

Serial No. 02/2023
As per Register of Notary

**BEFORE THE NATIONAL GREEN TRIBUNAL
EASTERN ZONE BENCH, KOLKATA.**

ORIGINAL APPLICATION NO. 143 OF 2023/EZ

BETWEEN

SUDHEN GHOSH

.... Applicant

Versus

THE WEST BENGAL POLLUTION
CONTROL BOARD & ORS.

.....Respondents

SUPPLEMENTARY AFFIDAVIT ON BEHALF OF THE APPLICANT

Sl.No.	Annexure	Pages
1.	Supplementary Affidavit on behalf of the Applicant.	1 to 4
2.	<u>Annexure Q</u> Photocopy of the aforesaid letter dated 29.09.2023.	5-7
3.	<u>Annexure R</u> Photocopy of the aforesaid direction dated 11.10.2023	8-9



29 NOV 2023

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I, Sudhen Ghosh, son of Late Sarada Prasad Ghosh, aged about 66 years, by faith : Hindu, by occupation : Retired, residing at College Para, P.O. and P.S. Beliatore, District: Bankura, Pin Code: 722203, do hereby solemnly affirm and say as follows:

1. I am the applicant herein and I am also well acquainted with the facts and circumstances of the instant case. I am also competent to make affirm and sign the instant affidavit on behalf of me.
2. I state that I have filed the instant Original Application on 23.09.2023 challenging the operation of the unit of the Respondent no. 8 herein which creates serious sound, water and air pollution in the locality.



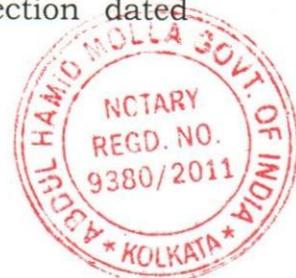
3. I state that I, by a letter dated 31.08.2023, requested the Chief Engineer (O&E Cell), West Bengal Pollution Control Board for providing the copy of the Inspection Report dated 02.01.2023 and the Record of proceeding dated 17.08.2023. The aforesaid letter dated 31.08.2023 has already been annexed in the instant application as "Annexure P" at Page 71.
4. It is stated that after filing the instant Original Application, the Public Relation Officer and State Public Information Officer, West Bengal Pollution Control Board, by a letter dated 29.09.2023 under Memo No. 2539/1J-22/2023, informed me that Technical Hearing was conducted on 17.08.2023 and till date, no direction was issued from the State Board to the Respondent No. 8 herein.
- Photocopy of the aforesaid letter dated 29.09.2023 is annexed hereto and marked as "Annexure Q".
5. I state that the Chief Engineer, Operation and Execution Cell, West Bengal Pollution Control Board, by a letter dated 11.10.2023 under Memo No. 1455(7)-dr-co-o/19/0205, intimated the following directions to the private respondents herein on the basis of the hearing dated 17.08.2023.
- a. The unit shall immediately construct a proper shed with side over and proper ventilation for carrying out its entire work activity. Any activity of the unit is not permitted in an open place. Empty drums should also be kept under shed on bounded concrete floor.



- b. The unit shall mount permanent sound absorbing materials on the wall of the workshop and also arrange the same on the ground of the workshop so that no sound will be produced due to its activity.
- c. The unit shall immediately obtain Hazardous Waste Authorization from the State Board.
- d. The unit shall carry out its activity in a proper manner so that any nuisance will be created to the people in the locality regarding environmental pollution.
- e. The unit shall strictly comply with the direction issued by the State Board vide Memo No. 652-WPBD-06(94)/15 dated 07.03.2018.
- f. The unit is allowed a time period upto 31.10.2023 to comply with the above mentioned direction.

Photocopy of the aforesaid direction dated 11.10.2023 is annexed hereto and marked as "Annexure R".

6. It is respectfully submitted that from the aforesaid direction, it is revealed that the private respondent herein has violated the direction dated 07.03.2018 issued by the West Bengal Pollution Control Board. The West Bengal Pollution Control Board has maintained an angelic silence for taking any necessary action against the private respondent herein to close the unit on and from 07.03.2018 to till date. It is pertinent to mention that the private respondent herein has also not complied the direction dated



11.10.2023 issued by the West Bengal Pollution Control Board within 31.10.2023. Unless a Closure Order is passed, the applicant will suffer irreparable loss and injury.

7. I state that these documents are relevant and records of subsequent event which are necessary for the proper adjudication of the lis between the parties. It is also stated that this supplementary affidavit is treated as part of the Original Application being O. A. No. 143 of 2023/EZ for the sake of justice.
8. I submit that unless such leave is granted, I shall suffer irreparable loss and injury.
9. That the statements made in paragraph nos. 1, 2 and 3 hereinabove are true to my knowledge, the statements made in paragraph nos. 4 and 5 are derived from records and the rest are my humble submissions before this Hon'ble Tribunal.

Sudhendu Ghosh

.....
DEPONENT

Identified by me
IDENTIFIED BY PERSONS
WHO SIGN IN MY PRESENCE

Nelanjana Pal

Advocate
ADVOCATE
ENROLL NO
MI NO-



ABDUL HAMID MOLLA
NOTARY
Advocate, High Court, Calcutta
Reged. No. 9380 / 2011
Government of India
High Court Calcutta
Gate No 'E'
M-9831104000

29 NOV 2023

RTI MATTER : VERY URGENT



Life
Lifestyle for
Environment

WEST BENGAL POLLUTION CONTROL BOARD
(Department of Environment, Government of West Bengal)
Paribesh Bhawan, 10A, Block - LA, Sector III, Bidhannagar,
Kolkata - 700 106, Ph.: (033) 2202-3000, Fax : (033)2202-3099
Website: www.wbpcb.gov.in, Email: net.wbpcb-
wb@bangla.gov.in

Memo No.: 2539 /1J-22/2023

Date : 29 /09/2023

To
Shri Sudhen Ghosh
College Para,
Vill. & P.O. & P.S. Beliatore,
Dist. Bankura, PIN-722203

Sub : Information under the "Right to Information Act 2005".

Ref : RTI Case No.3256.

Sir,

With reference to the above, I am furnishing the relevant answer as sought for.

Information sought for	Answer
<p>অমি শ্রী সুধেন ঘোষ পিতা সারদা প্রসাদ ঘোষ গ্রাম+থানা - বেলিয়াতোড় (কলেজ পাড়া) জেলা বাঁকুড়া। গত 17.08.2023 তারিখে আপনার অফিসে M/s KMT Industries-এর মালিকের উপস্থিত থাকা কালীন pollution সংক্রান্ত বিষয় নিয়ে আলোচনা হইয়াছিল সেই সময় আপনি পরিষ্কার KMT Industriesকে জানিয়ে দিয়েছিলেন যে, নতুন করে কোন রূপ Construction/Shade তৈরী করিতে পারিবেন না State Board-এর অনুমতি ছাড়া।</p> <p>দেখা যাইতেছে যে গত 26.08.2023 তারিখ KMT Unit-এর মালিক প্রায় দ্বিতল বাড়ীর সমান উঁচু Construction তৈরী করিতেছে। ঐ shade আমার বসত বাড়ির পশ্চিম দিকে অবস্থিত। যদি State Board দ্বিতল বাড়ীর সমান উঁচু Construction/Shade তৈরী করার অনুমতি দিয়ে থাকেন তাহলে আমাদের বসতবাড়ীতে বসবাস করার অনুকূল পরিবেশ থাকিবে না সুতরাং মহাশয়ের নিকট প্রার্থনা এই যে, KMT unit-এর মালিককে State Board ঐ রূপ shade নির্মাণ করিবার অনুমতি দিয়ে থাকেন তাহলে আমাকে এক কপি অনুমতিপত্রের প্রতিলিপি দেওয়ার জন্য অনুরোধ করিতেছি।</p>	<p>Technical hearing was conducted on 17.08.2023 and till date, no direction was issued from the State Board to M/s KMT Industries, College Para, P.O. & P.S. Beliatore, Bankura, PIN-722203.</p>

Thanking you,

Yours faithfully,

(ARUP GUHAIT)
Public Relation Officer &
State Public Information Officer
(Under the Right to Information Act, 2005)



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RTI Matter: Very Urgent

(Logo)

WEST BENGAL POLLUTION CONTROL BOARD
 (Department of Environment, Government
 of West Bengal) Paribesh Bhawan, 10A,
 Block - LA, Sector III, Bidhannagar,
 Kolkata - 700 106, Ph.: (033) 2202-
 3000, Fax: (033)2202-3099 Website: www
 .wbpcb.gov.in, Email: net wbpcb-
 wb@banqla.gov.in

Memo No.: 2539 /1J-22/2023

Date: 29/09/2023

To
 Shri Sudhen Ghosh
 College Para,
 Vill. & P.O. & P.S. Beliatore,
 Dist. Bankura, PIN-722203

Sub: Information under the "Right to
 Information Act 2005"

Ref: RTI Case No. 3256.

Sir,

With reference to the above, I am furnishing the
 relevant answer as sought for

Information sought for	Answer
I Sri Sudhen Ghosh, son of Lt. Sarada Prasad Ghosh am a resident of Vill and P.S Beliatore (College Para) District Bankura. On last 17.8.2023 while the owner of M/s KMT Industries was present in your office there was discussion regarding the pollution at that time you told KMT Industries	Technical hearing was conducted on 17.08.2023 and till date, no direction was issued from the State Board to M/s KMT Industries, College Para, P.O. & P.S. Beliatore, Bankura, PIN-722203.



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clearly that they would be able to make any new construction /shed without the permission of the State Board,

It is seen that on 26.8.2023 the owner of KMT Unit has been making construction upto the height of two storied building, the said Shed is located on the southern side of my dwelling house. If state board gives permission for construction/ shed upto the height of two storied building then there will not be favorable atmosphere for residence in our dwelling house. Hence Sir it is prayed that if the State Board gives permission for construction shed to the owner of KMT Unit then kindly supply me with a copy of the said letter of permission.

Thanking you

Yours faithfully,

Sd/- illegible

29.9.2023

(Arup Guchait)

Public Relation Officer &

State Public Information Officer

(under the Right to Information Act, 2005)

Certified to be the English translation of an Information asked for in Bengali.

[Handwritten Signature]

22.11.23

H. Islam
Jr. Senior Interpreter
O.S. High Court, Kolkata





LiFE
Lifestyle for
Environment

WEST BENGAL POLLUTION CONTROL BOARD

(Department of Environment, Government of West Bengal)
Paribesh Bhawan, 10A, Block – LA, Sector III, Bidhannagar
Kolkata – 700 106, Ph.: 2335-9088/8861/7428, Fax : 2335-2813
Website: www.wbpcb.gov.in, Email: net.wbpcb-wb@bangla.gov.in

Memo No.

-dr-co-o/19/0205

Date: /10/2023

DIRECTION

WHEREAS, M/s. KMT Industries (hereinafter referred to as the unit) located at **College Para, Vill., P.O. & P.S.- Beliature, Dist.- Bankura, Pin-722203** is a transformer repairing unit.

AND WHEREAS, in connection with a public complaint lodged by Shri Sudhen Ghosh, College Para, Beliature, Bankura regarding environmental hazards in the locality created by the unit, the unit was inspected by the **West Bengal Pollution Control Board** (hereinafter referred to as the State Board) official, on 02.01.2023. During inspection the following observations were made by the inspecting official:

- During inspection the unit was not in operation.
- Loading and unloading of transformer is done under open sky within its premises.
- During inspection noise level was measured and the ambient noise level was found to be about 53 dB(A) L_{eq} . On request, the owner operated the winding machines, though one at a time, with insignificant noise impact on the environment.
- The complainant's residence is located just adjacent to the unit's premises. The area is predominantly residential in nature.
- The State Board had earlier issued an order vide Memo No. 652-WPBD-06(94)/15 dated 07/3/2018 to the unit with certain directions.
- During inspection, it was observed that no sound absorbing materials have been mounted on the wall of the workshop.
- The unit has no proper spillage oil collection system.
- Unit has constructed some soakpits without any septic tank for the sewage generated from the workshop near the boundary wall between its premises & complainant's premises.

AND WHEREAS, the Consent to Operate of the unit is valid upto 30.06.2024.

AND WHEREAS, the unit was called for a hearing on 17.08.2023 at the Head office of the Board for above mentioned non-compliance of environmental norms. Shri Sudhen Ghosh, complainant was requested to remain present during the hearing. He appeared in the hearing and complained against the unit that they are suffering from severe noise pollution created due to activity of the unit and bad odour due to use of waste oil. He alleged that the unit is created a great nuisance in the locality hampering their smooth and peaceful life. The complainant apprehends that water of his well, which lies adjacent to the boundary wall, will get contaminated with sewage water generated from the unit's workshop.

AND WHEREAS, the proprietor of the unit appeared in the hearing and submitted that they are enlisted transformer repair of WBSEDCL. He mentioned that WBSEDCL never issue used oil to repair the transformers, total transformer oil is drained out from the defective transformer and is sealed by the officer of WBSEDCL and after repairing of defective transformer, new transformer oil issued by WBSEDCL, is filled in transformer tank under shed at their workshop and it is tested in presence of WBSEDCL officer. He also mentioned that the entire activity of the unit is done under a shed of two storied building and unloading/loading of the transformer is done through chain pulley and they have arranged another shed with concrete floor to keep the empty drums. He claimed that the sound absorbing boards are fitted at the east side walls of their workshop and the transformers is kept down in a rubber mat so that no sound is produced.

Page 1 of 2



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NOW THEREFORE, considering the above, **M/s. KMT Industries** located at College Para, Vill., P.O. & P.S.- Beliature, Dist.- Bankura, Pin-722203 is hereby directed as follows:-

1. **That**, the unit shall immediately construct a proper shed with side cover and proper ventilation for carrying out its entire work activity. Any activity of the unit is not permitted in an open place. Empty drums should also be kept under shed on bounded concrete floor.
2. **That**, the unit shall mount permanent sound absorbing materials on the wall of the workshop and also arrange the same on the ground of the workshop so that no sound will be produced due to its activity.
3. **That**, the unit shall immediately obtain Hazardous Waste Authorization from the State Board.
4. **That**, the unit shall carry out its activity in a proper manner so that any nuisance will be created to the people in the locality regarding environmental pollution.
5. **That**, the unit shall strictly comply with the direction issued by the State Board vide Memo No. 652-WPBD-06(94)/15 dated 07/3/2018.
6. **That**, the unit is allowed a time period upto 31.10.2023 to comply with the above mentioned direction.

The Environmental Engineer & In-charge, Durgapur Regional Office of the State Board is requested to conduct a fresh inspection of the unit after October, 2023 to verify the claim of the unit as well as compliance of Board's direction and send the report to the headquarter. If the unit is found to be non-complying with the Board's direction, the Board will take strict regulatory action against the unit including issuance of Closure order with disconnection of electricity without further reference.

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.

By Order,

Sd/-
Chief Engineer
Operation & Execution Cell
West Bengal Pollution Control Board

Memo No. 1455 (7) -dr-co-o/19/0205

Date: 11 /10/2023

Copy forwarded for information and necessary action to:

1. M/s. KMT Industries, College Para, Vill., P.O. & P.S.- Beliature, Dist.- Bankura, Pin-722203
2. The District Magistrate, Bankura, Dist.- Bankura, Pin-722 101
The Chief Engineer, Planning & EIM Cell, WBPCB
3. The Senior Law Officer, WBPCB
4. The Environmental Engineer & In-charge, Durgapur Regional Office, WBPCB
5. T.A. to the Member Secretary, WBPCB
6. P.A. to the Chairman, WBPCB
- ✓ 7. Shri Sudhen Ghosh, College Para, Vill., P.O. & P.S.- Beliature, Dist.- Bankura, Pin-722203
8. Technical Cell, WBPCB for updating the website
9. Environment Officer- Communication, WBPCB – for circulation through float file
10. Guard file of O & E Cell



Sd/-
Chief Engineer
Operation & Execution Cell
West Bengal Pollution Control Board