

BEFORE THE HON'BLE NATIONAL GREEN TRIBUNAL
EASTERN ZONE BENCH, KOLKATA

O. A. NO. 126/2023/EZ

I.A NO. /2024

In The Matter of:

Mujibur Rahman Malik

... Applicant

Versus

State of West Bengal &Ors.

... Respondents

And

In the matter of:

M/s Paul Fabrics

Vill- Kalachara, Post Office and Police
Station - Chanditala, District -
Hooghly, Pin - 712702.

.... Applicant/Respondent No. 6

And

In the matter of:

An application for appropriate order

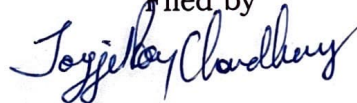


25 APR 2024

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Filed by



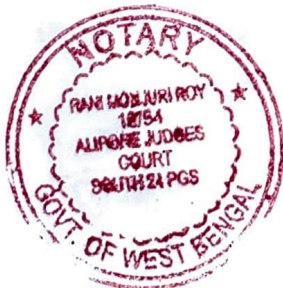
JOYJIT ROY CHOUDHURY

Advocate

For Respondent No. 6

Email: joyjit.advocate@gmail.com

(M): 9874933559



25 APR 2024

BEFORE THE HON'BLE NATIONAL GREEN TRIBUNAL
EASTERN ZONE BENCH, KOLKATA

O. A. NO. 126/2023/EZ

I.A NO. Of 2024

In The Matter of:

Mujibur Rahman Malik

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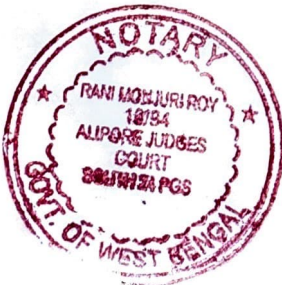
State of West Bengal &Ors.

... Respondents

The Humble petition on behalf of the
Applicant/Respondent no. 6

Most Respectfully Sheweth:

1. That the Hon'ble Tribunal has been directed to implead respondent number 6 as a party in the instant original application, vide Solemn Order dated 22.11.2023.



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2. That this respondent has received notice along with copy of application and Solemn Order dated 22.11.2023, passed by the Hon'ble Tribunal.
3. That the Respondent No.3, The District Magistrate of Collector Howrah has filed an affidavit dated 21.11.2023 of which in Paragraph No.11 it has been stated that certain units have been identified by the West Bengal Pollution Control Board in the area of Kalachara Hooghly District in which the name of this Respondent unit has also been mentioned.
4. That the Applicant/ Respondent no. 6 states that the unit in question possess 'Consent To Operate' Certificate issued by the West Bengal Pollution Control Board which is valid till 31st July 2027.
Your Applicant/Respondent No. 6 craves leave to refer to the said document at the time of hearing, if necessary.
5. That the Applicant/ Respondent no. 6 also possess trade license, fire license and Factory License for smooth running from the unit.
6. That the unit had applied for permission under the hazardous Waste Authorization with the State Board on 08.08.2022 and the application is still pending for approval from the competent authority.
7. That the Applicant/ Respondent no. 6 unit was inspected on 13.04.2023 by the officials of the regional office of the West Bengal Control Board, Hooghly Regional Office and subsequent to the



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inspection closure order was issued to the unit by the West Bengal Control Board on 29.05.2023.

8. That in the closure order it was inter alia directed by the West Bengal Pollution Control Board to the Respondent Unit to deposit of Bank Guarantee of Rs. 2,00,000 (Rupees Two Lakhs) and pay environmental compensation of Rs. 75,000/-.(Rupees seventy five thousand only).
9. That the Applicant/ Respondent no. 6 vide letter dated 09.06.2023 addressed to the Chief Engineer, Operation And Execution Cell, West Bengal Pollution Control Board had made written submission stating that the unit has tested the water from a reputed laboratory of the ~~by~~ West Bengal Pollution Control Board ^{namely} S.M. Scientific Service on 17.04.2023,13.05.2023 and 09.06.2023 in which the reports reveal that there has been gradual reduction in the parameters of COD, BOD and moreover the defects detected in the inspection carried out by the West Bengal Pollution Control board on 13.04.2023 with regard to the ETP has been rectified.
10. That subsequent to the application made by the Applicant/ Respondent no. 6 unit the West Bengal Pollution Control Board had issued a direction dated 01.08.2023 in which the board has principally agreed to suspend the closure order dated 29.05.2023 subject to certain conditions :

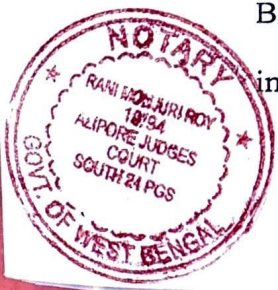
1. The unit shall submit a penalty amount of Rs. 50,000/- (Rupees Fifty Thousand) only within 10 days from the date of issue of



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this letter, by Demand Draft in favour of West Bengal Pollution Control Board payable at Kolkata for non-compliance of the Environmental norms.

2. The unit shall execute a Bank Guarantee (BG) (Proforma enclosed) of Rs. 2,00,000/- (Rupees Two Lakhs) only valid for 12 months within 15 days from the date of issuance of this direction in favour of the West Bengal Control Board (Union Bank of India) IFSC Code UBIN0906638) as an assurance to comply with the Board's directions as well as environmental norms.
11. That accordingly the Applicant/ Respondent no. 6 unit vide letter dated 14.08.2023 complied with the directions of the State Board and submitted Bank Guarantee of Rs. 2,00,000/- (Rupees Two Lakhs) only valid for 12 (Twelve) months vide Bank Guarantee Bond No. 0105013GA23000004 Dated 10.08.2023 valid upto 09.08.2024 and also paid Environmental Compensation of Rs. 50,000/- (Rupees Fifty Thousand) vide demand draft dated 07.08.2023 being number 138456 drawn on Central Bank of India, Salkia branch, Howrah.
12. That subsequent thereto the State Board has issued Suspension of Closure Order in favour of the Applicant/ Respondent no. 6 unit dated 14.08.2023 interalia observing that the unit had submitted penalty amount of Rs 50,000/- (Rupees Fifty Thousand) and also Bank Guarantee amount of Rs. 2,00,000/- (Rupees Two Lakhs) and imposing the following conditions thereon:



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(I) The Unit shall always operate the Effluent Treatment Plant (ETP) efficiently so as to comply with the effluent discharge standards.

(II) The unit shall always operate maintaining the environmental norms.

13. That the Applicant/ Respondent no. 6 unit has been complying with the conditions as issued by the state Board following the laws of the land and after obtaining the statutory clearances.

14. That the Applicant/ Respondent no. 6 has stated each and every situation before this Learned Tribunal by filing the Affidavit in Opposition which is on record.

15. That the Applicant/ Respondent no. 6 had been inspected by ^{22.02.2024} the WBPCB and subsequent to such inspection a notice for hearing was served upon the Applicant/ Respondent no. 6 and a 12.03.2024 was fixed for hearing before the State Board wherein the representatives of the Applicant/ Respondent no. 6 attended the hearing.

16. That the Applicant/ Respondent no. 6 further submits that subsequent to the hearing a closure order was issued with a date of 04.04.2024 and the same was received by the Applicant/ Respondent no. 6 on 12.04.2024 at the the Applicant/ Respondent no. 6 unit.

A copy of such closure order dated 04.04.2024 is annexed hereto and

marked with the letter "A"



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17. That the Applicant/ Respondent no. 6 after receiving of such order from the West Bengal Pollution Control Board immediately closed the unit. Now it is very much pertinent to mention that Applicant/ Respondent no. 6 had engaged an expert company for rectification of some discrepancy in the ETP in the month of January, 2024. A copy of the said Offer Letter is annexed hereto and marked with the letter – “B”. Your petitioner also states that the said Nandy Enterprise has explained the procedure of rectification of the ETP. Your petitioner craves leave to refer to the Learned Tribunal the procedure of rectification of the ETP at the time of hearing, if necessary.

18. Pursuant to the rectification done in the ETP the Applicant/ Respondent No. 6 had served a notice to the WBPCB for granting the Applicant/Respondent No. 6 to run the unit and obtain fruitful results of the effluents as it is ready to function in full swing but unfortunately no fruitful reply was obtained on part of the WBPCB till date. Finally after not procuring any fruitful reply from the WBPCB, this Applicant/Respondent No. 6 has approached this Learned Tribunal with clean hands and would pray for the reliefs as stated in the prayer.

A copy of the letter dated 18.04.2024 is annexed hereto and marked with the Letter – ‘C’.

That the Applicant/ Respondent no. 6 unit humbly prays before

this Learned Tribunal to allow the Applicant/ Respondent no. 6 unit



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to run the unit for few days and allows the unit to get the test results of the Effluents.

Under the facts and circumstances mentioned hereinabove the Applicant/ Respondent no. 6 prays before this Learned Tribunal to allow the Applicant/ Respondent no. 6 unit to run for few days and allows the unit to get the test results of the Effluents and/or pass such other order/orders as this Learned Tribunal deems fit and proper.

And for this act of kindness your petitioner as in duty bound shall ever pray.



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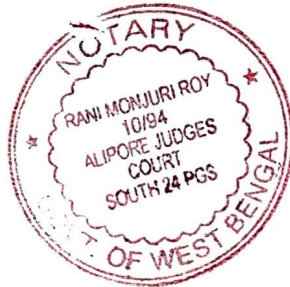
VERIFICATION:

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 nothing material has been concealed there from.

Verified at Kolkata on the 25th day of April, 2024.

Identified by me

Tajjit Ray Choudhury
Advocate



PAUL FABRICS

Sarmista Paul
Partner

Deponent

25 APR 2024

Before the Notary of
Alipore Judges Court
Kolkata. 27

Regd. No.....

138/25/4/23

AFFIDAVIT

I, Sarmistha Paul, daughter of Pradip Paul, Hindu, Service, aged about 32 years, residing at 68/6, kaibarta Para Lane, Howrah - 711106, do hereby and solemnly affirm and state that :-

- I am one of the Partner of the Applicant/Respondent No. 6 and as such, am fully conversant with the facts and circumstances of the present case and I am competent to affirm this affidavit on behalf of the other partners.
- The statements made in paragraphs to are true to my knowledge and rest are my humble submissions before this Ld. Tribunal.

PAUL FABRICS

Sarmistha Paul
Partner

Deponent

Prepared in my office

Sybil Choudhury
Advocate

Solemnly affirmed and declared before me on identification of advocate at Alipore Judges Court, Calcutta under Notaries Act 1952 at.....
RA 25.4.24

RANI MONJURI ROY
NOTARY
Room No.-17 (POND SIDE)
Alipore Judges Court,
Kolkata-700 027
Regd. No.-10/94

RANI MONJURI ROY
Notary, Govt. of West Bengal
Regd. No.-10/94



25 APR 2024



LIFE
Lifestyle for
Environment

Signature - A (17)
260
WEST BENGAL POLLUTION CONTROL BOARD
(Department of Environment, Government of West Bengal)
Paribesh Bhawan, 10A, Block - LA, Sector III, Bidhannagar
Kolkata - 700 106, Ph. No.: 2202-3097/3096
Website: www.wbpcb.gov.in, Email: net.wbpcb-wb@bangla.gov.in

Memo No.

-PCB/HGY/R/3274-08(I)

Date: /04/2024

CLOSURE ORDER

WHEREAS, M/s. Paul Fabrics (hereinafter referred to as the unit) located at **Vill. & Mouza- Kalachara, P.O. & P.S.-Chanditala, Dist.-Hooghly, Pin-712 702** is a dyeing and bleaching unit.

AND WHEREAS, the unit was inspected by the **West Bengal Pollution Control Board** (hereinafter referred to as the State Board) official on 22.02.2024. During inspection the unit was found in operation and the following observations were made by the inspecting official during inspection:

- The unit has 1X2 TPH wood/coal fired boiler which is connected to a cyclone separator followed by a bag filter and a stack of height 30m from G.L. The boiler was in operation during inspection.
- The unit has an effluent treatment plant (ETP) comprising of bar screen, 3 nos. equalization cum aeration tank (alum + bleaching dosing) PAC+ acid mixing chamber cum primary sedimentation tank, caustic dosing chamber, secondary sedimentation tank, aeration tank (MBBR Media), clarifier, treated water tank, sand bed filter and discharge.
- Bubbling of air in the aeration tank of the ETP was going on during inspection.
- Flexible pipeline from the ETP was observed leading to the ground below. Untreated effluent was being discharged by the unit within its premises and outside the premises. Photographic evidence taken during inspection also corroborated the same. The representative of the unit stated that the untreated bleaching effluent is being directly discharged bypassing the ETP so as to prevent the heated bleaching effluent from affecting the microbes in the aeration tank.
- Sludge bed was found to be not properly maintained. Dried ETP sludge was found over the ground, near ETP area.

AND WHEREAS, the Consent to Operate of the industry is valid up to 31.07.2027. The unit has not obtained Hazardous Waste Authorization from the State Board.

AND WHEREAS, previously, the unit was issued Closure order by the State Board vide Memo No. 532-hg-co-s/12/0302 dated 29.05.2023 as the unit was operated without operating its ETP and noticing bypass arrangement of the ETP into the adjacent drain. Subsequently Suspension of closure order was issued by the State Board vide Memo No. 1082-hg-co-s/12/0302 dated 14.08.2023. The unit was also penalized with a Penalty amounting to Rs. 50,000/- and a Bank Guarantee (BG) of Rs. 2,00,000/- was also imposed upon the unit as an assurance to comply with the environmental norms. The unit submitted the Penalty and BG amount and the said BG is valid upto 09.08.2024.

AND WHEREAS, it is to be mentioned that a case is pending before the Hon'ble NGT in connection with O.A. No. 126/2023/EZ regarding contamination of Rajapur Canal (through Janai Basin canal flowing nearby) and the unit is a party to the said case.

AND WHEREAS, the unit was called for a hearing on 12.03.2024 at the Head office of the Board. The representatives on behalf of the unit appeared in the hearing and submitted that they would immediately close the bypass arrangement of the ETP and take necessary steps within three months for proper functioning of the ETP in order to comply with the environmental norms.

NOW THEREFORE, considering the above, **M/s. Paul Fabrics** located at **Vill. & Mouza- Kalachara, P.O. & P.S.-Chanditala, Dist.-Hooghly, Pin-712 702** is hereby closed by the State Board with immediate effect.

That, 50% Bank Guarantee i.e. Rs. 1,00,000/- (Rupees one lakh) only from the existing Bank Guarantee of Rs. 2,00,000/- (Rupees two lakhs) stands forfeited for violation of environmental norms as observed during inspection by the Board official.

Page 1 of 2



The closure order will take immediate effect and the Officer-in-Charge, Chanditala 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, Chanditala Police Station in conformity with the order of the Hon'ble High Court, Calcutta dated 21/08/1998.

The Environmental Engineer & In-charge, Hooghly Regional Office, WBPCB is requested to take necessary steps for proper execution of the closure order against the unit and also visit the unit involving the local police station and the Nodal Police Officer.

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/-
Officer-on-Special Duty
(Operation & Execution)
West Bengal Pollution Control Board

Memo No. 3081 (1) -PCB/HGY/R/3274-08(I)

Date: 04/04/2024

Copy forwarded for information and necessary action to:

1. ✓ M/s. Paul Fabrics, Vill. & Mouza- Kalachara, P.O. & P.S.-Chanditala, Dist.-Hooghly, Pin-712 702
2. P.S. 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. P.S. to the Addl. Chief Secretary, Dept. of Environment, Govt. of W.B., Prani Sampad Bhavan, 5th Floor, LB-2, Sector-III, Bidhannagar, Kolkata-700106
4. The Superintendent of Police, Hooghly Rural Police District, Singur, Kamarkundu, Hooghly, Pin-712407
5. The Chief Engineer, Planning & EIM Cell, WBPCB
6. The Senior Law Officer, WBPCB
7. Smt. Paushali Mukherjee (Pahari), Sr. Law Officer, WBPCB
8. The Environmental Engineer & In-charge, Hooghly Regional Office, WBPCB
9. T.A. to the Member Secretary, WBPCB
10. P.A. to the Chairman, WBPCB
11. The Officer-in-Charge, Chanditala Police Station, P.O.+P.S.-Chanditala, Dist.-Hooghly, Pin-712702
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


Officer-on-Special Duty
(Operation & Execution)
West Bengal Pollution Control Board

Annexure - 'B' (262)

NANDY ENTERPRISE

Office Address:

Nischinda (West), Ghosh para
Bally- Howrah-711227
M- 8335978264/9804986372
Email- nandy2003in@yahoo.com

NE/PAFB/23-24/119 R1
20th January 2024

PAUL FABRICS
Chanditala. Hooghly
West Bengal

Kind Attn: Mrs. Sharmistha Paul

Sub: Offer for Renovation of ETP plant to maintain the BOD COD

Dear Sir,

This has the reference to the discussion undersigned had with You, regarding the mentioned subject, please find the best offer for your ready reference.

We shall be glad to furnish any further information/ clarification, if desired by you.
We sincerely hope that you will find our offer reasonable and favour us with your valued order.
Thanking you and assuring you of our best services at all times.

Yours faithfully,

NANDY ENTERPRISE

Prasenjit Nandy
8335978264/858501
2804



25 APR 2024

NANDY ENTERPRISE

NE/PAFB/23-24/119 R1
20th January 2024

Technical detail with price for dosing to remove Colour and COD:

Sl n	Material description	QTY	Price/kg/Ltr	Total price	GST	Price with GST
1	Poly electrolyte(25 Kg bag)	25 KG	440.00/Kg	11000.00	18%	12980.00
2	Pac(Poly aluminum chloride)(25 Kg bag)	100 Kg	52.00/kg	5200.00	18%	6136.00
3	Hydrated Lime(50 Kg) Bag	500 Kg	22.00/Kg	11000.00	5%	11550.00
4.	Colour Removal Chemical (50 Kg Jar)	50 Kg	200.00/Kg	10000.00	18%	11800.00
5.	Bacteria	6 Kg	1000.00/Kg	6000.00		7080.00
	Total price			43200.00		49546.00

Scope of work:

1. Provide calculation of dosing chemical during start up.
2. Provide Engineering support during ETP operation (7 to 10 days).
3. Provide operator training (for 7 to 10 days).

Customer scope:

1. Cleared aeration tank.
2. Make sure all the diffuser are in good condition (if diffuser found damage customer need to change that diffuser)
3. In corporate dosing system (by dosing pump or beep cook system)
4. Provide backup system for AIR (to maintain the continuous air flow system)

Note:

Chemical dosing percentage will be depend directly to the quality of Effluent.
 After 3 to 4 days of operation, we will give you the actual dosing calculation required to operate the ETP plant.



25 APR 2024

(16)

NANDY ENTERPRISE

NE/PAFB/23-24/119 R1
20th January 2024

Terms & Condition:

Price for supply of chemical as per offer will be Rs. 43200.00 (**Rupees Forty Three Thousand Two Hundred only**) without GST.

Rs. 49546.00 (Rupees Forty nine Thousand Five Hundred Forty Six only) with GST

Price for supervision will be Rs. 15000.00 (Rupees Fifteen Thousand) Maximum for 10 Days

Transportation: Extra at actual

Payment terms: 100% against PI for supply of material and, for service within 7 days after handed over the plant.

Delivery period: within 7 days after confirmation of order

Our GST NO: 19AKXPN0803B1Z6



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Annexure - 'C'

(17) 265

PAUL FABRICS

Registered Office : 17/10, Uttam Ghosh Lane, Salkia Howrah - 711106
Works: Vill- Kalachara, Post Office and Police Station - Chanditala, District -
Hooghly, Pin - 712702
Phone: 9831179230
Email : paul.fabrics04@gmail.com

BY HAND DELIVERY

To
The Member Secretary
West Bengal Pollution Control Board
(Department of Environment, Govt. of West Bengal)
Paribesh Bhawan, Bldg. No. 10A, LA Block
Sector - III, Bidhannagar, Kolkata - 700098

Date: 18/04/2023

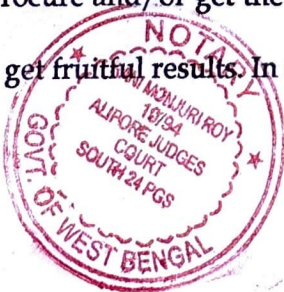


Re: Requesting for reopening of the unit for proper evaluation of the effluent discharge.

Sir,

With reference to the Letter Dated 04/04/2024 vide memo no. 3081(1)-PCB/HGY/R/3274-08(I), this is to bring to your kind and humble notice that We have gone through the said letter of closure which was served upon us through speed post and have gone through the purport thereof.

At the very outset it will be very evident to bring to your kind notice that the notice that has been served upon us is a closure notice and after such service of the notice we have immediately closed our unit and have restricted the labours from doing any sort of work inside the unit. We are always there to cooperate with the Board, but the only problem which we are facing is that if the unit does not function then we are unable to procure and/or get the effluents tested from the concerned authorized laboratory and get fruitful results. In such a situation if the WBPCB allows us a few days time to



25 APR 2024

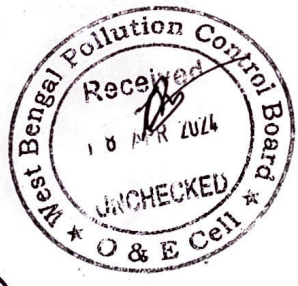
18266

PAUL FABRICS

Registered Office : 17/10, Uttam Ghosh Lane, Salkia Howrah - 711106
Works: Vill- Kalachara, Post Office and Police Station - Chanditala, District -
Hooghly, Pin - 712702
Phone: 9831179230
Email : paul.fabricsc4@gmail.com

reopen the unit and get the effluents tested and come down with good results then we will be highly obliged and also we can save our workers from starving on a daily basis. Under such a situation it is humbly prayed before the Board to allow us to run the unit and show fruitful results of the ETP. In such an event your cooperation in such regards will be highly solicited and appreciated. This is for your information and knowledge Kindly acknowledge receipt of the same.

Thanking you



Yours truly

PAUL FABRICS
Pradip Paul
Partner

Copy to:
The Chief Engineer **OSD**
Operation and Execution Cell
West Bengal Pollution Control Board
(Department of Environment, Govt. of West Bengal)
Paribesh Bhawan, Bldg. No. 10A, LA Block
Sector - III, Bidhannagar, Kolkata - 700098



25 APR 2024

BEFORE THE HON'BLE NATIONAL
GREEN TRIBUNAL EASTERN ZONE
BENCH, KOLKATA

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I.A. NO of 2024

In The Matter of:

Mujibur Rahman Malik

... APPLICANT

VERSUS

The State of West Bengal &Ors.

... RESPONDENT(S)

AND

In the matter of :

M/s Paul Fabrics

..... Applicant/Respondent No. 6

APPLICATION

JOYJIT ROYCHOUDHURY

Advocate

For Respondent No. 6

Email: joyjit.advocate@gmail.com

(M): 9874933559



SHUVAJIT BOSE <shuvajitbose2011@gmail.com>

IA PAUL FABRICS

1 message

SHUVAJIT BOSE <shuvajitbose2011@gmail.com>

Mon, Apr 29, 2024 at 3:23 PM

To: "rajib.ray23@gmail.com" <rajib.ray23@gmail.com>, "sibo.chakrabarti@gmail.com" <sibo.chakrabarti@gmail.com>, Prithwish18 Basu <prithwish1986@gmail.com>, KRISHNENDU BERA <krishnendubera87@gmail.com>, Dipanjan Ghosh <dpnjnghsh0@gmail.com>, "mrdey@rediffmail.com" <mrdey@rediffmail.com>, gabberiacociety@rediffmail.com

Enclosed please find attached herewith the scanned copy of the IA so filed by the Respondent No. 6 in OA 126/2023. The said IA is scheduled to be taken up before the Hon'ble National Green Tribunal, Eastern Bench, Kolkata on 30.04.2024 or so soon thereafter as and when the business of the court so permits

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With Regards
Shuvajit Bose
Advocate
High Court, Calcutta
Mob No. 9007934541/8017682952

Office at :
"Olisa Offices", Delta House
4, Govt. Place (N)
9th Floor, Room No. 918
Kolkata 700001

 **IA PAUL FABRICS REFILLING.pdf**
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