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BEFORE THE NATIONAL GREEN TRIBUNAL
PRINCIPAL BENCH, NEW DELHI



ORIGINAL APPLICATION NO. 632/2019

SURYAPRAKASH RAWAT

..... APPLICANT(S)

VERSUS :

STATE OF WEST BENGAL & ORS.

..... RESPONDENT(S)

AFFIDAVIT ON BEHALF OF THE WEST BENGAL
POLLUTION CONTROL BOARD.

INDEX

Sl.	PARTICULARS	ANNEXURE	PAGE
1.	Application		
2.	Copy of the closure order with disconnection of electricity of the State Board dated 30-07-2019.	"R"	
3.			

FILED BY

Bfms

S. Chaudhuri
S. CHAUDHURI
* NOTARY *
GOVT. OF INDIA
Regn. No.-505408
Bihar Nagar Court
Dist.-North 24 Pgs

BIBHASH Kumar / DIPANJAN GHOSH / *Asha Nayak*
ADVOCATE / *Bash*
HIGH COURT AT CALCUTTA
BAR ASSOCIATION ROOM NO. 16

05 SEP 2019



BEFORE THE NATIONAL GREEN TRIBUNAL
PRINCIPAL BENCH, NEW DELHI

ORIGINAL APPLICATION NO. 632/2019



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VERSUS :

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POLLUTION CONTROL BOARD.

Most Respectfully Sheweth

I, Sri Amar Nath Goswami, aged about 52 years, son of Shri Madan Mohan Goswami, by Religion - Hindu, by Occupation- Service, residing at L-111/2, G-13, Baishnabghata Patuli Township, Kolkata - 700 094, do hereby solemnly declare and say as follows:-


S. CHAUDHURI
* NOTARY *
GOVT. OF INDIA
Regn. No. - 6584/08
Bihar Nagar Court
Dist. - North 24 P.



01. That, I am the Senior Law Officer, 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 West Bengal Pollution Control Board 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 order passed by the Hon'ble Tribunal dated 20/08/2019.

03. That, the order of the Hon'ble National Green Tribunal dated 20-08-2019, the State Board was inspected the unit on 31-05-2019. The unit called for hearing on 26-06-2019. On the basis of the inspection report and submission of the unit, the Board has issued closure order with disconnection of electricity of M/s. Saraf Silicates, Nimakalali Road, Vill.- & P.O.- Barakar, P.S.- Kulti, Dist.- Paschim Bardhaman, Pin.- 713 324 vide Memo No. 646 dated 30-07-2019.

Copy of the closure order with disconnection of electricity is annexed herewith and marked with letter "R".


S. CHAUDHURI
* NOTARY *
GOVT. OF INDIA
Right No.-6534/08
Guwahati Court
Dist.-North 24 Pgs



04. It is therefore respectfully prayed that Hon'ble Tribunal may pass such order/orders as it deems fit and proper in the interest of justice.

Amar Nath Gouma
DEPONENT

BEFORE THE NOTARY PUBLIC
AT BISHAMPUR NAGAR
DIST. NORTH 24 PARGANAS

VERIFICATION

Verified at Kolkata by the deponent above named on this the day of September, 2019 and say that the contents of this affidavit made in paragraph no. 1 is true to my knowledge and those made in paragraphs no. 2 to 3 are true to my information derived from records and rest are my respectful submission before this Hon'ble Tribunal.

[Signature]
CHAUDHURI
NOTARY *
OF INDIA
No. 5584/2008
District North 24 Parganas
West Bengal

Amar Nath Gouma
DEPONENT

Identified By Me

S. Dey
ADVOCATE

05 SEP 2019



"P"

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) 2335-2814

Memo No. - WFBA/Red(Bwn)/Cont(194)/01

Date:



CLOSURE ORDER WITH DISCONNECTION OF ELECTRICITY

WHEREAS, M/s. Saraf Silicates located at Nimakalali Road, Vill.- & P.O.- Barakar, P.S.: Kulti, Dist. Paschim Bardhaman, Pin- 713 324 (hereinafter shall be referred to as the industry) is engaged in manufacturing of Sodium Silicate with production capacity of about 300 MT/month.

AND WHEREAS, a complaint has been lodged by a resident of Neemkalai More, Station Road, Barakar, Paschim Bardhaman against the unit for creating environmental pollution to its surroundings.

AND WHEREAS, the official of the West Bengal Pollution Control Board ((hereinafter shall be referred to as the State Board)) has inspected the unit on 31.05.2019. During inspection it was observed that the industry has 01 (one) no. coal fired furnace of capacity 2.50 MT/charges provided with wet scrubber as Air Pollution Control Device (APCD) followed by a stack of height 30m from G.L. and 02 (two) nos coal fired boiler of capacity 2.0 MT/hr each provided with a common stack of height 30m from G.L. without any APCD.

AND WHEREAS, during inspection, the boilers were not in operation. Coal fired furnace was in operation and dense black smoke was found being emitted from this stack. It appeared that the APCD attached to the furnace is not being operated properly. The unit is located in a densely populated residential area. The Consent to Operate of the unit is valid up to 31/12/2021. As available in the office record the unit does not possess the Authorization for Hazardous waste.

AND WHEREAS, the industry was called for a hearing on 26.06.2019 for non-compliance of environmental norms as observed during inspection by the Board official.

AND WHEREAS, the partner of the industry appeared in the hearing and agreed with the above mentioned observation. But he could not submit any satisfactory explanation to the non-compliance of the environmental norms as was observed during inspection by the Board official. Nobody appeared on behalf of the complainant during the hearing.

NOW THEREFORE, considering the above mentioned noncompliance, M/s. Saraf Silicates, Nimakalali Road, Vill.- & P.O.- Barakar, P.S.: Kulti, Dist. Paschim Bardhaman, Pin- 713 324 is hereby closed by the State 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, Kulti Police Station is directed to execute the closure order against the aforementioned industry and submit a compliance report to the State Board within seven (07) days from the receipt of this order.

This direction has been issued to the Officer-in-Charge, Kulti 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.

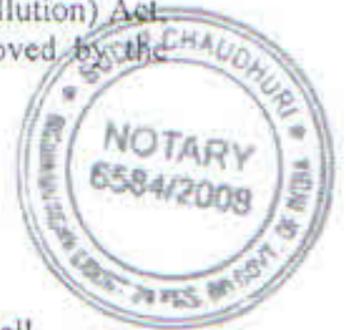
The Senior Environmental Engineer, In-charge of Asansol Regional Office, West Bengal Pollution Control Board is requested to take necessary steps for proper execution of the closure order against the industry and also visit the industry involving the local police station and the Nodal Police Officer.

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,


Chief Engineer

Operation & Execution Cell
West Bengal Pollution Control Board



Memo No. 646(1-14) BA/Red(Bwn)/Cont(194)/01

Date: 30/7/2019

Copy forwarded for information and necessary action to:

1. M/s. Saraf Silicates, Nimakalali Road, Vill.- & P.O.- Barakar, P.S.: Kulti, Dist. Paschim Bardhaman, Pin- 713 324 M/s. Saraf Silicates located at Nimakalali Road, Vill.- & P.O.- Barakar, P.S.: Kulti, Dist. Paschim Bardhaman, Pin- 713 324.
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-700 106
3. P.A to the Principal Secretary, Dept. of Environment, Govt. of W.B., Prani Sampad Bhavan, 5th Floor, LB-2, Sector-III, Bidhannagar, Kolkata-700 106
4. P.A. to the Chairman, WBPCB
5. P.A. to the Member Secretary, WBPCB
6. The Commissioner of Police, Asansol-Durgapur Police Commissionerate, 5, Evelyn Lodge, G. T. Road, Kumarpur, Asansol, Paschim Bardhaman, Pin-- 713 304.
7. The Director (HR), WBSEDCL, Bidyut Bhawan, Bidhannagar, Kolkata - 700 091.
8. The Officer-in-Charge, Kulti Police Station, Kulti, Asansol, Dist. Paschim Bardhaman, Pin- 713343
9. The Chief Engineer, Planning & W.M.Cell, WBPCB
10. The Senior Law Officer, WBPCB.
11. The Senior Environmental Engineer, In-charge of Asansol 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

Operation & Execution Cell
West Bengal Pollution Control Board

05 SEP 2019

etc

Item No. 17

Court No. 1

**BEFORE THE NATIONAL GREEN TRIBUNAL
PRINCIPAL BENCH, NEW DELHI**

Original Application No. 632/2019

Suryaprakash Rawat

Applicant(s)

Versus

State of West Bengal

Respondent(s)

Date of hearing: 20.08.2019

**CORAM: HON'BLE MR. JUSTICE ADARSH KUMAR GOEL, CHAIRPERSON
HON'BLE MR. JUSTICE S.P. WANGDI, JUDICIAL MEMBER
HON'BLE MR. JUSTICE K. RAMAKRISHNAN, JUDICIAL MEMBER
HON'BLE DR. NAGIN NANDA, EXPERT MEMBER**

Application is registered based on a complaint received by post

ORDER

Grievance in this letter, which has been treated as an application, is against the pollution caused by the industry in Neemakalali locality of Barakar, Ward No. 68 of Asansol Municipal Corporation, West Bengal.

Let the State Pollution Control Board (SPCB) look into the matter, take appropriate action in accordance with law and furnish a factual and action taken report within one month by e-mail at judicial-ngt@gov.in.

A copy of this order, along with a copy of complaint, be sent to the SPCB by e-mail for compliance.

Needless to say that order of National Green Tribunal is binding as a decree of Court and non-compliance is actionable by way of punitive action including prosecution, in terms of the National Green Tribunal Act, 2010.

List for further consideration on 07.11.2019.

Adarsh Kumar Goel, CP

S.P. Wangdi, JM

K. Ramakrishnan, JM

Dr. Nagin Nanda, EM

August 20, 2019
Original Application No. 632/2019
AK

All Communication to State Board
should be addressed with Number,
Date and Subject



WEST BENGAL POLLUTION CONTROL BOARD

Paribesh Bhawan,
10A, Block - LA, Sector III,
Bidhannagar, Kolkata - 700 106
Ph.: (033)2335 9088 / 8212,
Fax : (033)2335-8073
Website : www.wbpcb.gov.in

Memo No: 1126 /3L/WPB-D(V)/2019

Dated: 01/11/2019

To
Asha Nayar Basu, Advocate
E-301, Basement, East of Kailash,
New Delhi - 110065.
[Mobile : (0) 9818157755]

Re: Before the Hon'ble National Green Tribunal,
Principal Bench, New Delhi
O.A. No.632 of 2019
Surya Prakash Rawat
-Vs-
State of West Bengal

Madam,

Please find herewith Original affidavit of the State Board sworn on 05-09-2019 in connection with the aforementioned matter. Please take necessary steps in the matter.

Thanking you,

Yours sincerely,

(Amar Nath Goswami)

Sr. Law Officer

West Bengal Pollution Control Board

Encl: As stated above