

Kakali Pal vs West Bengal Pollution Control Board on 31 March, 2023

Item No.06

Court No.1

BEFORE THE NATIONAL GREEN TRIBUNAL
EASTERN ZONE BENCH, KOLKATA
(THROUGH PHYSICAL HEARING WITH HYBRID MODE)

M.A. No.07/2023/EZ
In
Original Application No.69/2022/EZ

In the matter of:

Mrs. Kakali Pal
35/5, Kalinath Ghosal Road,
Ward No.10, Kamarhati Municipality,
P.O. - Ariadaha,
P.S. - Belghoria,
Kolkata - 700057

.... Applicant(s)

Versus

1. The West Bengal Pollution Control Board,
Through the Member Secretary,
Department of Environment,
Government of West Bengal,
Paribesh Bhawan,
10A, Block-LA, Sector-III,
Bidhannagar,
Kolkata - 700 106
2. Buddhadev Guchait,
35/1, Kalinath Ghosal Road,
Ward No.10, Kamarhati Municipality,
P.O. - Ariadaha,
P.S. - Belghoria,
Kolkata - 700057
3. Barun Mandal,
35/3/4, Kalinath Ghosal Road,
Ward No.10, Kamarhati Municipality,
P.O. - Ariadaha,
P.S. - Belghoria,
Kolkata - 700057
4. Officer-in-Charge,
Belghoria Police Station,
55, B.B.T. Road,

Belghoria,
Kolkata - 700056

5. Kamarhati Municipality,
Through the Chairman,
1 MM Feeder Road,
Belghoria, Kolkata - 700056

.... Respondent(s)

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Date of hearing: 31.03.2023

CORAM: HON'BLE MR. JUSTICE B. AMIT STHALEKAR, JUDICIAL MEMBER
HON'BLE DR. ARUN KUMAR VERMA, EXPERT MEMBER

For Applicant(s) : Suo Motu
Ms. Paushali Banerjee, Advocate (in O.A.)

For Respondent(s) : Mr. Dipanjan Ghosh, Advocate for R-1,
Mr. Sibojyoti Chakraborty, Advocate for State Respondents

ORDER

1. Ms. Paushali Banerjee, learned Counsel is present on behalf of the Applicant in Original Application.

2. No one is present on behalf of the private respondents.

3. The Original Application No. 69/2022/EZ was filed by the Applicant alleging therein that the Respondent Nos. 2 & 3, Private Respondents, are engaged in the business of label printing, generating hazardous solid waste as well as liquid waste from their printing industry such as photographic and residual chemicals, metal hydroxide sludge, dyestuffs and solvent residues, wiping material containing dyes, solvent and oil spills. It was also alleged that the Respondents' Unit does not have any Effluent Treatment Plant (ETP) nor any Consent to Operate from the West Bengal Pollution Control Board.

4. The Original Application No. 69/2022/EZ was disposed of by this Tribunal vide its judgment and order dated 13.10.2022 with the following directions: -

"20. We, therefore, dispose of this Original Application with a direction to the Respondent No.1, West Bengal Pollution Control Board, to compute the Environmental Compensation for the period the Respondent No.3 was operating the Unit from 2018 to 2.08.2022. The West Bengal Pollution Control Board shall thereafter provide notice of the same to the Respondent No.3 within a period of 15 days inviting his objections within 15 days on the Environmental Compensation so computed and if any such replies/objections is filed, the West Bengal Pollution Control Board shall consider the same and thereafter it shall proceed to determine the final Environmental Compensation in accordance with law communicating the same to the Respondent No.3. This exercise shall be completed by the West Bengal

Pollution Control Board within a period of two months from today. The Respondent No.3 shall deposit the Environmental Compensation with the West Bengal Pollution Control Board within a week thereof.

21. Affidavit of compliance shall be filed by the West Bengal Pollution Control Board by 15.12.2022."

5. The West Bengal Pollution Control Board has filed affidavit dated 30.03.2023. Along with the affidavit, an Inspection Report has been filed which reads as under: -

"Inspection Report

1. Name & Address of the unit : M/s Modern Engineering Prop: Barun Mondal, 35/1/C, Kalinath Ghosal Road, P.O. - Ariadaha, North 24 Parganas-700057

2. Police Station : Belgharia

3. Electricity supply Authority : CESC

4. Category of the Unit : Orange

5. Date & time of Inspection : 19-07-2022, 15:15 PM to 15:55 PM

6. Inspection Reference : As directed by the Environmental Engineer, BRO

7. Name and designation of the : 1) B Mal (EE, BRO) and Inspecting Officers 2) S. Garai (AEE, BRO)

8. Persons met during inspection : a) Complainant - Mr. Biswanath Mondal

b) Proprietor - Mr. Barun Mondal

c) Ex-partner - Mr. Buddhadeev Guchait

9. Status of NOC/CFO : The unit has obtained Consent to Establish from General Manager, District Industries Centre, North 24 Parganas via Memo No. 0246/COE(O)/2018/DIC/N-

24pgs (Hologram No. 149566) dated 24/04/2018. The unit has applied for Consent to Operate via Application No. 1522172 which is under process.

10. Observation:

This is a public complaint regarding air, water and solid waste pollution against the above mentioned unit. This is a very small unit. The unit is involved in Roto Gravure Printing on plastic sheets. The unit prints product details on plastic packaging sheets for different FMCG items e.g. biscuits, chanachur, etc. The unit utilizes plastic sheets, different colours and colour solvent as raw material.

The unit is located at the premises of one residential house which is owned by Mr. Barun Mondal. Previously the unit used to be jointly operated by Mr. Barun Mondal and Mr. Buddhadeev Guchait. But, there was a split up between the two a few years back and since then Mr. Buddhadeev Guchait is engaged in some other work. After the split, Mr. Buddhadeev Guchait received some parts of the printing machine assembly (which are in idle condition) and these are stored within his premises. The houses of Mr. Biswanath Mondal (complainant), Mr. Barun Mondal (proprietor) and Mr. Buddhadeev Guchait (Ex-partner) are adjacent to each other. There are small passages in between each of them.

The main concern of the complainant is the unpleasant smell of paint and heated plastic.

During inspection, the unit was in operation Following were observed: -

i) The activities of the unit are done within covered space. The unit has installed two small chimneys on two sides of its premises for proper disposal of any polluting gas generated.

During inspection, smell of paint and solvent could be sensed within the unit. But no such smell could be sensed outside the unit even at near proximity.

ii) The unit does not use any water for production purpose and no waste water is generated from its production activities.

iii) The waste lubricating oil, spent solvent and paint residue are sources of hazardous waste and need to be disposed in proper way. The unit also needs to obtain Hazardous Waste Authorization for the same.

iv) The solid wastes generated from the unit are different packaging materials and waste plastics. These are sold to recycles.

11. Remarks:

The unit maybe directed to abide by the following: -

a) The unit should not operate without obtaining Consent to Operate.

b) The unit should obtain Hazardous Waste Authorization.

c) Necessary action may be taken as deemed fit.

d) The unit should comply with the prohibition order on Single Use Plastic (SUP) issued by Government of West Bengal via Notification No. EN/1209/3C-22/2019 dated 27th June, 2022."

6. A perusal of the Inspection Report shows that the Unit in question is involved in Roto Gravure Printing on plastic sheets. The Unit prints product details on plastic packaging sheets for different FMCG items example biscuits, chanachur, etc. The Unit utilizes plastic sheets, different colours and colour solvents are used as raw material. The main concern of the complainant is of unpleasant smell of paint and heated plastic.

7. The Inspection Report mentions that the Unit has installed two small chimneys on two sides of his premises for proper disposal of any polluting gas generated. During the inspection, smell of paint and solvent could be sensed within the Unit but no such smell could be sensed outside the Unit even at near proximity.

8. Be that as it may, since the inspection has been carried out by the inspecting team and findings have been recorded, the West Bengal Pollution Control Board shall take action as per law.

9. In the view of the matter, nothing further remains for adjudication in the Miscellaneous Application and same is accordingly disposed of.

10. There shall be no order as to costs.

..... B. Amit Sthalekar, JM Dr. Arun Kumar Verma,
EM March 31, 2023 M.A. No.07/2023/EZ In Original Application No.69/2022/EZ MN