

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

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**ORIGINAL APPLICATION No. 01/2022/EZ**

**IN THE MATTER OF:**

**Mr. SHYAMAL KANTI BAIDYA.**

**....Applicant(s)**

**Versus**

1. **Mr. RAM PRASAD MONDAL, of Village-Hapania, P.O.-  
Nagarukhra, P.S.-Haringhata, District-nadia, Pin-741257.**
2. **SRI SHYAMAL CHATTERJEE, of Village-Haripara, P.O.-  
Nagarukhra, P.S.-Haringhata, District- Nadia, Pin-741257.**
3. **THE CHAIRMAN, West Bengal Pollution Control Board, Privesh  
Bhawan, 10A, LA Block, Sector-III, Bidhannagr, West Bengal,  
Kolkata-700106.**
4. **THE PRINCIPAL CHIEF CONSERVATOR OF FOREST, LA-10A,  
Block, Sector-III, Salt Lake City, Kolkata-700106.**
5. **THE DIVISIONAL FOREST OFFICER, Nadia, Murshidabad  
Division, Krishnagar, Nadia, Pin-741101.**
6. **THE DISTRICT LAND & LAND REFORM OFFICE,  
Krishnanagar, Nadia, Pin-741101.**
7. **THE OFFICER-IN-CHARGE, HARINGHATA, Police station-  
Haringhata, Nadia, Pin-741249.**
8. **THE RANGE OFFICER, Ranaghat Range, Ranaghat, Nadia.**

**....Respondent(s)**

**COUNSEL FOR APPLICANT:**

**Mr. AJAY SANA, Advocate for the applicant.**

**COUNSEL FOR RESPONDENTS :**

**Mr. TARAK CHANDRA DAS, Advocate a/w  
Mr. ARIFUL ISLAM, Advocate for R-1.  
Mr. DIPANJAN GHOSH, Advocate for R-3.  
Mr. RAJIB RAY, Advocate for R-4, 5, 6, 7 & 8.**

**JUDGMENT**

**PRESENT:**

**HON'BLE MR. JUSTICE B. AMIT STHALEKAR (JUDICIAL MEMBER)  
HON'BLE MR. SAIBAL DASGUPTA (EXPERT MEMBER)**

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**Reserved On:- 26<sup>th</sup> May, 2022  
Pronounce On:-31<sup>st</sup> May, 2022**

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1. Whether the Judgment is allowed to be published on the net? **Yes**
  2. Whether the Judgment is allowed to be published in the NGT Reporter? **Yes**
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**JUSTICE B. AMIT STHALEKAR (JUDICIAL MEMBER)**

Heard the learned Counsel for the parties and perused the documents on record.

2. This Original Application has been filed with the allegation that Respondent Nos. 1 and 2 are running a Saw Mill illegally on agricultural land despite having been served with a closure notice from the Range Officer, Department of Forest, Ranaghat Range, Nadia, West Bengal. It is also alleged that the said respondents are cutting down trees leading to environmental degradation and decline in bio-diversity.

3. Notices were issued to the respondents. The Respondent No.5, Divisional Forest Officer and Respondent No.6, District Land & Land Reform Officer, and the Respondent No.8, Range Officer, Ranaghat, Nadia were directed to file their individual affidavits. In response to the directions of the Court, an affidavit has been filed by the Divisional Forest Officer, Respondent No.5 dated 24.03.2022, wherein it is stated that the Chief Conservator of Forest and Joint Director, Sunderban Biosphere Reserve (SBR) directed the Divisional Forest Officer, Nadia, Murshidabad to inquire into the allegations regarding illegal and unauthorized operation of Saw Mill by the Respondent Nos. 1 & 2. It is stated that in pursuance thereof the Forest Range Officer, Ranaghat Range, conducted a field inquiry and issued closure notice to the Respondent No.1. The closure report is filed as Annexure-R-3, Page-34 of the (Paper Book). The Saw Mill was seized by the Forest Range Officer, Ranaghat Range, Nadia and was intimated to the Divisional Forest Officer, Nadia Murshidabad Division accordingly.

4. It is also stated that further action against the Respondent No.1 has been ordered by the Divisional Forest Officer under the West Bengal Saw Mill and Wood-based Industries Rule 1982.

5. The West Bengal Pollution Control Board has also filed affidavit dated 31.03.2022 bringing on record on inspection report of an inspection of the site carried out on 25.03.2022. The Observations and Comments noted during the observation read as under:-

1. During inspection, the unit M/s. Loknath Timber, which

<p><i>is engaged in sawing timber to manufacture wooden reel was found in operation.</i></p> <p><i>2. It was observed that the unit has two nos. banding sawing machines, of which one has been sealed by the Forest Department and other one was in operation.</i></p>	
<p><i>Observation</i></p> <p><i>A) Source of generation of liquid waste.</i></p>	<p><i>No source of waste water.</i></p>
<p><i>B) Facility available for treatment.</i></p>	<p><i>NA.</i></p>
<p><i>C) Generation of sewage and its treatment /disposal.</i></p>	<p><i>About 6 persons were doing the sawing and manufacturing of wooden reel job. No toilet or basin having running water was observed. Work was done in generally one shift. As stated, workers are local. Water is required only for drinking purpose. So, no treatment facility is required.</i></p>
<p><i>D) Observation &amp; comments on performance of treatment facility of liquid waste.</i></p>	<p><i>NA.</i></p>
<p><i>E) Sources of generation of gaseous emission.</i></p>	<p><i>No sources of generation of gaseous emission was observed except dust generated from the sawing activity of wood.</i></p>
<p><i>F) Facility available for treatment of gaseous emission.</i></p>	<p><i>No dust collecting system was provided with the sewing machine. No boundary wall was constructed in the periphery of the working shed.</i></p>
<p><i>G) Observation &amp; comments on performance of treatment facility for gaseous emission.</i></p>	<p><i>During inspection, the unit was in operation.</i></p> <p><i>It may be noted that the house of Mr. Shyamal Kanti Baidya, located north side of the unit.</i></p>

	<p>Evidence of dust was found in the garden of Mr. Baidya. He has stated that dust also comes to his house (which is about 60ft to 70ft from the sawing mill). However, as such no dust was observed very closed to his residential house.</p> <p>Mr. Baidya has agricultural land, just west side of the sawing mill, where evidence of dust was observed.</p>
<p>H) Information regarding solid waste generation and disposal/storing facility.</p>	<p>Main solid waste is saw dust and small cutting wood.</p> <p>Dispose through sale.</p>
<p>I) Noise Pollution</p>	<p>Operation of Band Saw, Small Wood Cutting Circular Saw, Hammering to use wire nail to manufacture wooden reel. Noise Monitoring was carried out during inspection.</p> <p>Noise level near house of Mr. Baidya, when the saw mill was in operation at 12:13:09</p> <p><b>Leq:58.57dB(A), Peak dB:73.13dB(A)</b></p> <p>Ambient Noise level near house of Mr. Baidya, when the saw mill was not in operation at 12:18:49</p> <p><b>Leq:64.87dB(A), Peak dB:78.30dB(A)</b></p> <p>Noise level within the saw Mill at 12:23:56 when the saw mill was in operation.</p> <p><b>Leq:82.47dB(A), Peak dB:84.02dB(A)</b></p> <p>It may be noted that ambient</p>

	<i>noise is high due to frequent plying of vehicle in the Nagarukhra Habra Road, just eastern side of the unit and the house of Mr. Baidya.</i>
<i>J) Information regarding Hazardous waste generation and onsite storing facility.</i>	<i>NA.</i>
<i>K) Status of Hazardous waste (M &amp; H) authorization.</i>	<i>NA.</i>
<i>L) Status of consent to establish.</i>	<i>On demand, the unit could not show the CTE, obtained from the WBPCB.</i>
<i>M) `Status of Consent</i>	<i>On demand, the unit could not show the CTO, obtained from the WBPCB.</i>
<i>N) Other Relevant information.</i>	<ol style="list-style-type: none"> <li><i>1. The unit Loknath Timber has obtained license from forest department under secondary category, which was found valid upto 01.01.2022, It may be noted that as per forest license, this saw mill can use wood beam as raw material, whereas the unit was using small trunk of wood (may be non-forest wood). Opinion of Forest department may be taken in this context.</i></li> <li><i>2. Two saw mills were found just opposite of the house of Mr. Baidya in Eastern Side just after nagarukhra-Habra Road, Name of one saw mill is Majumdar Saw Mill,</i></li> </ol>

located at Vill. Hapania, P.O.-Nagarukhra, Dist-Nadia-741257, Prop. Biswajit Majumdar having band saw as well as Horizontal Saw (Used for primary saw mill). It was learnt that due to weekly holiday, the unit was not in operation. As well as nobody was present in the unit. No boundary wall as well as nay dust collecting system was provided in this saw mill.

3. Saw Mill of Mr. Sadhan Bachhar (without name as well as without having any license) was found just north eastern side of the road. It was not in operation. It was noticed that the unit as diesel engine to operate the saw mill instead of electricity, which may cause severe sound pollution as the DG was not provided with any acoustic enclosure.

4. It was learnt from the Mr. Biswajit Majumdar over phone that he has forest license uhnder secondary category but he is operating the saw mill without valid Consent to Operate.

5. All the three units Loknath Timber,

	<i>Majumdar Saw Mill and saw mill of Mr. Sahan Bachhar has potential to create dust pollution, for which Mr. Shyamal Kanti Bidya may be affected.</i>
<i>O) Remarks</i>	<p>1) <i>Saw Mill should have dust collecting system as well as boundary of adequate height to control dust.</i></p> <p>2) <i>Necessary decision may be taken as deemed fit and proper for operation of saw mill without having valid CTO from State board.</i></p>

6. One more affidavit has been filed by the West Bengal Pollution Control Board dated 13<sup>th</sup> April, 2022. It is stated therein that considering the inspection report, the State Board called the three Units, namely, Lokhnath Timber (Proprietor Ramprasad Mondal), Majumder Saw Mill (Proprietor Biswajit majumder) and Sadhan Bachhar (owner of Saw Mill) on 07.04.2022 to appear before Hearing Officer of the State Board with all statutory licenses including Consent of State Board, if any and status on operation control system. Notices in this regard were issued to the three Units on 29.03.2022, by the board.

7. A supplementary affidavit has been filed by the Divisional Forest Officer Nadia, dated 20.05.2022, Murshidabad Division, stating therein that on 02.04.2022, the Saw Mills of Mr. Ramprasad Mondal, Mr. Biswajit Majumdar and Mr. Sujit Bachhar all situated



at Vill-Hapania, P.O-Nagarukhra, P.S.-Haringhata, District-Nadia were raided by the Saw Mill Inspector & Range officer, Ranaghat Range.

8. After the raid, a closure notice was served on Mr. Sujit Bachar for running an illegal Saw Mill without license in violation of the West Bengal Forest (Establishment and Regulation of Saw Mills and other Wood-based Industries) Rules 1982. In pursuance of the closure notice dated 02.04.2022, the licensed secondary Saw Mill of Ramprasad Mondal Respondent No.1 herein was sealed after seizure of one Band Saw Mill & 8 round logs and a closure notice was issued. The Licensed Secondary Saw Mill of Mr. Biswajit Majumdar was also sealed after seizure of one Trolley Band Saw and one Vertical Band Saw together with 5 round logs and a closure notice was issued also dated 02.04.2022.

9. Similar notice was issued to the Respondent No.1 Ramprasad Mondal and Biswajit Majumdar dated 25.04.2022 Annexure-“R-6” calling upon them to appear before the Divisional Forest Officer on 05.05.2022 for hearing and thereafter license issued to Biswajit Majumdar and Ramprasad Mondal, Respondent No.1 under the Rules 1982, were cancelled vide two orders both dated 12.05.2022.

10. From the documents on record and the Inspection report, it is established that illegal Saw Mill was being operated under the name of Loknath Timber by Respondent No.1.

11. Another illegal Saw Mill under the M/s Majumdar Saw Mill was being operated by Biswajit Majumdar and one Saw Mill was

being run by Sadhan Bachhar without valid 'Consent to Operate' (CTO) and several logs of wood were also seized from the said Saw Mills.

12. However, what we find is that in respect of illegal operation of Saw Mills by Respondent No.1 and other persons operating without 'Consent to Operate' (CTO), having been established no Penalty/Environmental Compensation has been determined against the Respondent No.1 or against the other two violators.

13. We, therefore, dispose of this Original Application with a direction to the West Bengal Pollution Control Board to compute Penalty/ Environmental Compensation after due consultation and assistance of the Divisional Forest Office, Nadia, Murshidabad Division, and, thereafter, proceed against the Respondent No.1 and the other two violators to recover the same in accordance with law.

14. The West Bengal Pollution Control Board shall pass appropriate order(s) and take action within two months i.e., by 31<sup>st</sup> July, 2022.

15. An affidavit of compliance as well as action taken report shall be filed by the West Bengal Pollution Control Board on affidavit by 5<sup>th</sup> August, 2022.

16. There shall be no order as to costs.

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**B. AMIT STHALEKAR, JM**

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**SAIBAL DASGUPTA, EM**

**Kolkata,**  
**31<sup>st</sup> May, 2022,**  
**Original Application No.01/2022/EZ**  
**BD**