

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

Original Application No.159/2022/EZ

Sahidul Mallick & Ors.

Applicant(s)

Versus

State of West Bengal & Ors.

Respondent(s)

Date of hearing: 17.03.2023

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

For Applicant(s) : Ms. Afreen Begum, Adv. a/w
Mr. Amit Pareek, Adv. and
Mr. Mostafijur Raheman, Adv.

For Respondent(s): Mr. Sibojyoti Chakraborty, Adv. for R-1 (in Virtual Mode),
Mr. Prithwish Basu, Adv. for R-2,3 & 4,
Mr. Maidul Islam Kayal, Adv. a/w
Mr. Omar Faruk Gazi &
Mr. Sumit Naskar, Adv. for R-8 & 9

ORDER

1. Ms. Afreen Begum, learned Counsel assisted by Mr. Amit Pareek, learned Counsel and Mr. Mostafijur Raheman, learned Counsel is present for the Applicant.
2. Mr. Sumit Naskar, learned Counsel holding brief of Mr. Maidul Islam kayal files vakalatnama of Mr. Maidul Islam Kayal and Mr. Omar Faruk Gazi on behalf of Respondent Nos.8 & 9; same is taken on record. He prays for and is granted three weeks' time for filing counter-affidavit.
3. Affidavit dated 03.03.2023 has been filed on behalf of the Respondent No.2,3 & 4 by the West Bengal Pollution Control Board; same is taken on record. Along with this affidavit an Inspection Report of an inspection carried out on 24.01.2023 has been filed. The observations and remarks read as under:-

“Observation

This is a small scale industry engaged in manufacturing of paper plate and paper cups. The industry is located at the south side of Paglachandi Panighata Road. Complainant’s residence is located at the east side of the industry. There is a gap of around 6 feet between industry shed and the complainant’s residence.

Customized paper of specific shape and size is procured from the market and paper cups and paper plates are manufactured by seven machines. Out of the seven machines, one machine is used for manufacturing paper plates and other six machines are used for manufacturing paper cups. These machines are operated electrically and are of less than one H.P. power (as per power ratings of motors attached to each machine). Production capacity of individual machine is 2700 cups per hour and total production capacity of the unit is 50,000 cups per day. The shed of the unit is broadly divided into two rooms, one room is used for housing all the six paper cup manufacturing machines and other room is used for storing raw materials, finished products, entrance, office space and paper plate manufacturing machine. Machine room is away from the complainant’s house and is fully enclosed. Entire activity is carried out inside the covered shed. Total 10 (ten) workers are engaged in this unit. Six workers work during the day time while four workers work at night time. During inspection, complainant was not present but complainant’s wife alleged high noise pollution due to activity of the industry. She also mentioned that the unit operates throughout the day and night and they could not sleep because of this.

During both the inspections, the unit was in operation and five paper cup manufacturing machines were running. Paper plate manufacturing machine was out of order and was not operational. Due to malfunction of the noise measuring instrument noise samples could not be collected during the first inspection on 24/01/2023. Noise level as measured during the second inspection on 01/02/2023 is tabulated below:-

Sl.No.	Place of measuring noise level	Value of noise level in dB (A) Leq
1	Machine shop	64.77
2	Road side of the industry	63.85
3	Complainant’s residence	50.89

Remarks:-

The unit may be directed to take necessary measures to keep the noise level within permissible limits during the night time. As the noise level measured at complainant's residence is beyond the permissible limit for residential area during night time i.e. 45 dB(A) Leq."

4. Mr. Sibojyoti Chakraborty, learned Counsel appearing (in Virtual Mode) for the Respondent No.1, prays for and is granted three weeks' time for filing counter-affidavit.
5. Ms. Afreen Begum, learned Counsel appearing for the Applicant states that the Applicant has filed rejoinder-affidavit-in-reply. However, Office report is that the Page Nos.7 to 20 of this affidavit are illegible and the affidavit is in defect. Learned Counsel may remove the defects and re-file the affidavit with all its annexures within one week.
6. **List on 20.04.2023**

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B. Amit Sthalekar, JM

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Prof. A. Senthil Vel, EM

March 17, 2023
Original Application No.159/2022/EZ
BD