

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

**O.A. No. 113/2015/EZ**

**M/S CASA TOSCANA & ANR**

**VS**

**STATE OF WEST BENGAL & ORS**

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

**PRESENT:**

<b>Applicants</b>	: Mr. Surajit Samanta, Advocate Mr. Somnath Roy Chowdhury, Advocate
<b>Respondent No. 1,2 &amp; 6</b>	: Mr. Rajib Ray, Advocate
<b>Respondent No. 3-5</b>	: Mr. Sibojyoti Chakraborti, Advocate
<b>Respondent No. 7</b>	: Mr. Ranajit Chatterjee, Advocate Mr. Gopal Ch. Das, Advocate Mr. Somnath Ghosal, Advocate

<b>Date &amp; Remarks</b>	<b>Orders of the Tribunal</b>
<b>Item No. 8 5<sup>th</sup> May, 2016.</b>	<p style="text-align: justify;">We have heard the Ld. Advocates for the parties for some time on the merits of the case. During the course of argument, it has transpired that there are mainly two issues that fall for our consideration. Firstly, prescription of 30 as BOD standard in respect of the waste water disposed of from the applicant's unit and the other is regarding increase in stack height.</p> <p style="text-align: justify;">Mr. Surajit Samanta, Ld. Adv. for the applicant has submitted that on both the issues, the applicant is compliant and the imposition of the two conditions are not justified having regard to the statutory provisions and the order passed by this Tribunal earlier on 29.7.2015 in OA No. 19/2015/EZ.</p> <p style="text-align: justify;">He drew our attention to the said order dt. 29.7.2015 in OA No.</p>

19/2015/EZ filed as Annexure-A to the OA and pointed out that the direction as contained therein for dismantling of duct/ducts existing there have been complied with and have installed wet scrubber for treatment of emission of air from different cooking activities as indicated in the report of the WBPCB pertaining to their inspection conducted on 31.5.2015. The inspection report filed as annexure-R1 to the affidavit sworn on behalf of the respondents 3 and 4, WBPCB, was placed before us to emphasise his contention and showed us the photographs of wet scrubber filed as annexures C and D collectively to the OA.

As regards prescription of 30 as standard for BOD, Mr. Sibojyoti Chakraborti, Ld. Adv. for WBPCB, was unable to inform us as to how such BOD standard was prescribed, but insisted that it was based upon the undertaking given by the applicant/project proponent.

Mr. Samanta, Ld. Adv. for the applicant has placed before us a copy of the consent to operate certificate before us to demonstrate that 30 as BOD standard was prescribed by the PCB which, as per him, is in breach of the standard prescribed in the statute.

On a perusal of the consent to operate placed before us by him, it appears that his submission is correct. We find that in clause vi of the consent to operate, the BOD standard, which is one of the contentious issues before us, has been prescribed as 30 by the PCB. This aspect also stands established by the report submitted by the PCB after conducting inspection on 16.3.2016, which clearly states that 30 has been prescribed as the permissible limit as per consent to operate.

We are of the opinion that WBPCB deserves to be given an opportunity to file an affidavit as undertaken by Mr. Chakraborti and as directed by us in our order dt. 16.2.2016 and 17.3.2016. The affidavit shall be filed within a period of two weeks.

We direct that in their affidavit, the PCB shall specifically address the issues as indicated above.

In the meanwhile, we direct the Central Pollution Control Board to inspect the unit when it is in operation and submit a report on the following aspects :-

- i) Efficiency of waste water treatment and the waste water quality discharged into municipal drain in terms of oil & grease and BOD.
- ii) Whether there is any emission of air pollutants to outside after scrubbing and the quantity of emission in terms of particulate matter;
- iii) Whether there will be any requirement of stack for dispersion of the air pollutants; if yes, what should be its height.
- iv) Intensity of noise due to the activities of the unit;

The report shall be filed by the CPCB within six weeks.

A copy of this order be transmitted to the Regional office of the CPCB for compliance.

**List on 07.07.2016 for hearing.**

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Justice S.P.Wangdi, JM

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Prof. (Dr.) P. C. Mishra, EM

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