

**BEFORE THE NATIONAL GREEN TRIBUNAL
PRINCIPAL BENCH, NEW DELHI**

Original Application No. 56/2017 (EZ)

IN THE MATTER OF:

Subhas Datta Vs. State of West Bengal & Ors.

**CORAM : HON'BLE MR. JUSTICE S.P. WANGDI, JUDICIAL MEMBER
HON'BLE DR. NAGIN NANDA, EXPERT MEMBER**

**Present: Appellant: Mr. Subhas Datta in person
Respondents: Mr. Bikas Kargupta, Advocate
Mr. Dipanjan Ghosh, Advocate
Mr. Samik Kumar Chakraborty, Advocate**

	Date and Remarks	Orders of the Tribunal
	<p style="text-align: center;">Through Video Conferencing Item No. 03</p> <p style="text-align: center;">October 08, 2018 HB & DV</p>	<p>1. This case can now be disposed of as all contentious issues have been dealt with on different dates as would appear from the narration of facts which shall follow. On the last date leave had been sought for on behalf of the respondent no. 4, Royal Calcutta Turf Club (RCTC) to file additional affidavit which had been granted to be filed before this day. No additional affidavit has been filed as permitted. Time has been sought for on the ground of inability of Ld. Senior Counsel for the respondent no. 4 to be present today, but having regard to the facts and circumstances, we do not find it necessary to adjourn the case and is, accordingly, taken up for hearing and disposal.</p> <p>2. The original application was filed primarily on the ground that Royal Calcutta Turf Club located in the Hastings area of Kolkata owns about 500 Horses which are kept and tended in different stables. It is alleged that untreated effluents are being discharged from two stables and that the veterinary hospital maintained for the treatment of Horses by the Club, also releases bio-medical waste. Apart from that it is also alleged that there is indiscriminate disposal of fodder and other wastes from the stable. All these, according to the</p>

	<p style="text-align: center;">Through Video Conferencing Item No. 03</p> <p style="text-align: center;">October 08, 2018 HB & DV</p>	<p>applicant, has become a source of pollution and a cause for environmental degradation.</p> <p>3. On 25.04.2018, when the matter came up before us for the first time, directions were issued upon the State Pollution Control Board to inspect the area and verify on the correctness of the allegations made in the application and to submit a report on the next date. Report in pursuance of the order filed by the State Pollution Control Board revealed certain deficiencies and non-compliance of the environmental laws by the Respondent No. 4, as would appear from the inspection report dated 26.05.2017 relevant portion of which are reproduced below:</p> <p style="text-align: center;">“7. <u>Observation:</u></p> <p style="text-align: center;"><i>Royal Calcutta Turf Club organizes horse races. Horses from all over India & abroad take part in the race. They have two stables. One stable is located within the race course area and another is located outside the race course area but near to it at 5, Bakery Road, PS-Hastings, Kolkata-700022. Similarly, they have two health care facilities for horse, one of them is located inside the race course area & another is located at Hastings. Horses are kept & looked after in the stables. As reported by the representatives of the unit around 500 horses are kept in the stables.</i></p> <p style="text-align: center;"><u>Status of Biomedical waste management:</u></p> <p style="text-align: center;"><i>Participating horse are treated in the health care facilities. Health care facilities located at Hastings is like a dispensary where the horses are given supportive care or treatment like saline, injection, vaccination etc. There is one operation theatre for treatment of the horses in the race course health care facility. Colour coded plastic bags/containers as per Bio-medical Waste Rules are provided for storage of segregated biomedical waste (Photographs-1, 2, 3). However new colour code for segregation of biomedical waste as per Biomedical Waste Management Rules, 2016 has not been introduced. Biomedical waste stored in bags/containers is finally disposed through Common Bio-medical Waste Treatment Facility (CBWTF). In case of death of horses, dead bodies of horses are disposed through KMC. However none of the health care facilities is provided with needle cutter/destroyer and there is no common intermediate storage room in either of the treatment facilities.</i></p> <p style="text-align: center;"><u>Status of Solid waste management:</u></p> <p style="text-align: center;"><i>Each stable consist of individual compartment for</i></p>
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each of horse **(Photograph-4)**. The compartment was found cleaned during inspection. There is a washing platform where each horse is bathed **(Photograph-5)**. Domestic effluent is discharged into KMC drain. Solid waste of the stable like rejected straw, horse dung etc. is dumped in a Vat located nearby stable area **(Photograph-6)**. As reported this solid waste is collected by KMC on regular basis. A typical smell of horse dung was found during inspection from the Vat.

8. Status of Statutory Compliance:

The unit has applied for fresh 'Consent to Operate' on 28/04/2017 for their health care facilities. The application is under process."

"Remarks

- a. Needle cutter/destroyer along with disinfectant solution shall be provided at concerned location in each of the horse health care facilities.
- b. There shall be a safe, ventilated common intermediate storage room in each of horse health care facilities for storing of biomedical waste before handling over to CBWTF.
- c. The unit shall introduce new colour coded bags for segregation of Bio-medical waste as per Biomedical Waste management Rules, 2016.
- d. The unit shall maintain the solid waste disposal Vat properly so that no smell shall be found from the Vat."

4. The Respondent No. 4 was accordingly directed to set right the deficiencies indicated by the Pollution Control Board in due compliance of the recommendations made in the remarks column of the inspection report. A report of compliance was filed by the Respondent No. 4 on 17.07.2018. The State Pollution Control Board was then directed to verify on the compliances reported by the Respondent No. 4 and to submit an action taken report.

5. The inspection report was accordingly filed by the State Pollution Control Board on 10.08.2017, the relevant parts of which are reproduced below:-

"Observation made during inspection

- a. Electrical needle destroyer/needle cutter was provided in both the treatment centers. Hard container with chemical disinfectant for collection of sharp items was also found. (Pic-01)
- b. In both the centres separate bio-medical waste storage rooms (Pic-02) were noticed.

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- c. Some colour coded plastic bags containing medical waste were found inside the bio-medical waste storage rooms (Pic-03).
- d. Placed plastic container in different places of treatment centers with colour coded plastic bags inside the container (Pic-04) for segregation/collection of bio-medical wastes.
- e. As per the earlier practice for collection, storage and disposal of solid waste generated from the stable i.e. premises and subsequently, it is taken out by authorized vender of KMC. As stated by the representative of the Turf Club that frequency of removal of solid waste has been increased in a day to avoid any kind of nuisance. However, during inspection some solid waste was found in the vat (Pic-05)
- f. Produced copy of manifest of dated 28.07.2017 & 30.07.2017 in support of collection of Bio-Medical Waste by M/s Medicare, on regular basis.

Remarks

Solid waste generated from the stable i.e. horse dung, hay etc. is to be removed time to time to avoid accumulation of the same inside the premises and record regarding disposal of solid waste is to be maintained.”

6. On 11.10.2017, our attention was drawn to another aspect not related to the respondent no. 4, i.e., nuisance alleged to have been caused by horses corralled under the second Howrah Bridge inconveniencing the public and polluting the area. The Kolkata Municipal Council (KMC) being the appropriate authority, was accordingly directed to take appropriate steps for mitigation of the nuisance amply demonstrated by the photographs appended to the supplementary affidavit filed by the applicant.

7. On 13.11.2017, having noticed substantial discharge of waste water and solid waste by the Respondent No. 4, direction was issued upon the said Respondent to prepare a scheme for establishment of a dedicated STP and to make appropriate arrangement for Solid Waste Management. Report of compliance on this was directed to be filed on the next date. Our attention

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was also drawn to the fact that the main intake sewerage drain to the KMC was found to be defective which was stated to be one of the main cause for the waste water and sewerage from the club being drained into the Tolly Nallah. The KMC was directed to take steps to deal with the matter for its mitigation and to file a report.

8. On 12.12.2017 it was reported on behalf of the KMC that steps had been taken for removal of the filth under the second Howrah Bridge caused by the horses being corralled there.

9. On behalf of the Respondent No. 4 RCTC, it was stated that a number of measures had been taken to deal with the discharge of waste water and solid waste generated by the club. The learned counsel for the club also submitted that they were in the process of preparing a detail project report (DPR) in respect of this and sought for time to submit the DPR.

10. It has been most clearly recorded in the order dated 25.04.2018 that sewage from the club area and the stable were being directly discharged in the Tolly Nallah (Adi Ganga) and that the only step taken by the club was of a temporary nature of diverting the sewerage. This step having been found to be inadequate, the RCTC was directed to ensure installation of a dedicated STP for the treatment of sewage generated by it. Learned Counsel for the Club had also submitted that the DPR in respect of the proposed STP was in the process of completion and would take some time for it to be completed. Being concerned by the slow pace of the work on the STP as sewage continued to be discharged into Tolly Nallah that drained into the River Hooghly, the RCTC, R-4 was

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with the solid waste generated by it.

2. Concrete steps shall be taken for effectively diverting the waste water as well as the effluents towards the proposed STPs and no untreated sewage or waste water shall be discharged either in the public storm water drain or in the Tolly Nallah which would include bio-medical waste used in the veterinary hospital of the turf and horse droppings.

3. Directions 1 and 2 shall be completed within three months from the date of this order in view of the fact that direction for setting up the STP was issued on 13.11.2017, the process of which was said to be underway as recorded in the order dated 12.12.2017.

4. We direct the respondent no. 4 also to deposit a Bank Guarantee of Rs. 50 Lakhs as Performance Guarantee with the State Pollution Control Board within a period of 15 days from hence.

5. Failure to comply with the above terms shall make the respondent no. 4 liable for payment penalty of Rs. 50,000/- per day of the delay in addition to the Performance Guarantee.

6. Report of Compliance shall be filed within four months from today.

7. The Respondent No. 4 shall pay to applicant Rs. 25,000/- as cost.

13. With the above directions, the application stands disposed of.

14. List on 11th March, 2019 for consideration of the report of compliance stipulated under direction 6 above.

.....,JM
(S.P. Wangdi)

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