

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

Original Application No. 104/2020/EZ

Atindranath Chatterjee

Applicant(s)

Versus

West Bengal Pollution Control Board & Ors.

Respondent(s)

Date of hearing: 08.09.2021

**CORAM: HON'BLE MR. JUSTICE B. AMIT STHALEKAR, JUDICIAL MEMBER  
HON'BLE MR. SAIBAL DASGUPTA, EXPERT MEMBER**

For Applicant(s) :Ms. Paushali Banerjee, Advocate

For Respondent(s) :Mr. Prithwish Basu, Advocate for  
Respondent No.1  
Mr. Gora Chand Roy Choudhury, Advocate  
Mr. Debasish Ghosh, Advocate for Respondent  
No.3

**ORDER**

1. Ms. Paushali Banerjee, learned Counsel is present for the Applicant.
2. Mr. Prithwish Basu, Ld. Counsel is present for Respondent No.1, West Bengal State Pollution Control Board. Mr. Gora Chand Roy Choudhury and Mr. Debasish Ghosh, Ld. Counsel have put in appearance on behalf of Respondent No.3, Ministry of Environment, Forest and Climate Change (MoEF & CC)
3. The allegation in this Original application is that the Respondent Nos. 5 & 6, M/s SRMB Srijan Pvt. Ltd., unit is operating an Induction Furnace Factory and Rolling Mill producing TMT bar at Sagarbhanga, Durgapur, within Durgapur Municipal Corporation, Paschim Bardhaman over an area of 23.785 acres of land allotted by Asansol Durgapur Development Authority. It is stated that Environmental Clearance (EC) was issued by the State Environment Impact Assessment Authority (SEIAA), West Bengal on 18.05.2015 and Consent to Establish (CTE) was issued by the State Pollution Control Board (PCB) on 20.04.2016. Thereafter, a

modified EC was issued on 12.04.2017 and an amended Consent to Establish (CTE) was issued on 30.06.2017 and 08.08.2017.

4. The further allegation is that the unit started its operation with effect from August/September 2018 without obtaining valid Consent to Operate (CTO) and that they have recently applied for grant of CTO. Perusal of Annexure-A/7 dated 14.11.2019 at page 39 of the O.A., shows that on an inspection being carried out by the State PCB on 23.07.2019, violation of the conditions in the Environmental Clearance were found and, therefore, the unit of Respondent Nos. 5 & 6 was directed to dismantle the slag crusher unit and was required to operate the unit with proper functioning of pollution control system complying with the environmental norms. The industry was also required to develop a green belt of at least 33% of total project land area in and around the plant as one of the conditions dated 12.04.2017. Environmental Compensation of Rs.3,00,000/- was also imposed upon the unit. This is not clear whether these directions have been complied with by the Respondent Nos. 5 & 6. It is further alleged that the Respondent Nos. 5 & 6 are extracting ground water in excess of permissible limit of 15m<sup>3</sup> per hour for 06 hrs. in a day.
5. Matter requires consideration.
6. Issue notice to all the Respondents returnable within four weeks.
7. Mr. Prithwish Basu, Ld. Counsel states that he has received instructions to appear on behalf of Respondent No.1, West Bengal State Pollution Control Board. He is directed to file an affidavit within one week meeting the allegations made in the Original Application.
8. Mr. Debasish Ghosh, Ld. Counsel states that he has received a counter affidavit on behalf of Respondent No. 3, Ministry of Environment, Forest and Climate Change (MoEF & CC) in this matter and he is in correspondence with them with regard to filing of the affidavit as he states that the same is sketchy. Mr. Gora Chand Roy Choudhury, Ld. Counsel has opposed the submission of Mr. Debasish Ghosh stating that he alone is authorised to receive notice on behalf of MoEF & CC and that

Mr. Debasish Ghosh cannot appear at this stage. We direct the Secretary, Ministry of Environment, Forest and Climate Change, Indira Paryavaran Bhawan, Jor Bagh Road, Aliganj, New Delhi-110001 to resolve this issue before the next date of listing and ensure that counter affidavit is filed before the next date of listing.

9. All the respondents may file their counter affidavits within four weeks and shall exchange those affidavits among themselves, at least one week before the next date of listing.

10. **List on 26.10.2021.**

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B. Amit Sthalekar, JM

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Saibal Dasgupta, EM

September 08, 2021  
O.A. No. 104/2020/EZ  
AKC