



WEST BENGAL POLLUTION CONTROL BOARD

(Department of Environment, Govt. of West Bengal)

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MEMO NO.: 444 - PCB-HOW-128/2007

DATE: 24-02-2009

CLOSURE ORDER WITH DISCONNECTION OF ELECTRICITY

WHEREAS, M/S. KAMAL ENGINEERING WORKS, located at Vill. – Hantal Anantabati, P. O. – Hantal, P. S. – Jagatballavpur, Dist. – Howrah was closed by the Board for illegally operating their coal-fired crucible furnaces.

WHEREAS, suspension of closure order was issued by the Board on 15-06-2007 after listening to the submission made by both the industry and the complainant in a hearing conducted on 15-06-2007 as was directed by the Hon'ble High Court, Calcutta. The suspension of closure order was issued with the following directions:

1. That, the industry will only operate its machining and engineering operations for manufacturing of metal products like nuts, bolts, screws etc. without any heat treatment as per the condition of the "Consent-to-Operate" issued by the General Manager, District Industries Center, Howrah.
2. That, the industry will operate its coal/coke fired crucible furnaces for metal casting only after obtaining "Consent-to-Establish" and "Consent-to-Operate" from the Howrah Regional Office of the Board.
3. That, the industry will install pollution abatement system for the crucible furnaces in the form of gravity settling chambers followed by small bag filtration system with a chimney having a minimum height of 15m for obtaining "Consent-to-Operate" for Red Category activity.

WHEREAS, the Board again received a complaint from Shri Shyamal Samanta on 25-07-2008 alleging that the unit is operating violating all the conditions imposed by the Board in the Suspension of Closure Order issued on 15-06-2007.

WHEREAS, the Board after receiving the complaint conducted a fresh inspection on 27-08-2008, which confirmed the allegation lodged by the Complainant that the unit is operating the coal-fired crucible furnaces without obtaining "Consent-to-Establish" and "Consent-to-Operate" from the Board and also without installing any emission control system for the furnaces.

WHEREAS, the Board conducted a public hearing on 03-11-2008 whereupon the Ld. Lawyer appearing on behalf of the industry submitted that M/s. Kamal Engineering Works is no longer operating the crucible furnaces and in fact the furnaces are relocated within the premises of M/s. Sumitra Industries operated by his son in the close proximity of M/s. Kamal Engineering Works within the same premises. On hearing the submission made by the Ld. Lawyer, the Board did not prefer to take any regulatory action and decided that the premises

would be further inspected to verify the claim made by the Ld. Lawyer appearing on behalf of the Kamal Engineering Works.

WHEREAS, the unit was inspected on 28-11-2008 and the following observations were made:

1. M/s. Sumitra Industries has obtained "Consent" from DIC, Howrah, for manufacturing only general engineering products without using any heat treatment or generation of any industrial effluent/emission.
2. During the inspection neither Shri Tapas Samanta nor his son were able to produce "Consent-to-Establish or the "Consent-to-Operate" for the crucible furnaces.
3. The crucible furnaces were found to remain in the same place without any emission control system being installed. .
4. Shri Tapas Samanta could not produce any legal documentary proof in favour of his claim made during the hearing on 03-11-2008 that M/s. Kamal Engineering Works has allowed a part of the premises to be used by M/s. Sumitra Industries owned by his son.

WHEREAS, the Board further conducted a public hearing on 24-12-2008 involving M/s. Kamal Engineering Works, M/s. Sumitra Industries and the complainants.

WHEREAS, M/s. Sumitra Industries submitted during hearing that he is engaged in manufacturing of general engineering product like nuts, bolts, screws etc. which does not require use of any furnace excluding the possibility of having the crucible furnaces within his factory premises. He further submitted that the crucible furnaces belong to M/s. Kamal Engineering Works owned by his father Shri Tapas Samanta. On the other hand, Sri Tapas Samanta, Proprietor of M/s. Kamal Engineering Works submitted that the furnaces are not in his possession.

NOW, THEREFORE, considering the facts and circumstances of the total case, the inspection report dated 28-11-2008 and the submission made by the parties referred above, **M/S. KAMAL ENGINEERING WORKS** is hereby closed by the Board after providing enough opportunity to comply with the directions dated 15-06-2007. The electricity connection of **M/S. KAMAL ENGINEERING WORKS** is also ordered to be disconnected immediately.

The Secretary, WBSEB is requested to take action for disconnection of the electricity of the industry in question immediately.

Suspension of closure will be considered only after compliance of the following conditions by **M/S. KAMAL ENGINEERING WORKS**.

1. Obtains "Consent-to-Operate" for the coal-fired crucible furnaces after commissioning adequate emission control system for abatement of smoke affecting the complainant residing close to the industry.
2. Dismantle the coal-fired crucible furnaces and engage in general engineering works.

This direction is issued in exercise of the powers conferred under Air (Prevention & Control of Pollution) Act, 1981 and Environment (Protection) Act, 1986 and Rules made thereunder after being approved by the Competent Authority.

The closure order will take immediate effect and Officer-In-Charge, Jagat Ballavpur Police Station under West Bengal Police, is directed to execute the Closure Order against the aforementioned unit and submit the compliance report to the State Board within seven days from the receipt of this Memo.

This direction has been issued to the Officer-In-Charge, Jagat Ballavpur Police Station and the Secretary, WBSEB, in conformity with the order of the Hon'ble High Court, Calcutta dated 21-08-1998 and 28-04-1999 respectively.

Environmental Engineer, Howrah Regional Office of the State Board is requested to take necessary steps for proper execution of the closure order and also visit the unit involving the local police station and Nodal Police Officer of the concerned district to oversee the proper execution of the closure order and also ensure the disconnection of electricity of the unit.

Minutes of all the hearings conducted so far in connection with this case are enclosed.

Order

Sd/-

(Dr. D. Chakraborty)

**Chief Scientist & Head-Technical Cell
West Bengal Pollution Control Board**