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BEFORE THE NATIONAL GREEN TRIBUNAL
EASTERN ZONE BENCH, KOLKATA
ORIGINAL APPLICATION NO. 149/2023/EZ

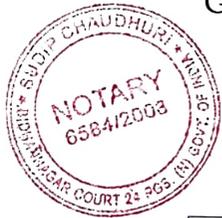
SRI BISWAJIT MUKHERJEE & ANOTHERAPPLICANT

VERSUS

UNION OF INDIA & ORS.

.....RESPONDENTS

STATUS REPORT IN THE FORM OF AFFIDAVIT BY THE
 ADDITIONAL SECRETARY, DEPARTMENT OF ENVIRONMENT,
 GOVERNMENT OF WEST BENGAL.



INDEX

SL No	PARTICULARS	ANNEXURE	PAGE
1.	Affidavit		1-5
2.	Copy of the report of MSMET Department	" R1 "	6-11

Filed by:

Biswajit Chakrabarti

Advocate.

STATE OF WEST BENGAL

Advocate

Calcutta High Court



BEFORE THE NATIONAL GREEN TRIBUNAL
EASTERN ZONE BENCH, KOLKATA

ORIGINAL APPLICATION NO. 149/2023/EZ

SL. NO. 130/2024

SRI BISWAJIT MUKHERJEE & ANOTHERAPPLICANT

VERSUS

UNION OF INDIA & ORS.RESPONDENTS



STATUS REPORT IN THE FORM OF AFFIDAVIT BY THE
ADDITIONAL SECRETARY, DEPARTMENT OF ENVIRONMENT,
GOVERNMENT OF WEST BENGAL

BEFORE THE NOTARY PUBLIC
AT BIDHAN NAGAR
DIST.-NORTH 24 PARGANAS

Most Respectfully Sheweth

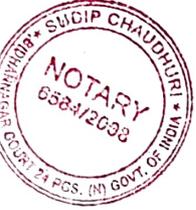
I, Pradip Acharyya, s/o. Debidas Acharyya, aged about 52 years, by faith-Hindu, by Occupation- Government Service, working as Additional Secretary, Department of Environment, Government of West Bengal having office at 5th floor, Prani Sampad Bhawan, LB-2, Sector-II, Salt Lake, Kolkata-700106, do hereby solemnly declare and say as follows:-

1. That, I have made myself well acquainted with the facts and circumstances of instant case and have gone through the documents and reports pertaining to the subject matter of the instant Original

05 FEB 2024

Application and I have been duly authorized to sign and affirm this affidavit on behalf of Respondent No. 3 before this Hon'ble Tribunal.

2. That, this affidavit is being affirmed in pursuant to the solemn Order passed by this Hon'ble National Green Tribunal, Eastern Bench dated 10.01.2024 wherein there is direction upon State Respondents to file counter affidavit.



3. That this Tribunal vide Order dated 17.10.2023 has directed the State Respondents to place before the Court the guidelines, if any framed by the State Respondents in compliance with the order dated 20.01.2020 passed in O.A.101/2015 (Biswajit Mukherjee & Another -Vs-Union of India & Ors.)

4. That it is humbly submitted before this Hon'ble Tribunal, in earlier O.A.101/2015/EZ referred to above, this Hon'ble Tribunal vide order dated 20.03.2020 has recorded that State Government was taking steps to establish clusters for setting up fire cracker units in different districts. The matter was disposed off with directions upon the State Government to frame appropriate guidelines in this regard. As Micro, Small & Medium Enterprise and Textile (MSMET) Department is the nodal Department regarding establishing clusters for setting up fire cracker units in different districts and has also submitted affidavit to that effect on April, 2019, before this Hon'ble Tribunal, letter was

05 FEB 2024

issued from Environment Department to Department of MSMET seeking latest status in this regard.



5. That the Department of MSMET has informed the following:

- i. Department of MSMET has prepared a scheme for manufacturing, storage and selling of green firecrackers and sparklers in the State of West Bengal called West Bengal Green Fire Cracker Manufacturing, Storage and Selling Scheme (WBGFMSS) dated 18.11.2023 .
- ii. It has also identified Government lands in 7 (seven) districts i.e Darjeeling, North 24 Pgs, Paschim Medinipur, Purba Medinipur, South 24 Pgs, Murshidabad District and Howrah with regard to setting up of Green Fire Cracker Units.
- iii. A Detailed Project Report (DPR) is under preparation for setting up of Green Fire Cracker Units in the aforesaid places. DPR of Murshidabad District is ready and will be implemented shortly.

Land details and West Bengal Green Fire Cracker Manufacturing, Storage and Selling Scheme (WBGFMSS) dated 18.11.2023 is annexed herewith and annexed as **Annexure R/1**.

6. It is therefore respectfully prayed before this the Hon'ble Tribunal that

Department of MSMET may be impleaded as a necessary party in this

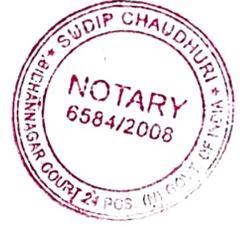
matter.

ABC
S. CHAUDHURI
NOTARY
GOVT. OF INDIA
Regh. No.-6584/08
Bidhannagar Court
Dist.-North 24 Pgs

Identified by me
Siddhanta Chakrabarti
Advocate. 05.02.2024
STATE OF WEST BENGAL

05 FEB 2024

Pradip Acharyya
DEPONENT



VERIFICATION

I, Pradip Acharyya , Additional Secretary, Department of Environment, Government of West Bengal do hereby solemnly affirm and declare that the contents of the report in the form of affidavit are true to the best of my knowledge and belief. No part of the Report is false and nothing has been concealed.

Verified at Kolkata this 31st day of January, 2024.

Identified by me
 Subhajoti Chakrabasthi
 Advocate.

STATE OF WEST BENGAL S. CHAUDHURI

05.02.2024 *NOTARY*
 GOVT. OF INDIA
 Regn. No.-6584/08
 Bidhannagar Court
 Dist.-North 24 Pgs

Pradip Acharyya
 DEPONENT

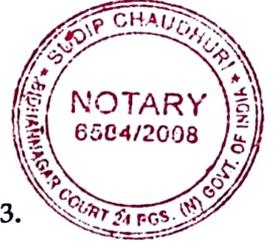
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6

Annexure R/1
307

Government of West Bengal
Micro, Small and Medium Enterprises and Textiles Department
Shilpa Sadan, 7th & 8th Floor, 4, Abanindranath Tagore Sarani
(Camac Street)
Kolkata – 700 016.



No. 4852-MSMET(V)/4M-65/2017

Dated, Kolkata, the 28th November, 2023.

From : The Joint Secretary to the
Government of West Bengal.

To : The Additional Secretary
Department of Environment
Prani Sampad Bhawan,
5th Floor, LB – 2, Sector – III,
Salt Lake,
Kolkata – 700 106.

Subject : O.A. No. 149/2023 EZ
Sri Biswajit Mukherjee & another
Vs.
Union of India Others.

Ref. : Your Memo No. 2613/EN/3C-51/2023 dated 10.11.2023.



Sir,

With reference to the subject noted above, the copy of order dated 20.03.2020 passed in O.A. No. 101 of 2015 (Biswajit Mukherjee Vs. Union of India & Others) has been perused.

A copy of West Bengal Green Firecracker Manufacturing, Storage and Selling Scheme (WBGFMSS) dated 18.11.2023 is enclosed which speaks for itself. In regard to Green Fire Cracker Units, Government lands have been indentified in 7 (seven) districts i.e. Darjeeling, North 24-Pgs, Paschim Medinipur, Purba Medinipur, South 24-Pgs., Murshidabad, Howrah.

DPR is under preparation for setting up Green Fire Cracker Units in the aforesaid places. Land details have been given in a tabular form which is enclosed. DPR of Murshidabad District is ready and will be implemented shortly.

This is for your kind information as desired.

Encl. : as stated.

Yours faithfully,

Joint Secretary to the
Government of West Bengal

Green Fireworks Projects

Sl No.	Districts	Land Particulars and Area (Mouja; JI No; Plot No; Area)	Proposed By	Purpose	Remarks
1	Darjeeling	Leisipakuri; 084; 5 Acre	DM	Establishment of Firework project.	IDTL Proposal not yet received.
2	North 24 Parganas	Chowberia; 135; 2675/4121, 2675/4122; 8.58 Acre	BL&LRO and DIC.	Establishment of Manufacturing Units.	IDTL Proposal moved by DM North 24 Parganas.
3	Pashchim Medinipur	Panchkhuri; 241; 3494; 6.52 Acre.	DM	Establishment of Manufacturing units	IDTL Proposal not yet received.
4	Purba Medinipur	Terapara; 127; 3790, 3814, 3815, 3824, 3812, 3813, 3826, 3830, 3831, 3835; 2.01, 0.35, 0.35, 0.30, 0.01, 0.30, 0.2, 0.2, 0.2, 0.1 (Total 4.02) Acres	DM	Establishment of Selling units	IDTL Proposal moved by DM Purba Medinipur.
5	South 24 Parganas	Begampur; 29; 5577, 3306, 8138, 8140, 3307, 5574; 16.0 Acre	DM	Establishment of Selling units	IDTL proposal moved by DM.
6	Murshidabad	Choto Satui, Behrampur- 0.99 Acre	DM	Establishment of Selling units	IDTL done & approved by Deptt. of MSME&T.
7	Howrah	Kumirmora, Udaynaranpur; 0.18 Acre	DM	Establishment of Selling units	IDTL done & approved by Deptt. of MSME&T.



The



Kolkata **Gazette**

सत्यमेव जयते

Extraordinary
Published by Authority



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SATURDAY, NOVEMBER 18, 2023

[SAKA 1945

PART I—Orders and Notifications by the Governor of West Bengal, the High Court, Government Treasury, etc.

GOVERNMENT OF WEST BENGAL
Department of Micro, Small and Medium Enterprises and Textiles
4, Abanindra Nath Tagore Sarani (7th Floor), Kolkata-700016

Memo No. 4771/18011(11)/13/2023

Dated: 18/11/2023

NOTIFICATION

WHEREAS the Governor is of the opinion that it is necessary to introduce a scheme which will facilitate to create safe, green and environment-friendly firecracker manufacturing industry involving lakhs of people in different districts of West Bengal and minimise the probability of unfortunate accidents in those clusters,

NOW, THEREFORE, the Governor is pleased to notify a new scheme in the State as under:—

1. **Short Title**

The scheme may be called **West Bengal Green Firecracker Manufacturing, Storage and Selling Scheme** (hereinafter referred to as **WBGFMSS**)

2. **Objective**

The objective of the scheme is to provide safe and environment friendly echo system for manufacturing, storage & selling of green firecrackers & sparklers in the State of West Bengal thereby generating scope of safe and sustainable employment leading to stable livelihood, wealth creation and education of the next generation.

3. **Commencement and duration**

The scheme will come into force from the date of notification and will remain in force up to 5 years, if not withdrawn/amended/renewed by further notification in the official gazette.

4. **Definitions**

In this Scheme, unless the context otherwise requires

- (i) Firecracker Hub means any conglomeration of 10 or more micro/small units involved with manufacturing, or, storing, or selling, or combination of all these activities
- (ii) Stakeholder means whoever involved with the activities above
- (iii) SAIP means Scheme of Approved Industrial Park, 2020
- (iv) Banglashree means the Incentive Scheme for the MSMEs in West Bengal
- (v) PESO means Petroleum & Explosive Safety Organisation
- (vi) NEERI means National Environmental Engineering Research Institute
- (vii) Basic common infrastructure means land-filling, boundary wall, internal roads of 15 ft width, water storage & drainage.
- (viii) Storage means Magazine also for storing manufactured firecrackers.

5. Area of operation

The entire State of West Bengal - both urban and rural area.

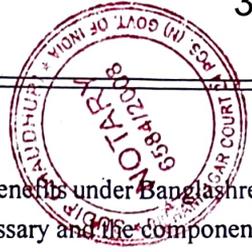
6. Applicability of the Scheme

- All licensed units working in the field of green fireworks encompassing manufacturing, selling, storing etc.
- All licensed units adhering to the norms of Explosive Act and Rules 2008
- All existing units desiring to adhere to such norms and intend to come under the scheme in a cluster mode.

7. Assistance under the Scheme

The scheme shall have the provision of following benefits for the artisans/beneficiaries involved with Firecracker manufacturing, storing & selling hubs as per need and applicability.

- The Govt. of West Bengal in MSME & T Department with help of the Collectors in districts has identified / will identify vacant Govt. land and create the basic infrastructures including land-filling on those government lands and transfer the developed land to the SPV of the interested green firework clusters on 30 years lease with applicable land premium, rent etc. as may be approved by the State Government.
- In case the stakeholders of any Hub come up with its own purchased land, they will themselves develop the necessary basic common infrastructures on it for catering to the need of the members of the Cluster. The MSME & T Department will get the project estimate prepared by the cluster vetted and will provide 90% of the project cost in 3 instalments (20% + 30% + 50%) on reimbursement basis. The 1st instalment will be released after completion of land-filling, boundary wall & internal road (if any). The 2nd instalment will be released after 80% of the land is allotted, power connection completed and drainage system installed. The final instalment will be released after all the units become operational on the land
- If the stakeholders of a manufacturing green fireworks cluster identify a suitable government land of their choice for setting up of member units and approach the MSME & T Department for permission to start construction of all necessary infrastructure at their own cost, the Department will recommend the case for LTS at a token *salami* similar to that received from WBSIDCL. The lease rent will be fixed as per approved government valuation/norms.
- A dedicated module will be pressed into service in the "Shilpa Sathi" portal of the State Government for online application for obtaining licence for manufacturing, storing & selling of Firecrackers/ sparklers and also for renewal of existing licenses for above activities



(v) **Other benefits:**

- a) All eligible manufacturing units of green fireworks will be provided the fiscal benefits under Banglashree Scheme for which the Banglashree Scheme will be amended as & where necessary and the components of benefits will be provided as per the prevailing scheme.
- b) All intending stakeholders of Firecracker Hubs requiring NEERI Training in green firecracker manufacturing will be sponsored by the State Government in MSME&T department. All training costs will be reimbursed to NEERI by the department.
- c) During the run-up to festival seasons, temporary "selling hubs" may be identified and established by the District Magistrates in vacant areas (away from locality) to be identified from time to time. For this, the district level committees shall be competent to take the decision.

8) **Project Monitoring Unit (PMU) :**

A State level PMU will be formed for providing the firecracker hubs the following supports:-

- i) Applying online for getting licence for manufacturing, selling etc and renewal of the licenses
- ii) Identification of Govt land / private land and subsequent land transferring process
- iii) Preparation & vetting of the projects of infrastructure
- iv) Examination & Recommendation of a proposal for fiscal benefits above

9) **Monitoring of the Scheme:**

The performance of the scheme will be periodically monitored at the district level by a District level Firecracker Monitoring Committee. A State level Committee shall also be constituted for monitoring performance of the Scheme.

The **District Level Committee** will have following members-

- (i) District Magistrate
- (ii) Superintendent of Police
- (iii) District Officer of Labour Dept
- (iv) District Officer of Fire Service Dept
- (v) District Officer of MSME&T Department (GM, DIC)

The **State Level Committee** will consist of -

- (i) Chief Secretary, West Bengal
- (ii) DG of Police, West Bengal
- (iii) Additional Chief Secretary/ Principal Secretary, MSME & T Department
- (iv) Additional Chief Secretary/ Principal Secretary, Fire & ES Department
- (v) Additional Chief Secretary/ Principal Secretary, Labour Department
- (vi) Land Reforms Commissioner & Secretary, Land & land Reforms Department
- (vii) Representative of PESO in the State level
- (viii) Representative of NEERI in the State Level

The above Committees may co-opt any officer, or, specialist as member of the Committee in the interest of the scheme

Notwithstanding anything contained in any of the provision of WBGFMSS for the fireworks manufacturers & traders in West Bengal, the State Govt. may at any time modify, vary, alter, amend, or withdraw any of the provisions made hereinabove in the Scheme and such modification, variations etc shall be effective from the date specified in the Order so made in this behalf.

The Scheme is notified with the concurrence of the Finance Department, vide, U.O. No. Gr. C/2023-2024/0047 dated 20/09/2023 and with approval of the State Cabinet in its 49th meeting held on 17/11/2023, vide Cabinet Sectt U.O. No. CAB(D)-837 dated 17/11/2023.

By order of the Governor

RAJESH PANDEY, IAS

Principal Secretary to the Government of West Bengal