

BEFORE THE NATIONAL GREEN TRIBUNAL,  
(EASTERN ZONE BENCH, KOLKATA)

M. A. NO. 05 of 2021/EZB

IN

ORIGINAL APPLICATION NO. 33 of 2014/EZB

In the matter of:

Subhas Datta

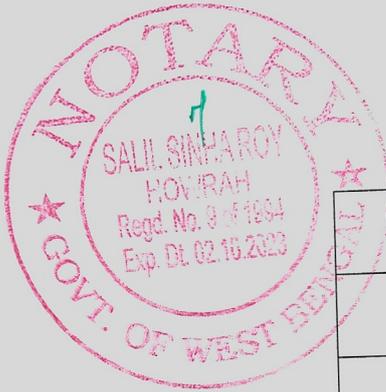
.... Applicant

-Versus-

State of West Bengal and Others

.... Respondents

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Applicant

*Subhas Datta*

SUBHAS DATTA,

Office: 25/1, Guitendal Lane, Howrah-711 101.

Residence: 216/1, Panchanantala Road,

P.O.+P.S.+Dist. - Howrah-711 101(for both).

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08 JUL 2022

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**SUPPLEMENTARY AFFIDAVIT OF THE APPLICANT AS PER THE DIRECTION OF  
HON'BLE TRIBUNAL GIVEN ON 05.07.2022**

Most Respectfully Sweath:

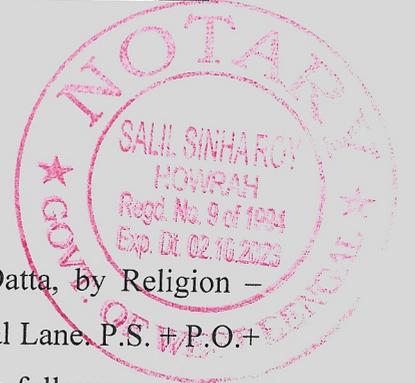
I, Subhas Datta, aged about 73 years, son of Late Baneswar Datta, by Religion – Hindu, by Occupation – Chartered Accountant, residing at 25/1, Guitendal Lane, P.S. # P.O. + Dist. – Howrah, Pincode – 711101, do hereby solemnly declare and say as follows:-

1. That I am the Applicant of this matter which relates to air-pollution in Calcutta/Howrah and in the entire State of West Bengal. At the time of the hearing of this matter on 5<sup>th</sup> July, 2022, the Hon'ble Tribunal had directed to file a short affidavit after crystallizing issues pending in this matter. Hence this Affidavit is being filed.

**SOURCE APPORTIONMENT STUDY BY CSIR – NEERI**

2. That as per the order of the Hon'ble Tribunal, West Bengal Pollution Control Board had engaged CSIR-NEERI to carry out Source Apportionment Study and

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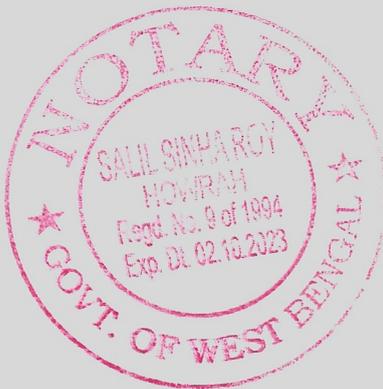


Development of Emission Inventory of Twin Cities Kolkata and Howrah, the final report of which was prepared in December 2019 and submitted before the Hon'ble Tribunal on which it had been directed on 1<sup>st</sup> October, 2020 "*the Action Plan ought to be executed urgently if any meaningful result is to be achieved. It is accordingly directed so.*" (Ref. Page 34, Para 19 of the M.A. No. 5/2021).

3. That the final report of CSIR-NEERI, vide chapter – 7 has summarised the sources, the brief of which is reproduced as under :-

#### 7.1.1. Summer Kolkata

*"Based on the preliminary analysis, mass closure, back-trajectory analysis followed by source contribution function and CNB results, it can be observed that PM10 is contributed significantly by vehicles (22%), road dust (20%) followed by secondary inorganic aerosols (19%). The contribution of domestic and commercial combustion activities to PM10 is 16% followed by construction activity (12%). PM2.5 is contributed significantly by domestic and commercial combustion activities (35%), vehicles (22%) and slightly by road dust (10%) and open burning (6%)."*



#### 7.1.2. Summer Howrah

*"PM10 is contributed significantly by domestic and commercial combustion activities (30%) followed by vehicles (21%), road dust and construction (20%) and secondary aerosols (20%). Open burning also contribute to PM10 (9%) in Howrah PM2.5 is contributed significantly by domestic and commercial combustion (27%), secondary aerosols (28%) and vehicles (20%). Open burning*

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contribution (16%) is observed to be higher for PM2.5 in Howrah as compared to Kolkata. Road dust contributed 10% of PM2.5 mass.”

#### 7.2.1 Winter: Kolkata

“Based on the preliminary analysis, mass closure, back – trajectory analysis followed potential source contribution estimation and CMB results; it can be observed that PM2.5 contributed significantly by vehicular activities (25%) after secondary aerosol moderately by wood combustion (15%) and coal combustion (9%).”

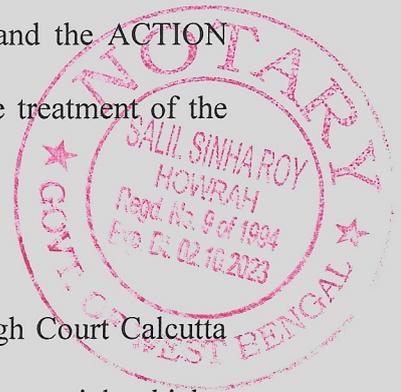
#### 7.2.2 Winter: Howrah

“Vehicular contribution to PM2.5 is observed to be 31% in Howrah. Coal and wood combustion share is 11% each, whereas secondary aerosol contribution is 27%.”

4. That the Concerned authorities have not spelt out anything in their affidavits about what is the ACTION PLAN to combat the sources of pollution and the ACTION taken thereon. The pathological tests have been carried out but the treatment of the ailments has been put on hold for a long period.

*Shalita* PHASING  
PHASION-OUT OF OLD VEHICLES

5. That although the original direction was passed by the Hon’ble High Court Calcutta (in W.P. No. 6377(w)/2007) on 18.07.2008 on “phasing out of commercial vehicles that are more than 15 years old” and the Hon’ble National Green Tribunal, Eastern Zone Bench has passed orders on 11<sup>th</sup> August 2016 and on 1<sup>st</sup> October, 2020, the Principal Secretary, Transport Department, Govt. of West Bengal has placed vide affidavit dated 7<sup>th</sup> January 2022 a “Report on Removal of Old Vehicles from Kolkata and Howrah :- Present Scenario, implication and implementations,” which contains



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historical and related data with “Recommendations of the Committee.” Such Report of the committee is dated 2<sup>nd</sup> August 2021, but the same does not indicate anything about what action has already been taken in this regard. It is still travelling through the corridor of recommendation only.

6. That in the matter of 15 years old vehicles operating/registered in Calcutta/Howrah and in the State, it is pertinent to mention that the Ministry of Road, Transport and Highways, Govt. of India had earlier informed vide affidavit dated 8<sup>th</sup> July 2019, page no. 785 and 786 that the total numbers of old vehicles are as follows:-

<u>Calcutta</u>		
i)	Transport (Commercial) vehicles	2,19,137
ii)	Non-Transport (Non-Commercial) vehicles	18,20,382
<u>In West Bengal (Outside Calcutta)</u>		
i)	Transport (Commercial) vehicles	6,97,635
ii)	Non – Transport (Non-Commercial) vehicles	65,01,179

Note:- The above data is as per VAHAN-4.

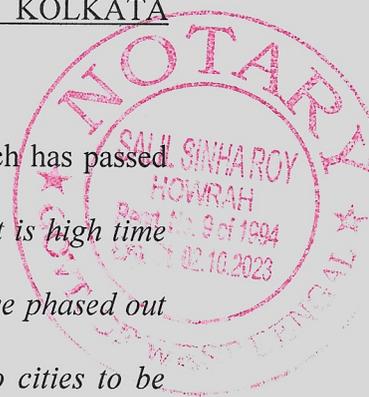
NO ENTRY OF NON-BHARAT STAGE IV VEHICLES WITHIN KOLKATA  
AND HOWRAH

7. That although the Hon’ble National Green Tribunal, Eastern Zone Bench has passed specific orders on 11<sup>th</sup> August 2016 and on 1<sup>st</sup> October 2020 stating, “*It is high time for the State to ensure that the public transport vehicles below BS-IV are phased out rapidly to arrive at a stage when only BS – IV would play in the two cities to be extended gradually to the rest of the State,*” nothing has been stated by the State Respondent about this major issue. They have preferred to remain silent in this regard.

SOLID WASTE MANAGEMENT BY KOLKATA MUNICIPAL CORPORATION

8. That Kolkata Municipal Corporation has stated in the Affidavit dated 17<sup>th</sup> February, 2022, vide internal Page no. 2, Para A that Corporation “*has already phasing out 159*

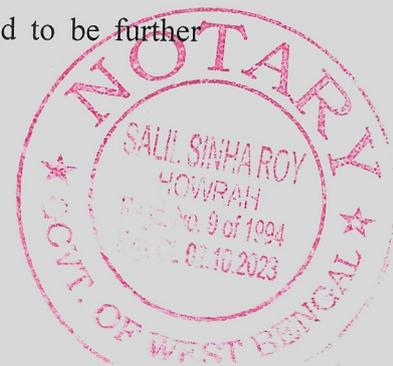
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*no. of vehicles.*” It is not clear whether 159 vehicles have been phased out or being phased out. Moreover, it has not been stated how many polluting vehicles are in operations and to be phased out.

9. That vide the Affidavit dated 17<sup>th</sup> February, 2022, internal Page no. 3, Para E it has been stated that the Corporation has *“prepared micro plan and submitted to the environment department, Govt. of West Bengal for its approval.”* NEERI has submitted the report in December 2019 and after the lapse of 30 months the matter is still waiting for the approval of the State Govt.
10. That it has been claimed in the aforesaid Affidavit vide internal Page no. 3, point no. I that tender for procurement of 20 nos. of mechanical road sweepers has been initiated in November 2021. The same is required to be finalised and procured at the earliest. In the matter of abatement of dust arising from demolition and construction activities, more emphasis is to be given to regulate and control such activities for which *“Guidelines on Environmental Management of Constructions & demolition (C&D) wastes,”* have been prescribed by the Central Pollution Control Board. Kolkata Municipal Corporation should ensure that such guidelines are followed not to allow any excessive dust from such activities.
11. That vide internal Page no. 4, Para Gi, of the same Affidavit it has been stated that waste-segregation is continuing in 27 wards of the Corporation. Since the Corporation has 144 wards, catering only 27 wards (18.75%) is not sufficient. Moreover, it is pertinent to mention that the Corporation has deployed hundreds of COMPACTORS, which works totally against the waste segregation process and concept.
12. That vide internal Page no. 7, Para K, the Corporation has briefed about the steps taken on the RECOMMENDATIONS of the committee, which need to be further streamlined and properly executed.

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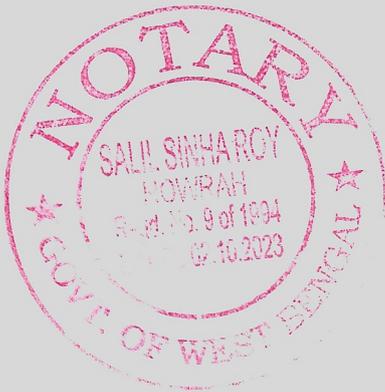


13. That the Hon'ble Tribunal, vide order dated 1<sup>st</sup> October, 2020, Page no. 22, Para 17 has emphatically stated as follows:-

*"It is also trite that if the regulatory authorities either connives or acts negligently by not taking prompt action to prevent or avoid or control damage to the emitionment, natural resources and people health and property, the principle of accountability for restoration and compensation will have to be applied."*

14. That in view of the above position that some major areas/sources of pollution have remained unaddressed. It is the high time that there may be a JUDICIAL <sup>9</sup> MONITORING of these aspects <sup>9</sup> by Hon'ble Tribunal may kindly consider this aspect.

15. That in view of the above facts/position, the Hon'ble Tribunal may be pleased to pass appropriate orders/directions for improving the environmental health of the State of West Bengal.



*Sublondatta*  
DEPONENT

<sup>9</sup>  
08 JUL 2023

SL. NO. F80

**AFFIDAVIT/VERIFICATION**

I, Subhas Datta, son of Late Baneswar Datta, aged about 73 years, by occupation – Chartered Accountant, by religion – Hinduism, residing at 25/1, Guitendal Lane, Post Office, Police Station and District – Howrah, Pin – 711101, do hereby declare and state that the contents of the paragraph Nos. 2, 3, 5, 6, 7, 8, 9, 10-13 are true to my knowledge and the contents of paragraph Nos. 4 are my information derived from the relevant records which I verily believe to be true and the rests are my respectful submissions before the Hon'ble Tribunal.

S.Datta

Prepared by me in my office.

*Subhasdatta*  
DEPONENT

*Subhasdatta*  
(Subhas Datta)

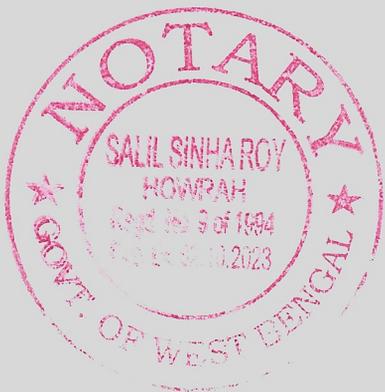
Applicant-in-Person

IDENTIFIED BY ME &  
SIGNED/L.T.I. TAKEN IN MY PRESENCE

*Kalipada Ghali*  
Advocate

S.Datta

Solemnly affirmed before me on  
this 7<sup>th</sup> day of July 2022



SOLEMNLY AFFIRMED & DECLARED  
BEFORE ME ON IDENTIFICATION

*S. S. Roy*  
SALIL SINHA ROY  
NOTARY HOWRAH

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