

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

Original Application No. 148/2017/EZ

Sai Sulphonates Pvt. Ltd.

VS

UNION OF INDIA & ORS

CORAM: **Hon'ble Mr. Justice S.P.Wangdi, Judicial Member**

PRESENT:

Applicant	:	Mr. Sanjay Upadhyay, Advocate
		Ms. Upama Bhattacharjee, Advocate
Respondent No. 1	:	Ms. S. Ray, Advocate proxy for
		Mr. Gora Chand Roy Chowdhury, Advocate
Respondent No. 2	:	Mr. Surendra Kumar, Advocate
Respondent No. 3	:	Mr. Dipanjay Ghosh, Advocate
		Mr. Debashish Sarkar, Sr. Env. Enginner
		Mr. Q.Q.Hasan, Env. Engineer,
		Mr. Amarnath Goswami, Sr. Law Officer
		Mr. S.D.Mazumdar, Advocate

Date & Remarks	Orders of the Tribunal
<p>Item No. 6 13th December, 2017.</p>	<p>This OA has been preferred by the Applicant, M/s Sai Sulphonates Pvt. Ltd., inter alia praying for a direction upon the Respondents No. 2 and 3 to declare the process of manufacturing of LABSA as a white category industry having zero pollution potential based upon its self assessment carried out as per criteria laid down in the CPCB guidelines after setting aside the letter dated 16.6.2017 issued by the Respondent No. 3 rejecting such prayer of the Applicant.</p> <p style="text-align: center;">Although returns were called for from the</p>

Respondents, only the CPCB, the Respondent No. 2, has filed its counter affidavit on 9.11.2017.

Shorn of all the details stated in the counter affidavit, it is stated that the CPCB had issued letter dated 19th July 2017 to all the SPCBs/PCCS prescribing guidelines for dealing with new category of industries for classification and review of the existing categories which was a reiteration of its earlier letter dated 7.3.2016 which contains the modified directions under Sec. 18(1) (b) of the Water (Prevention and Control of Pollution) Act, 1974 and the Air (Prevention and Control of Pollution) Act, 1981, regarding harmonising the specific industries under red/orange/green or white. It is, therefore, suggested that the Respondent No. 3, West Bengal Pollution Control Board, should constitute a Committee comprising of two Sr. Cadre Engineers/ Scientists headed by the Member Secretary to examine the matter relating to categorisation of the Applicant's industry under appropriate category based on the concept of pollution index.

Although the State PCB has not filed any response, for the sake of expeditious disposal of the matter, the presence of Sr. Environmental Engineer/Scientists from the State PCB was called for during the course of hearing. Accordingly, the following officers were present :-

1. Mr. Debasish Sarkar, Sr. Env. Engineer

2. Mr. Q.Q.Hasan, Environment Engineer

3. Mr. Amarnath Goswami, Sr. Law Officer

When asked of them, they have agreed that the re-assessment in respect of Applicant industry can be undertaken as suggested by the CPCB.

In view of this, we direct as under :

- i) A Committee consisting of three members shall be constituted.
- ii) The Committee shall consist of two Sr. Engineers/Scientists – one from the State PCB and the other from the Regional office of the CPCB, Kolkata.
- iii) The committee shall be headed by the Member Secretary, State PCB or his nominee suitable in the cadre.
- iv) The Committee shall inspect the industry concerned and take appropriate steps to examine the self-assessment report submitted by the Applicant.
- v) The Committee shall ensure that the entire exercise is undertaken scientifically in an objective manner in accordance with the CPCB Guidelines prescribed therefor.
- vi) A representative of the Applicant industry shall be permitted to participate in the entire proceedings to ensure transparency and fairness in the proceedings.

vii) The Committee shall complete the entire exercise within 30 days from hence and submit a report on 31.1.2018.

A copy of this order be transmitted to the Regional office of the CPCB and the Chairman and Member Secretary, West Bengal Pollution Control Board, for compliance.

To 31.1.2018 for submission of report.

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Justice S.P.Wangdi, JM

13-12-2017



