

**BEFORE THE NATIONAL GREEN TRIBUNAL  
EASTERN ZONE BENCH, KOLKATA  
(Through Video Conferencing)**

M.A. No.06/2022/EZ  
In  
Original Application No.58/2021/EZ

Tribunal on its Own Motion Applicant(s)  
Versus  
State of West Bengal & Ors. Respondent(s)

Date of hearing: 06.09.2022

**CORAM: HON'BLE MR. JUSTICE B. AMIT STHALEKAR, JUDICIAL MEMBER  
HON'BLE MR. SAIBAL DASGUPTA, EXPERT MEMBER**

For Applicant(s) :  
(in O.A. No.58/2021/EZ) : Mr. Ankur Sharma, in person

For Respondent(s) : Mr. Sibojyoti Chakraborty, Advocate for R-1,4,6 & 8,  
Mr. Gora Chand Roy Choudhury, Advocate for R-2  
(in Virtual Mode),  
Mr. Surendra Kumar, Advocate for R-3,  
Mr. Prithwish Basu, Advocate for R-5,  
Mr. Sandipan Banerjee, Advocate a/w  
Ms. Amrita Pandey, Advocate for R-7

**ORDER**

1. Mr. Ankur Sharma, the applicant in person is present.
2. Affidavit dated 05.09.2022 has been filed by Respondent No.5, West Bengal Pollution Control Board; the same is taken on record.
3. Affidavit dated 05.09.2022 has been filed by Respondent No.7, Howrah Municipal Corporation; the same is taken on record.
4. Along with the affidavit of Howrah Municipal Corporation, an Inspection Report has been filed of an inspection carried out on 23.02.2022 which reads as under: -

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| <b>Sl.</b> | <b>Remarks/Recommendation<br/>(based on inspection dated<br/>16/9/20212)</b> | <b>Compliance status<br/>(based on inspection<br/>dated 23/02/2022)</b> |
|------------|--|---|
| 1          | Ancillary activities (storage &  | Heaps of thermocol boxes  |

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|   | <p><i>refurbishing of thermocol boxes and parking of transportation vehicles) outside the market and in the immediate adjoining areas</i></p> | <p><i>were seen on the roofs of fish packing units and under the adjacent flyover. Such storage is a potential fire/accident hazard. However, storage in the understructure of the flyover has reduced than what was seen earlier.</i></p> <p><i>Vehicles were seen parked adjacent to the market and beside the main road. From such parked vehicles, broken thermocols/thermocol debris, husk and melting-ice water were seen to be spilled or drained into the main road.</i></p> <p><i>The fish market committee should sensitize the people involved with such ancillary activities to refrain from such deeds.</i></p> |
| 2 | <p><i>Drain pits within the market to be kept free from solid wastes &amp; clogging with plastics.</i></p>                                    | <p><i>Drain pits were seen to be free of any type of solid wastes and water was freely passing into the drain through the pits. There was no water logging inside the market.</i></p> <p><i>It was reported that the fish market committee has given good attention to such issues.</i></p>  |
| 3 | <p><i>A covered area should be earmarked for stock piling of</i></p>  | <p><i>A proper covered area is yet to be provided for stock</i></p>  |

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|---|--|--|
|   | <i>broken thermocol wastes.</i>  | <i>piling of broken thermocol wastes.<br/>The market committee has however, arranged a privately owned area for stock piling of thermocol boxes, but such area is uncovered.</i>   |
| 4 | <i>Waste-thermocol crushing machine should be equipped with dust/fume extraction system</i>  | <i>Waste thermocol crushing machine is yet to be provided with dust/fume extraction system. Market committed should take initiative to equip the crushing machine with a proper dust/fume extraction/scrubbing system.</i> |
| 5 | <i>A log book, for the waste-thermocol crushing machine, indicating daily operating hours, energy meter reading &amp; quantity of waste handled should be maintained.</i>  | <i>Such log book is yet to be maintained.<br/>Market committed should take initiative to maintain such log book.</i>   |
| 6 | <i>Thermocol, which is expanded polystyrene, should be handed over only to registered recyclers of plastic wastes and the list of vendors collecting such wastes should be recorded with dates &amp; quantities.</i> | <i>Market committee is yet to maintain such list of vendors.</i>   |
| 7 | <i>Stock piles of hoarded thermocol boxes on the road sides &amp; flyover understructure should be removed.</i>  | <i>Hoarding of thermocol boxes on the road sides &amp; flyover understructure was seen to have reduced.<br/>The market committee should continue to sensitize</i>  |

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|----|--|---|
|    |  | <i>people and prevent the ancillary units from engaging in such illegal hoarding acts. Local Police should also be sensitized to prevent such illegal hoarding.</i>   |
| 8  | <i>Outside the market, especially the area on the western side, the area was filthy &amp; smelly due to dumping of wet, broken thermocol &amp; saw-dust. These areas should be cleaned immediately and the market committee should ensure that no such dumping of wastes take place.</i> | <i>Broken thermocol &amp; husk/saw-dust, wet with water of the molten, ice, were seen dumped and the area had a filthy smell. Market committee should take immediate steps to alleviate this condition.</i>   |
| 9  | <i>Market committee should ensure that no encroachment of public roads, flyovers, pavements &amp; adjoining areas take place due to the ongoing wholesale market related activities.</i>   | <i>Some progress was noticeable as regards removing encroachments on public spaces. However, Market Committee should take steps to prevent such encroachment of roads &amp; flyovers. Local Police should also be sensitized to prevent such encroachments.</i> |
| 10 | <i>Regular awareness &amp; sensitization may be carried out by the market committee to ensure clean &amp; hygienic surroundings.</i>   | <i>Regular awareness &amp; sensitization program is yet to be carried out by the market committee. However, the Market Committee has assured that it will carry out such programs shortly to ensure clean &amp; hygienic surroundings.</i>                      |

*Further, in compliance with the direction dated 10/01/2022 of the Hon'ble NGT, the HMC representative confirmed that the Deputy Commissioner of Police (Traffic), Howrah Police Commissionerate has been requested to take necessary action regarding removal of unauthorized parking around the roadside in the vicinity of the Fish Market. Also, the CEO, KMDA has been requested by the HMC to consider installation of Air Quality Monitoring Station and Noise Monitoring Station in the Fish Market. The Fish Market Committee has also been directed by HMC to clean the market premises in compliance with the Hon'ble NGT's order."*

5. Another Inspection Report has also been filed by Howrah Municipal Corporation along with affidavit dated 05.09.2022. The Inspection was carried out on 26.07.2022. The Observations of the Committee read as under: -

**"Inspection Report of Howrah Wholesale Fish Market**

*Inspection carried out on 26/07/2022 at about 4-45 PM by a team comprising the following officials of HMC:*

- i) Sri Samiran Mullick, Engg. Advisor, HMC*
- ii) Sri Mrinmoy Chanda, AE & OSD (Conservancy), HMC*  
*and*
- iii) Sri Tarak Kumar Dutta, AE Survey, HMC*

*Syed Anwar Maqsood, Secretary, Howrah Wholesale Fish Market Committee was also present during our inspection.*

*The purpose of the inspection was to check the veracity of the claims made by the Howrah Wholesale Fish Market Committee in their reply dated 02/07/2022 to a Show Cause Notice by Commissioner, HMC (vide No.008/Gen(S.C.Cell)/NGT/Commr./2022) issued due to non-compliance of direction dated 10/01/2022 of the Hon'ble*

NGT, EZ passed in connection with the OA 58/2021/EZ-  
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**Observations:**

- 1) It was gathered that usually at that time i.e. at about 4-45 PM the market activities cease and almost all stalls become inactive. It was observed that most of the stalls had ceased to operate and the passageway in front of them were clean of any waste material such as broken thermocol boxes, sealing tapes, etc. Thermocol boxes and fibersheet crates were neatly stacked in front of the inactive stalls. The floor itself was wet but no standing water was observed due to clogged drain-pits. Cleaning activities were continuing in front of some stalls and nominal fish scales were noticed but water used to clean the front of those stalls was draining out easily.
- 2) Two considerably large heaps of broken pieces of thermocol were lying on both sides of the entrance to the housing of the recycling unit of thermocol. One was covered with a waterproof cover but the other heap was without any proper cover. The recycle unit itself was not being operated due to the lack of dry thermocol which is the reason of the afore-mentioned heaps. However, neither the operators of the thermocol-recycle unit nor the Secretary of the Committee could provide any list of buyers of the recycled product. The Secretary assured the Inspection Team that he will ensure that in future the necessary list is incorporated in the log-book of the recycle unit.

- 3) *The parking lots outside the market area but within the boundary wall of the Committee's jurisdiction, the vehicles were parked in a orderly manner and the floor of the parking lot was clean. The roofs of the ancillary units were clear of any sort of stacks of thermocol boxes. However on one or two roofs a few fiber sheet crates as well as some thermocol boxes could still be observed.*
- 4) *Existing the premises of the Howrah Wholesale Fish Market and onto Ishwar Chandra Bose Road, it was observed that the flank opposite to the Market, a lot of activities with stacks of thermocol boxes, plastic and steel drums, etc. were ongoing. These activities were obviously related to the fish market. When asked, the Secretary did not deny that the activities were fish market oriented, but denied any responsibility in controlling the nuisance caused due to such activity.*
- 5) *That flank adjacent to the boundary wall of the Market, along Ishwar Chandra Bose Road, is properly paved with paver blocks on which various types of goods vehicles were parked on it. The entire stretch is thoroughly clean. The portions underneath the parked vehicles were observed to be clean. Moving south along the same flank, a portion remains unpaved. The surface of the unpaved portion is littered with pieces of plastic, debris, saw-dust, etc. and there is every possibility of dust being air-borne by strong wind and/or vehicular movement over it. The Secretary proposed to convert the unpaved portion into a green verge if approved by competent authority."*

This Inspection Report does not suggest any Action Plan.

6. The Inspection Report dated 02.08.2022 as would be clear from the Minutes of the Meeting have been filed at page no.100-101 of the affidavit dated 05.09.2022.
7. The Howrah Municipal Corporation is therefore directed to file a fresh affidavit bringing on record the Action Plan/Guidelines framed by it to be followed by the Howrah Wholesale Fish Market in the process of carrying on its operations in an environmentally clean atmosphere.
8. We are also of the view that it is necessary to constitute a Committee which will assist the Howrah Municipal Corporation in the preparation of its Action Plan/Guidelines.
9. We, therefore, constitute a Committee comprising of the following members: -
  - 1) Scientist from West Bengal Pollution Control Board;
  - 2) Two officials from the Howrah Municipal Corporation;
  - 3) Representative of the Howrah Wholesale Fish Market; and
  - 4) Assistant Commissioner of Police (Traffic-II)
10. The Committee shall submit its report on affidavit within four weeks.
11. **List on 13.10.2022**

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**B. Amit Sthalekar, JM**

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**Saibal Dasgupta, EM**

September 06, 2022,  
M.A. No.06/2022/EZ  
In  
Original Application No.58/2021/EZ  
MN