report reveals that the brick field has started it's activity without obtaining Consent to Establish/Consent to Operate from the State Board.

AND WHEREAS, establishing and operating any industry without Consent to Establish/Consent to Operate from the State Board is a violation of the provision of the section 25 & 26 of the Water (Prevention and Control of Pollution) Act, 1974 and under section 21 of Air (Prevention and Control of Pollution) Act, 1981.

NOW THEREFORE, considering the above mentioned non-compliances, **M/s Friend Brick Co.** located at Vill. –Raipur, P.O.-Raipur Mirpur, P.S.-Nowda, Dist.-Murshidabad, Pin-742121 is hereby closed by the Board with immediate effect.

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

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

The closure order will take immediate effect and the Officer-in-Charge, Nowda police Station is directed to execute the closure order against the aforementioned industry 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, Nowda 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 Assistant Environmental Engineer & In-Charge , Malda Regional Office, WBPCB is requested to take necessary steps for proper execution of the closure order against the industry and also visit the industry involving the local police station and the Nodal Police Officer.



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

By Order,

Sd/-
Chief Engineer
West Bengal Pollution Control Board

Date: 15/09/2021

Memo No. 594(9)378/WPB/O&E/2019

Copy forwarded for information and necessary action to:

1. M/s Friend Brick Co., Vill. -Raipur, P.O.-Raipur Mirpur, P.S.-Nowda, Dist.-Murshidabad, Pin-742121
2. P.S. to MIC, Dept. of Environment, Govt. of W.B. Prani Sampad Bhavan, 5th Floor, LB-2, Sector-III, Bidhannagar, Kolkata-700106
3. P.A to Additional Chief Secretary, Dept. of Environment, Govt. of W.B., Prani Sampad Bhavan, 5th Floor, LB-2, Sector-III, Bidhannagar, Kolkata-700106
4. T.A. to the Member Secretary, WBPCB
5. P.A. to the Chairman, WBPCB
6. The Director (HR), WBSEDCL, Bidyut Bhawan, Bidhannagar, Kolkata - 700 091.
7. The Superintendent of Police, Murshidabad District, Gora Bazar, Berhampore, Dist.-Murshidabad, Pin-742101
8. The Senior Environmental Engineer, EIM Cell, WBPCB
9. The Senior Law Officer, WBPCB
10. The Officer-in-Charge, Nowda Police Station, Nowda, Dist.-Murshidabad, Pin- 742121
11. The Assistant Environmental Engineer & In-Charge, Malda Regional Office, WBPCB
12. Technical Cell, WBPCB for updating the website.
13. Environment Officer- Communication, WBPCB - for circulation through float file.
14. Guard file of O & E Cell


Chief Engineer
West Bengal Pollution Control Board



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Filed by

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ADVOCATE
HIGH COURT AT CALCUTTA**