



WEST BENGAL POLLUTION CONTROL BOARD

(Department of Environment, Govt. of West Bengal)

Paribesh Bhawan

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MEMO NO.: 555 - 2L-WPB-I(VI)2008

DATE: 06-03-2009

DIRECTION

WHEREAS, M/S. SANGITA DRESSES (hereinafter referred as the unit) operates its kids garment manufacturing unit using seven (7) motorized stitching machines at 151/11, R.B.C., Road, P. S. – Dum-Dum Kolkata – 700 028.

WHEREAS, it is noted from the copy of the Writ Petition No.15518 (W) of 2007 served on the Board, that the South Dum-Dum Municipality issued an order for shifting of the unit from its present location on 25-06-2007 on the basis of complaints lodged by Shri A. Chakraborty and Shri N. G. Bhawal alleging noise pollution and other nuisance caused by the garment manufacturing unit as referred above within thirty (30) days from the date of receipt of the shifting order.

WHEREAS, Shri Jahar Lal Banerjee father of Smt. Sangita Ganguly, owner of M/S. SANGITA DRESSES preferred to file a Writ Petition before the Hon'ble High Court, Calcutta challenging the shifting order issued by the South Dum-Dum Municipality.

WHEREAS, the case was heard by the Hon'ble High Court, Calcutta on 23-09-2008.

WHEREAS, upon hearing the case, the Hon'ble High Court, Calcutta was pleased to pass an order directing the Member Secretary, **WEST BENGAL POLLUTION CONTROL BOARD** (hereinafter referred as the Board) to issue a speaking order showing the reasons thereof after providing opportunity to all the concerned parties to be heard.

WHEREAS, the inspecting officials from the Board recorded in their inspection report dated 26-02-2009 that although the incremental noise due to the activity of the unit does not exceed 10 dB(A) over the ambient noise standard for residential areas, there were sufficient reasons to observe that the activity in question causes annoyance and disturbances to the family members of one of the complainants who resides in the ground floor of the same building where the activity is carried out in the first floor.

WHEREAS, the Member Secretary of the Board called all the parties for hearing in the Head Office of the Board on 05-03-2009. Nobody appeared on behalf of the South Dum-Dum Municipality to defend the action taken by the Municipality.

WHEREAS, it was explained by the Member Secretary and Senior Officials of the Board that the activity related to the use of motorized stitching machines for kids garment manufacturing generate an incremental noise of 7 dB(A) when in full operation.

WHEREAS, the Rule 7 of the Noise Pollution (Regulation and Control) Rules, 2000 provides that if certain activity causes incremental noise exceeding 10 dB(A) or more over the permitted ambient noise standard for that particular area, the affected parties may lodge complaint before the appropriate authority as this increased noise level (more than 10 dB (A) above the ambient standard) becomes a cognizable offence under the Rules.

WHEREAS, it is also mentioned in the Rule 8 that to prevent any annoyance, disturbance, discomfort or injury or risk of annoyance, disturbance, discomfort or injury to the public or to any person who dwell or occupy property on the vicinity, the authority by a written order issue such directions as it may consider necessary to any person for preventing, prohibiting, controlling or regulating the carrying on in or upon, any premises of any trade, avocation or operation or process resulting in or attended with noise.

NOW, THEREFORE, considering the submission of all the parties appearing in the hearing and the Provisions the Noise (Regulation and Control) Rules, 2000 (especially Rule 7 read with Rule 8), it is hereby ordered that M/S. SANGITA DRESSES should take proper measures for combating vibration as also noise generated from the activity causing annoyance to the complainants as mentioned above within two [2] months.

However, after the expiry of two months time, if the Board observes that the activity in question is still continuing causing annoyance and disturbance due to the vibration and noise generated from the activity of the unit, the Board will have to take necessary regulatory action.

It is also directed that the unit will obtain "Consent-to-Operate" from the Salt Lake Regional Office of the Board at Paribesh Bhavan, Second Floor, Kolkata – 700 098 to bring the activity under the regulatory regime so that the Board can issue necessary direction as may deem fit as per the Noise Pollution (Regulation and Control) Rules, 2000 including expansion of the unit.

It is also ordered that pending taking appropriate measures for preventing noise, annoyance, disturbance and discomfort to the complainant residing in the same building, the activity of the unit should be restricted within 08-00 A. M. in the morning to 08-00 P. M. in the evening.

This order is issued in compliance with the order of the Hon'ble High Court, Calcutta dated and in compliance with the Provisions of Noise (Regulation and Control) Rules, 2000, especially notified under Environment (Protection) Act, 1986.

Order

Sd/-

(S. Mukherjee)

Member Secretary

West Bengal Pollution Control Board