

Original Application No.07/2023/EZ

Applicant(s)

Versus

Respondent(s)

**CORAM: HON'BLE MR. JUSTICE B. AMIT STHALEKAR, JUDICIAL MEMBER
HON'BLE DR. AFROZ AHMAD, EXPERT MEMBER**

For Applicant(s) : Mr. Raju Mondal, Advocate

For Respondent(s) : Mr. Rajib Ray, Adv. for R-1 (in Virtual Mode),
Mr. Dipanjan Ghosh, Adv. for R-2,3 & 4,
Mr. Sudip Kumar Dutta, Adv. for R-5 & 6,
Ms. Anamika Pandey, Adv. for R-7

ORDER

1. Mr. Raju Mondal, learned Counsel is present for the Applicant.
2. Affidavit dated 27.04.2023 has been filed by the Respondent No.7, Private Respondent; same is taken on record.
3. Affidavit dated 20.04.2023 has been filed by the Respondent No.5, District Magistrate, Paschim Bardhaman; same is taken on record.
4. Affidavit dated 26.04.2023 has been filed by the Chief Engineer, West Bengal Pollution Control Board on behalf of the Respondent No.2,3 & 4; same is taken on record. Along with this affidavit, an inspection report of an inspection carried out on 05.04.2023 has been filed which reads as under:-

“Inspection Report-cum-Check List

1.	Name of the Industry	::	M/s. Shree Balajee Enterprise
2.	Address of the Unit	::	Kada Road, P.O.-Main Gate P.S. Durgapur, Dist. Paschim Bardhaman, PIN-713203
3.	Local Body	::	Durgapur Municipal Corporation
4.	Electric Supplying Agency	::	WBSEDCL
5.	Category of Industry	::	Orange, Slag Crushing Unit

6.	Date & Time of Inspection	::	05/04/2023, 4.40 p.m. onwards
7.	Name of the Inspecting Officer	::	Sri Sudipto Banerjee, AEE, DRO Sri Kalyan Modak, JEE, DRO
8.	Person mneet during inspection	::	Mr. Joy Sankar Singha, Manager Mobile No. 7601946077
9.	Introduction	::	The unit is engaged in crushing of blast furnace slag procured from authorized contractors of M/s. Durgapur Steel Plant. The unit is located under Durgapur Municipal Corporation area.
10.	Allegation of complainant	::	The complainant Sri Vijay Kumar Burman was not available at the time of inspection. However, complainant was contacted over phone. It was stated that they have been suffering a lot due to dust generated from the slag crushing activity of M/s. Shree Balajee Enterprise. The complainant submitted that his land (presently rented to M/s. Shyam Enterprise-*engaged in wholesaling and retailing of rods, tiles and grill items) is situated just beside the unit. It was further submitted that whenever the slag crusher operates, a huge dust engulfs the entire area and causes severe inconveniences to the people living in the surroundings.
11.	Submission of unit representative	::	It was submitted by the representative of the unit hat long back (around 15 years) an automobile servicing station was operating in the premises under question, in the name and style of M/s. Laxmi Service Station. The service centre was discontinued and in it's place M/s. Shree Balajee Enterprise – a slag crushing unit was set up. It was submitted by the representative of the unit that the crusher is owned by Smt Rita Shaw (wife of Raj Kumar Shaw) and has been operating since the last 15 years using two nos. workers. It was stated that till a couple of months back, the electricity connection was in the name of M/s. Laxmi Service Station, but recently the name in electric connection has been changed to M/s. Shree Balajee Enterprise.

			At present, the unit has been lying closed since the last three weeks. It was stated that blast furnace slag is procured from authorized contractors of MN/s. Durgapur Steel Plant. The crushed slag is sold in the market.
12.	Observation	::	1. During inspection it was observed that the activity of the unit is slag crushing and not stone crushing. 2. The unit has one no. slag crushing machine. The slag crushing machine was not operating at the time of inspection. 3. Blast furnace slag was found dumped all around the factory premises. 4. The unit has no dust suppression system to control fugitive dust generated from its' activity. 5. The unit has no dry fog system. 6. The conveyor of the crusher is not provided with canopies. 7. The unit has no water sprinkling arrangement. 8. The raw materials (blast furnace slag) and products (crushed slag) were found stored under open sky without any cover. 9. Internal roads were found not paved/concretized. 10. The unit could not show valid Consent to Operate of the Board.
13.	Recommendation	::	1. The unit has obtained Consent to Establish in the name of 'Shree Balaji Enterprise' from the General Manager, DIC, Paschim Bardhaman vide memo no. 1526 dated 21/01/2002 but the unit has not obtained Consent to Operate till date. Since the unit has been operating without valid Consent to Operate of the Board and violating environmental norms, necessary regulatory action is recommended and the unit should immediately be

			<i>directed by the Board to stop its' activity.</i> <i>2. It is hereby recommended before the Competent Authority of the Board that necessary Environmental Compensation may be imposed upon the unit (for operating without Consent to Operate and violating environmental norms).</i> <i>3. The activity of the unit falls under Orange category. As per existing siting policy of the Board, there is no restriction of setting up of any Orange category industry within Durgapur Municipal Corporation area. As such, the unit may be directed to operate only after obtaining valid Consent to Operate of the Board. Consent to Operate may be granted only after compliance of the following conditions:-</i> <i>a) The unit has to install dust suppression system to control fugitive dust generated from its' activity.</i> <i>b) The unit has to install proper dry fog system.</i> <i>c) The conveyor of the crusher should be provided with closed canopies.</i> <i>d) The unit has to install adequate number of water sprinklers all along the periphery.</i> <i>e) The raw materials (blast furnace slag) and products (crushed slag) should be stored under permanent sheds.</i> <i>f) Adequate water sprinkling should be carried out on raw materials prior to crushing.</i> <i>g) Green belt should be developed along the boundary wall.</i> <i>h) Internal roads should be paved/concretized.</i>
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			<i>i) Vehicles to be used for transportation of crushed slag should not be overloaded.</i>
14.	Remarks	::	<i>Any other action may be taken by the Competent Authority of the Board as deemed to be appropriate."</i>

5. It emerges from the Inspection Report of the affidavit filed by the West Bengal Pollution Control Board that the Unit of Respondent No.7 was initially in the name of '*M/S Laxmi Service Station*' but the Service Centre was discontinued and in its place '*M/S Shree Balajee Enterprise*' has been set up in the same place. It is stated that the Unit of Respondent No.7 is not a 'Stone Crusher' but a 'Slag Crushing Unit' owned by Smt. Rita Shaw wife of Raj Kumar Shaw; (the person who has been impleaded as Respondent No.7 in the O.A.)
6. We, therefore, direct the Applicant to make necessary corrections in the title of Respondent No.7 to read as 'Smt. Rita Shaw' w/o Raj Kumar Shaw and also file amendment application for making necessary corrections in the body of the O.A. to read as 'Slag Crushing Unit' in place of 'Stone Crusher'.
7. Mr. Raju Mondal, learned Counsel for the Applicant, prays for and is granted one week time for filing amendment application, making necessary corrections and impleading proper parties.
8. Respondent No.7 prays for time to file his response to the Inspection Report. He may also file his response, if any, within one week.
9. **List on 08.05.2023.**

10. It is made clear that there shall be no adjournment on that date.

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B. Amit Sthalekar, JM

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Dr. Afroz Ahmad, EM

April 27, 2023
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BD