

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

Original Application No. 147/2016/EZ

**SRI PARIMALENDU BANERJEE & ANR
Vs
State of West Bengal & Ors**

CORAM: Hon'ble Mr. Justice (Dr.) P. Jyothimani, Judicial Member
Hon'ble Prof. (Dr.) P. C. Mishra, Expert Member

PRESENT: Applicants : Mr. Ashish Kumar Roy, Advocate
Respondents No. 1-3 : Mr. Dipanjan Ghosh, Advocate
Respondent No. 9 : Mr. Amar Mitra, Advocate
Other Respondents : None

Date & Remarks	Orders of the Tribunal
<p>Item No. 8 2nd January, 2017.</p>	<p style="text-align: center;"><u>Per Justice (Dr.) P. Jyothimani, J.M.:</u></p> <p>We have heard the learned counsel for the applicant as well as for the respondents including the 9th respondent, the Project Proponent.</p> <p>As per previous direction of this Tribunal, the State PCB has filed an affidavit regarding the status of the unit of 9th respondent.</p> <p>The application is for a direction against the respondent authorities to stop illegal running of M/s Lokenath Metal Works on the ground that the unit, during the course of running, has been emitting smoke causing air pollution in the nearby villages of the adjacent area. It is stated that the unit of 9th respondent has been running without obtaining consent from the State Board. It is seen that on an</p>

earlier occasion, the PCB has filed a record of proceedings dated 16.7.2015 wherein there was a decision taken for conducting an inspection by the State Board. The Board had directed the Environmental Engineer, Alipore Regional Office of the State Board to cause a further inspection and file a report for consideration of the Board.

Based on the inspection which was conducted on 20.10.2016, there was a report filed by the Asst. Environmental Engineer, Alipore dated 21.10.2016 in which remarks were made that the unit shall either install air pollution control device like cyclone separator/bag filter/scrubber with the coke fired furnace or convert the heating arrangement of the furnace to cleaner fuel to meet the emission standards. It was also remarked that in order to control fugitive emission arising from aluminium melting process, suitable air pollution control device like wet scrubber to be installed. Further it is stated that the unit may be directed not to dispose of the ash to the nearby surrounding of the unit and the unit shall provide proper lighting arrangement inside the factory shed.

In the affidavit filed by the Board today, copy of the record of proceedings held on 22.12.2016 has been produced. It is seen that the following compliance has to be made by the 9th respondent on or before 28.2.2017 :

“a) The unit shall either install air pollution control device like cyclone separator/bag filter/scrubber (as suitable) with the coke fired furnace or convert the hearing arrangement of the furnace to cleaner fuel to meet the emission standards. In order to control fugitive emission arising from the aluminium melting process, suitable air pollution control device like wet scrubber to be installed.

b) The unit may be directed not dispose of the ash to the nearby surrounding of the unit.

c) The unit shall proper lighting arrangement inside the factor shed. “

In view of the stern action taken by the Board directing the 9th respondent to comply with the requirement on or before 28.2.2017, we are of the considered view that the application has to be disposed of with a direction to the State PCB to take appropriate coercive action against the 9th respondent if it fails to comply with the direction issued by the Board on or before 28th Feb. 2017. We make it further clear that the action may also include closing of the unit in accordance with law. Needless to say that the compliance report has to be filed by the 9th respondent by 10th March 2017 as directed. In the event any of the parties are affected by the decision of the Board, he

shall be at liberty to take action in accordance with law, if so advised.

With the above directions/observations, the OA stands disposed of.

No order as to costs.

Justice (Dr.) P. Jyothimani, JM
2-01-2017

Prof. (Dr.) P. C. Mishra, EM
2-01-2017

