

**BEFORE THE NATIONAL GREEN TRIBUNAL
EASTERN ZONE BENCH, KOLKATA
(THROUGH PHYSICAL HEARING WITH HYBRID MODE)**

Original Application No.120/2022/EZ

Subhas Datta Applicant(s)
Versus

State of West Bengal & Ors. Respondent(s)

Date of hearing: 16.11.2022

**CORAM: HON'BLE MR. JUSTICE B. AMIT STHALEKAR, JUDICIAL MEMBER
HON'BLE PROF. A. SENTHIL VEL, EXPERT MEMBER**

For Applicant(s) : Mr. Subhas Datta, in person

For Respondent(s) : Mr. Sudip Kumar Dutta, Adv. for R-1,2,4&6,
Mr. Dipanjan Ghosh, Advocate for R-3,
Mr. Akbar Ali, Advocate a/w Ms. Hera Nafis, Adv., &
Ms. Shahanaz Parveen, Advocate for R-5,
Mr. Sibojyoti Chakraborty, Adv. a/w Mr. Prithwish
Basu, Advocate for R-7, (in Virtual Mode)

ORDER

1. Mr. Subhas Datta, the Applicant in person, is present.
2. Affidavit dated 14.11.2022 has been filed on behalf of the Respondent No.3, West Bengal Pollution Control Board; the same is taken on record.
3. Along with this affidavit, an Inspection Report of an inspection carried out on 16.09.2022 by the Committee has been filed. The observations and recommendation in the Inspection Report read as under:-

***“Report of the Committee constituted by the Hon’ble
National Green Tribunal, Eastern Zone Bench, Kolkata in
the matter of O.A. No. 120/2022/EZ (Subhas Dutta Vs.
State of West Bengal & Ors.)”***

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The observations of the Committee are as follows:-

- 1. The premises at 11A/1J, East Topsia Road, Kolkata-700046, KMC Ward No.66 is used for conducting various social ceremonies. There are five banquet halls (venues) that are rented out for such purpose. The land area as declared by the unit is 40,220 sq. metres.*
- 2. There is a waterbody approx. 75 bighas (privately owned as claimed by the unit representative) within the premises. For the purpose of conducting the social ceremonies temporary bamboo structures/platforms are erected in the waterbody. A layout of the site is enclosed.*
- 3. As per the Consent to Operate issued by Board, the total gathering capacity, when all five banquets are in use, is approx. 1800 persons.*
- 4. The kitchen attached to the banquets have no permanent cooking arrangements. Liquid effluent is discharged to KMC drain and solid waste is disposed through KMC.*
- 5. Water sampling was done on 23.09.2022 from various points of the waterbody and test reports are enclosed. Sampling could not be done at the location of the temporary structure due to presence of the bamboo structures.*

As per “Designated Best Use Water Quality Criteria” recommended by the Central Pollution Control Board, the desired pH value for the propagation of wildlife and fisheries is between 6.5 to 8.5 and the desired Dissolved Oxygen level is 4mg/l or more. The reported DO levels are over 5 mg/l but pH values are marginally above 8.5.

The BOD levels are higher than 3 mg/l and Coliform counts are also high. Therefore as per the Water Quality Criteria, the water is not fit for bathing and drinking.

- 6. Consent to Operate obtained from the West Bengal Pollution Control Board is valid upto 31/08/2027 (copy attached). The*

Consent has been issued with the following additional conditions:-

- a. All precautions to be taken to ensure that the waterbody within the premises is not polluted, that pisciculture is not affected and that the wholesomeness of the waterbody is maintained.*
 - b. Cooking is not permitted. Only precooked food is to be brought and reheated before serving. Effluent Treatment Plant (ETP) and stack with suction hood (over cooking ovens) to be installed prior to undertaking any cooking activity in future.*
- 7. The unit has produced copies of Trade License, Property Tax Assessment Certificate from Kolkata Municipal Corporation and Fire License from the Fire Department, Govt. of West Bengal.*
 - 8. During inspection, the Committee has advised the unit to dismantle the temporary bamboo structures in the waterbody.*

Recommendation:-

- 1. The temporary bamboo structures with canopy prevent light penetration and this can have an adverse effect on the phytoplankton productivity and the Dissolved Oxygen (DO) levels of the waterbody. Therefore the unit may be directed to dismantle all bamboo structures in the waterbody.*
 - 2. Water quality of the waterbody shall be monitored by the unit on half-yearly basis.”*
4. Mr. Akbar Ali, learned Counsel appearing for Respondent No.5, Calcutta Boating and Hotel Resorts (P) Ltd., prays for and is granted further three weeks time for filing counter-affidavit. He may also file his response, if any, to the affidavits dated 15.10.2022 and 14.11.2022 filed by the Kolkata Municipal Corporation as well as

the West Bengal Pollution Control Board respectively within the same period of time.

5. Mr. Sudip Kumar Dutta, learned Counsel appearing (in Virtual Mode) also prays for and is granted further three weeks time for filing counter-affidavit on behalf of the State Respondents, Govt. of West Bengal.
6. **List on 15.12.2022.**

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B. Amit Sthalekar, JM

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Prof. A. Senthil Vel, EM

November 16, 2022
Original Application No.120/2022/EZ
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