

BEFORE THE NATIONAL GREEN TRIBUNAL
EASTERN ZONE BENCH, KOLKATA

ORIGINAL APPLICATION NO. 34/2024/EZ

KIRAN CHETTRI & ORS.

.....APPLICANT(S)

VERSUS

THE STATE OF WEST BENGAL & ORS.

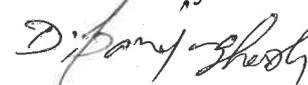
.....RESPONDENT(S)

REPORT ON AFFIDAVIT FILED BY THE WEST
BENGAL POLLUTION CONTROL BOARD.

INDEX

SL No	PARTICULARS	ANNEXURE	PAGE
1.	Affidavit		1-8
2.	Copy of inspection report of State Board	'R'	9-12

Filed by



DIPANJAN GHOSH
ADVOCATE

SL. NO. 78 Dt. 15 JUL 2024

BEFORE THE NATIONAL GREEN TRIBUNAL
EASTERN ZONE BENCH, KOLKATA

ORIGINAL APPLICATION NO. 34/2024/EZ



KIRAN CHETTRI & ORS.

.....APPLICANT(S)

VERSUS

THE STATE OF WEST BENGAL & ORS.

.....RESPONDENT(S)

REPORT ON AFFIDAVIT FILED BY THE WEST
BENGAL POLLUTION CONTROL BOARD.

Most Respectfully Sheweth

I, Sri Swarup Kumar Mandal, son of Shri Barendra Mandal, aged about 55 years, by Religion - Hindu, by Occupation-Service, working for gain at West Bengal Pollution Control Board, having office at 10A, Block- LA, Sector- III, Bidhannagar, Kolkata - 700 106, do hereby solemnly declare and say as follows:-

15 JUL 2024



01. That, I am the Chief Engineer, West Bengal Pollution Control Board (hereinafter will be referred to as the 'State Board') and I am well acquainted with the facts and circumstances of the case. I have been duly authorized by the Respondent No. 9, to affirm this Affidavit on its behalf and as such, I am competent to do so.
02. That, this affidavit is being affirmed in pursuant to the orders passed by this Hon'ble Tribunal dated 05.04.2024 and 09.05.2024.
03. That, in compliance to the order of the Hon'ble National Green Tribunal dated 05.04.2024, the official of the State Board visited the site in question.
04. That, during inspection Pradhan of Matigara GP-1 has been met & Mr. Angshuman Chakraborty, Nirman Sahayak, Matigara GP-1 & Mr. Hitler Thapa, Executive Assistant as representatives of Matigara GP-1 have been accompanied with the inspecting officials of the State Board to visit the proposed site.

15 JUL 2024



05. That, the representatives of the Matigara GP-1 have informed that they will install a Mixed Waste Processing Plant instead of an open-pit solid waste composting facility. The mixed Waste Processing Facility does not require segregation except metal and inert materials.

As per their submission they have contemplated to set up a Waste to Energy processing plant either-

- (i) A Bio-methanation Plant, in which bio-degradable solid waste is segregated & through anaerobic digestion bio-gas is produced with byproduct compost/manure.
- (ii) Or a Mixed Waste Processing Plant disposal technology is fully automated technological process that is able to process and convert mixed solid waste into energy fuel pellets or Refused Derived Fuel (RDF). This RDF can be used further as a fuel for Cement kilns, Boilers, Heaters & Driers. This technology is eco-friendly, smokeless, soundless & odourless and pathogen & viruses free. The representatives of the Matigara GP-1 have informed that a small portion of the total 1 acre land area earmarked for the Solid Waste Processing facility will be required;

15 JUL 2024

remaining land will be used for Bio-diversity Park.

The petitioner has alleged that the proposed site does not conform to the Siting criteria as per 19, & Schedule-I & II of Solid Waste Management Rules, 2016.



06. That, the State Board officials made the following remarks from the said inspection:

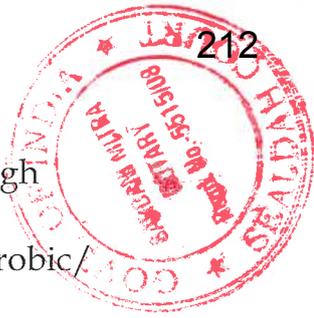
(a) As per Rule 19 & Schedule-I & II of Solid Waste Management Rules, 2016, siting criteria are mentioned for Landfill only.

The Solid Waste Management Facility to be installed at the proposed site will not involve any Landfill Facility, only a Solid Waste Processing (Waste to energy) Facility will be installed there. No such siting criterion is mentioned in the said Rules for setting up waste processing facilities.

(b) As per Solid Waste Management Rules, 2016, solid waste shall be processed & disposed in the following ways;

i) Solid waste shall be segregated into bio-degradable & non-biodegradable waste. Bio-degradable waste shall be

15 JUL 2024



processed & converted into compost/manure through various Solid waste Processing methods such as Aerobic/Microbial Composting, Vermi-Composting, Anaerobic Digestion. Plastic waste shall be disposed as per the Plastic waste Management Rules, 2016. Other recyclable waste of the non-biodegradable waste shall be disposed through authorized recyclers as per the other Waste Management Rules. Non-recyclable waste shall be disposed either through landfill or through waste to energy process.

ii) As per Rule-21 of Solid Waste Management Rules, 2016, criteria for waste to energy process -

- 1) Non recyclable waste having calorific value of 1500 K/cal/kg or more shall be utilised for generating energy either or through refuse derived fuel or by giving away as feed stock for preparing refuse derived fuel
- 2) High calorific wastes shall be used for co-processing in cement or thermal power plants.

Copy of the inspection report of the State Board is annexed herewith and marked with letter "R".

15 JUL 2024



07. 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.

D. S. Prakash
Advocate
N B P C B

Swarup Kumar Mondal
DEPONENT

15 JUL 2024



VERIFICATION

I, Sri Swarup Kumar Mandal, son of Shri Barendra Mandal, aged about 55 years, by Religion - Hindu, by Occupation-Service, working for gain at West Bengal Pollution Control Board, having office at 10A, Block- LA, Sector- III, Bidhannagar, Kolkata - 700 106, do hereby solemnly declare and say as follows:-

1. That, I am the Chief Engineer, West Bengal Pollution Control Board and I am well acquainted with the facts* and circumstances of the instant Original Application.
2. That, the statements made in paragraph 1 of this affidavit is true to my knowledge and belief.
3. That, the statements made in paragraphs 2 to 6 of this affidavit are my information derived from the records available in the office of the State Board which I verily believe to be true and the rest are my respectful submission before this Hon'ble Tribunal.

D. Joyeshankar

Identified and corrected by me
Advocate
WBPCB

Swarup Kumar Mandal
DEPONENT

Solemnly Affirmed &
Declared Before Me
On Identification By

Sarbani Mitra
SARBANI MITRA
NOTARY
Regd. No.-5515/00

15 JUL 2024

Inspection Report w.r.t. the NGT case in O.A. No. 34/2024/EZ (Kiran Chetri & Ors Vs State of West Bengal & Ors) :



A petition was registered before hon'ble National Green Tribunal vide O.A. No. 34/2024/EZ by Kiran Chetri & Ors.

In the petition it is stated that a Solid Waste Management & a Liquid Waste Management project has been contemplated by Matigara GP-I at a densely populated residential area Kalamjote, PO-Shusrut Nagar, PS-Matigara, Dist-Darjeeling. The applicants are seeking a direction to the respondents not to proceed with establishment of the said project at the proposed site at Kalamjote and to shift the said project to any other suitable area in accordance with statutory conditions & criteria provided in the Solid Waste Management Rules, 2016.

It is stated that a plot of land measuring about 3 bighas has been earmarked in Kalamjote for establishment of Solid & Liquid Waste Management & Processing Plant. It is also stated that notice of setting up of the said plant at the site was displayed to the public by the Local Authority. The petitioner has alleged that the proposed site does not conform to the Siting criteria as per Rule 19 & Schedule-I & II of Solid Waste Management Rules, 2016.

Accordingly an inspection has been carried out on 03/05/2024 at the alleged locations by the following officials of WBPCB:

1. Biswajit Pan, Asst. Env. Engineer, Siliguri Regional Office
2. Subha Biswas, Jr. Engineer, Siliguri Regional Office

Observation:

During inspection Pradhan of Matigara GP-I has been met & informed about the purpose of visit. As per his direction, Mr. Angshuman Chakraborty, Nirman Sahayak, Matigara GP-I & Mr. Hitler Thapa, Executive Assistant as representatives of Matigara GP-I have been accompanied with the inspecting officials to visit the proposed site.

During inspection the proposed site measuring a land area of 1 acre has been found earmarked with boundary wall. Only a waste storage facility with segregation compartments has been constructed. The site is located in a non-residential zone, close to river Balason. Nearest village Kalamjote is situated at a distance of less than 100 mtr from the proposed site, separated by an Irrigation Bundh at the West, a Crematorium to the North & a PHE Pump House to the South.

The representatives of the Matigara GP-I have informed that they will install a Mixed Waste Processing Plant instead of an open-pit solid waste composting facility. The mixed Waste Processing Facility does not require segregation except metal and inert materials. As per their submission they have contemplated to set up a Waste to Energy processing plant either-

- 1) A Bio-methanation Plant, in which bio-degradable solid waste is segregated & through anaerobic digestion bio-gas is produced with byproduct compost/manure.
- 2) Or a Mixed Waste Processing Plant disposal technology is fully automated technological process that is able to process and convert mixed solid waste into energy fuel pellets or Refused Derived Fuel (RDF). This RDF can be used further as a fuel for Cement kilns, Boilers, Heaters & Driers. This technology is eco-friendly, smokeless, soundless & odourless and pathogen & viruses free. The representatives of the Matigara GP-1 have informed that a small portion of the total 1 acre land area earmarked for the Solid Waste Processing facility will be required. remaining land will be used for Bio-diversity Park.

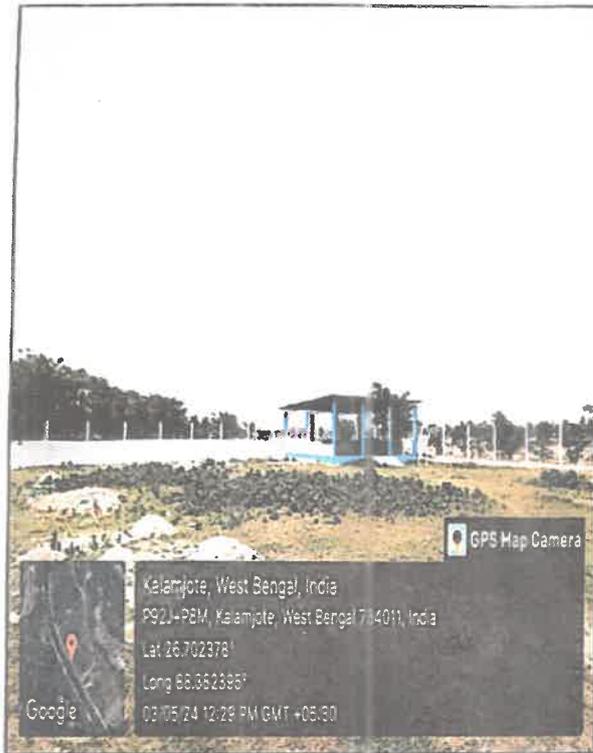
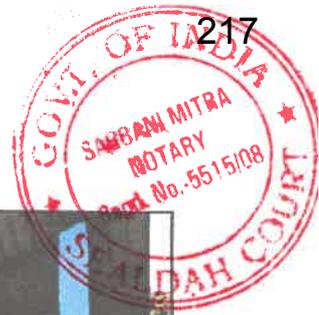


The petitioner has alleged that the proposed site does not conform to the Siting criteria as per 19, & Schedule-I & II of Solid Waste Management Rules, 2016.

Remarks:

1. As per Rule 19 & Schedule-I & II of Solid Waste Management Rules, 2016, siting criteria are mentioned for Landfill only. The Solid Waste Management Facility to be installed at the proposed site will not involve any Landfill Facility, only a Solid Waste Processing (Waste to energy) Facility will be installed there. No such siting criterion is mentioned in the said Rules for setting up waste processing facilities.
2. As per Solid Waste Management Rules, 2016, solid waste shall be processed & disposed in the following ways:
 - i) Solid waste shall be segregated into bio-degradable & non-biodegradable waste. Bio-degradable waste shall be processed & converted into compost/manure through various Solid waste Processing methods such as Aerobic/ Microbial Composting, Vermi-Composting, Anaerobic Digestion. Plastic waste shall be disposed as per the Plastic waste Management Rules, 2016. Other recyclable waste of the non-biodegradable waste shall be disposed through authorized recyclers as per the other Waste Management Rules. Non-recyclable waste shall be disposed either through landfill or through waste to energy process.
 - ii) As per Rule-21 of Solid Waste Management Rules, 2016, criteria for waste to energy process -1) Non recyclable waste having calorific value of 1500 K/cal/kg or more shall be utilised for generating energy either or through refuse derived fuel or by giving away as feed stock for preparing refuse derived fuel. 2) High calorific wastes shall be used for co-processing in cement or thermal power plants.

Photographs taken during inspection on 03/05/2024





S Bisaws

S. Bisaws
 Jr. Environmental Engineer
 Siliguri Regional Office, WBPCB

B Pan

B. Pan
 Asst. Environmental Engineer
 Siliguri Regional Office, WBPCB

BEFORE THE NATIONAL GREEN TRIBUNAL
EASTERN ZONE BENCH, KOLKATA

ORIGINAL APPLICATION NO. 34/2024/EZ

KIRAN CHETTRI & ORS.

.....APPLICANT(S)

VERSUS

THE STATE OF WEST BENGAL & ORS.

.....RESPONDENT(S)

REPORT ON AFFIDAVIT FILED BY THE WEST
BENGAL POLLUTION CONTROL BOARD.

DIPANJAN GHOSH
ADVOCATE