WEST BENGAL POLLUTION CONTROL BOARD
(Department of Environment, Govt. of West Bengal)
Paribesh Bhawan
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MEMO NO.: 3195 -2S(HW)2246/2007 **DATE: 25-02-2008**

CL0SURE ORDER WITH DISCONNECTION OF ELECTRICITY

WHEREAS, **M/S. JAI TULSI INDUSTRIES**, (hereinafter referred as the industry) operates its secondary lead smelting unit at 3rd Mile, Sevoke Road, Near Amit Bhogh Atta & Nirmala Convent School, P. O. – Salugara, P. S. – Bhaktinagar, Dist. – Darjeeling.

WHEREAS, an inspection of the industry on 17-05-2007 carried out by the Officials of the **WEST BENGAL POLLUTION CONTROL BOARD** (hereinafter referred as the Board) revealed that the unit operates a Mandir Bhatti for smelting of lead without any air pollution control device. The unit is operating without "Consent-to-Establish", "Consent-to-Operate" and "Hazardous Waste Authorization" from the Board.

WHEREAS, it is also noted that the unit also violating the provisions of Rules (19) of the Hazardous Waste (Management & Handling) amendments Rules, 2003 which stipulates that such unit can not procure lead bearing hazardous waste or reprocess it without obtaining "Registration" from the Central Pollution Control Board. Hon'ble Supreme Court of India through an order passed in connection with W. P. (C) No. 657 of 1995 directed the State Pollution Control Boards to close the units immediately, who are operating without Hazardous Waste Authorization or violating the provision of the Rules referred above.

WHEREAS, a hearing of the industry was conducted at the Head Office of the Board on 31-01-2008. However, the industry did not appear in the hearing.

NOW THEREFORE, in consideration of the facts and circumstances as stated above, and the order of the Hon'ble Supreme Court of India as referred above, **M/S. JAI TULSI INDUSTRIES (PROP.: MAHINDER GUPTA [JAISWAL]** is hereby closed by the Board. The electricity connection of **M/S. JAI TULSI INDUSTRIES (PROP.: MAHINDER GUPTA [JAISWAL]** is also order to be disconnected immediately.

Suspension of closure order will only be considered by the Board after compliance of the following conditions by the industry.

1. That, the unit obtains Registration from the Central Pollution Control Board for reprocessing the lead bearing hazardous waste. Such registration application can only be made by the industry if the industry obtains "Consent-to-Operate" from the West Bengal Pollution Control Board after installing adequate pollution abatement system and obtains authorization under Hazardous Waste (Management & Handling) Amendment Rules, 2003 after fulfilling the necessary requirement of ensuring proper storage, treatment and disposal of hazardous waste generated by the industry.

The industry is at liberty to take advise from Sr. Environmental Engineer – Waste Management Cell towards compliance of all the above directions.

This direction is issued in exercise of the powers conferred under Air (Prevention & Control of Pollution) Act, 1981, Environment (Protection) Act, 1986 and Rules made thereunder and especially the Hazardous Waste (Management & Handling) Amendment Rules, 2003 notified under Environment (Protection) Act.

The Secretary, WBSEB is requested to take action for disconnection of the electricity of the said unit immediately.

The closure order will take immediate effect and Officer-In-Charge, Bhaktinagar Police Station under W.B. 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, Bhaktinagar 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.

Assistant Environmental Engineer & In-Charge, Siliguri 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.

This order has the approval of the Competent Authority.

By Order

Sd/-
(Dr. D. Chakraborty)
Chief Scientist & Head-Technical Cell
West Bengal Pollution Control Board