

BEFORE THE NOTARY PUBLIC  
GOVERNMENT OF WEST BENGAL

SERIAL NO..... 18 JUN 2024



BEFORE THE HON'BLE NATIONAL GREEN TRIBUNAL  
EASTERN ZONE BENCH, KOLKATA

ORIGINAL APPLICATION NO. 87/2024/EZ

In The Matter of:  
Rajat Chowdhury

... Applicant  
Versus

The State of West Bengal &Ors.

... Respondents



AFFIDAVIT-IN-OPPOSITION ON BEHALF OF THE RESPONDENT NUMBER  
04, THE DIRECTOR, DIRECTORATE OF MICRO SMALL MEDIUM  
ENTERPRISE AND TEXTILE DEPARTMENT, GOVERNMENT OF WEST  
BENGAL.

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	05.06.2023 written by the Joint Director, MSMET (DZ) West Bengal to the Chairman Baranagar Municipality to take steps regarding the pollution caused by the unit of the respondent number 9 is annexed herewith		
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Filed by

*Sibojyoti Chakrabarti*

SIBOJYOTI CHAKRABARTI

Advocate/Prosecutor

For The State of West Bengal

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(M): 9007035534

Solemnly affirm and declare before me on identification

*Arshad Ali*

SK ARSHAD ALI  
NOTARY 24-PGS SOUTH  
GOVT. OF WEST BENGAL, REG. No. 003/2022  
ALIPORE JUDGES COURT KOL-27



18 JUN 2024

BEFORE THE NOTARY PUBLIC  
GOVERNMENT OF WEST BENGAL

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SERIAL NO. 13

18 JUN 2024



BEFORE THE HON'BLE NATIONAL GREEN TRIBUNAL  
EASTERN ZONE BENCH, KOLKATA  
ORIGINAL APPLICATION NO. 87/2024/EZ

In The Matter of:

Rajat Chowdhury

... Applicant

Versus

The State of West Bengal &Ors.

... Respondents

AFFIDAVIT-IN-OPPOSITION ON BEHALF OF THE RESPONDENT NUMBER 04, THE DIRECTOR, DIRECTORATE OF MICRO SMALL MEDIUM ENTERPRISE AND TEXTILE DEPARTMENT, GOVERNMENT OF WEST BENGAL.

I, Sri Samit Chatterjee, S/o Late Surjangshu Prokash Chatterjee, aged about 59 years, by faith-Hindu, by occupation-service and presently posted as the General Manager, District Industries Centre, North 24 Parganas, in the Directorate of Micro, Small &Medium Enterprise under Micro, Small, Medium Enterprise and Textiles Department, Government of West Bengal having office at New Secretariat Building, No. 1, Kiran Shankar Roy Road, Kolkata: 700001, do hereby solemnly affirm and submit as follows:-



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1. That I am the respondent being impleaded as respondent number 4 and respondent number 5 in the original application. I have received copy of the original application and copy of Solemn Order dated 30.04.2024 passed by the Hon'ble National Green Tribunal, Eastern Zone Bench, Kolkata from the Learned State Advocate representing the State Respondents, Government of West Bengal.
2. That this Affidavit-in-Opposition is being filed in compliance to the Solemn Order dated 30.04.2024, as passed by the Hon'ble Tribunal.
3. That at the outset it is stated that the answering respondent denies every allegation, contention and averment as made in the original application as to the extent those are contrary to and/or inconsistent with what has been stated herein, as if the same were dealt in seriatim and traversed specifically. That nothing may be deemed to be admitted unless specifically admitted herein.
4. That the Micro Small Medium Enterprise and Textile Department, Government of West Bengal is governed by the Micro Small and Medium Enterprises Development Act, 2006.

As per the provision of section 7 of the Micro Small and Medium Enterprises Development Act, 2006, the definition of Micro, small and medium enterprises are mentioned.

A micro-enterprise is defined as an enterprise having an investment in plant and machinery or equipment less than one crore rupees, with a turnover that does not surpass five crore rupees. A micro-enterprise can be engaged in manufacturing, services, or trading activities.

A small enterprise is defined as an enterprise having an investment in plant and machinery or equipment that is less than 10 crore rupees,



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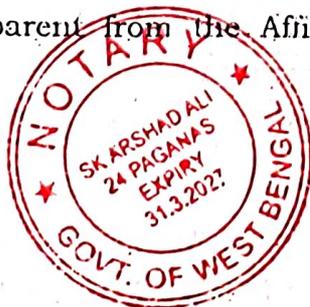
and the turnover does not exceed 50 crore rupees. A small enterprise can also be involved in manufacturing, services, or trading activities.

A medium enterprise is defined as an enterprise having an investment in plant and machinery or equipment that is less than 50 crore rupees. The turnover does not go over two hundred and fifty crore rupees. A medium enterprise can likewise be engaged in manufacturing, services, or trading activities.

5. That as provided in the First Schedule to the Industries (Development and Regulation) Act, 1951 the unit of the private respondent viz Respondent number 9 is covered under the heading "Timber"...

Photocopy of the First Schedule to the Industries (Development and Regulation) Act, 1951 is annexed herewith and marked with the letter "R-1".

6. That with regard to the statements made in paragraphs 1 to 4,6 of the original application are matters of fact and record and this deponent does not comment on the same.
7. That with regard to the statements made in paragraphs 5, of the original application it is stated and submitted that in as much as this respondent is concerned, it never supports any malafide action/actions of the private respondent.
8. That with regard to the statements made in paragraphs 7, of the original application it is stated and submitted that the allegation as stated falls within the domain of the Baranagar Municipality as the trade license is granted by the Municipality after taking into consideration the relevant documents including the deed. Moreover as is apparent from the Affidavit-in-Opposition filed on behalf of the



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Officer-in-Charge Baranagar Police Station dated 05.05.2024 the Baranagar Municipality has issued Trade License/Certificate of Enlistment to the unit of the private respondent namely M/s Ayush Yaman Furniture vide Certificate Number 0917P20123137613 date of issue 12.06.2023 valid upto 11.06.2024.

9. That with regard to the statements made in paragraphs 8, of the original application it is stated and submitted that as per the certificate of Enlistment/Trade License granted by the Baranagar Municipality the unit of the private respondent has been shown as Workshop/Factory of Non Food items/ Furniture Maker and so far as this department is concerned and also as per the records as available with this department and in the public domain the unit of the private respondent number 9 is having UDYAM-WB Registration wherein the activity is shown as manufacturing of furniture under the category 'MICRO', Proprietary.

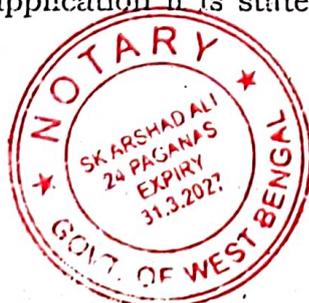
Photocopy of the UDYAM Registration of the unit is annexed herewith and marked with the letter 'R-2'.

10. That with regard to the statements made in paragraphs 9 & 10, of the original application it is stated and submitted that working hours may be regulated by the Baranagar Municipality and the nature of work is required to be monitored by the regulatory authority i. e the West Bengal Pollution Control Board and with regard to the other allegations are denied by this respondent.
11. That with regard to the statements made in paragraph 11, of the original application it is stated and submitted that if any direction is given on this respondent, it will be carried out and this respondent never supports any illegal and malafide work being carried out by any unit.



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12. That with regard to the statements made in paragraph 12 of the original application it is stated that the same are matters of fact and record.
13. That with regard to the statements made in paragraph 13, of the original application it is stated and submitted that an email was sent by the applicant to this respondent and after receiving the same the Joint Director, MSMET (DZ) West Bengal had vide letter dated 05.06.2023 written to the Chairman Baranagar Municipality to take steps regarding the pollution caused by the unit of the respondent number 9.
- Photocopy of the letter dated 05.06.2023 written by the Joint Director, MSMET (DZ) West Bengal to the Chairman Baranagar Municipality to take steps regarding the pollution caused by the unit of the respondent number 9 is annexed herewith and marked with the letter "R-3".
14. That with regard to the statements made in paragraphs 14, of the original application it is stated that the same are matters relating to the Baranagar Police Station and West Bengal Pollution Control Board and this respondent does not comment on the same.
15. That with regard to the statements made in paragraphs 15 & 16, of the original application it is stated that the respondent number 9, also as per the records as available with this department and in the public domain the unit of the private respondent number 9 is having UDYAM-WB Registration wherein the activity is shown as manufacturing of furniture under the category 'MICRO', Proprietary.
16. That with regard to the statements made in paragraphs 17, of the original application it is stated this respondent does not comment on the same.



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17. That with regard to the statements made in paragraphs 18 of the original application this respondent states that the same are matters of fact and record. Moreover, the unit of the private respondent was having Trade License/Certificate of Enlistment as per the Affidavit-in-Opposition filed on behalf of the Officer-in-Charge, Baranagar Police station.
18. That with regard to the statements made in paragraphs 19, of the original application it is stated that vide letter dated 03.05.2024, the General Manager, District Industries Centre (DIC) North (24) Parganas has said that a complaint was received by the office of the General Manager, District Industries Centre (DIC) North (24) Parganas, from the applicant containing allegations against the unit of the private respondent dated 26.05.2023.
- Photocopy of the letter dated 03.05.2024 as above referred to is annexed herewith and marked with the letter "R-4".
19. That with regard to the statements made in paragraphs 20, 21, & 22 of the original application the same falls within the arena of the Municipality.
20. That with regard to the statements made in paragraphs 23 of the original application it is stated that the same are matters of fact and record.
21. That with regard to the statements made in paragraphs 24, of the original application it is stated that this respondent as per records the unit is having UDYAM registration.



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22. That it is most respectfully prayed that this Hon'ble Tribunal may kindly be pleased to pass necessary Order/Orders as is deemed fit for the ends of justice.

Identified by me

*Sibajit Chakrabarti*

Advocate

State of West Bengal

18/06/2024

*Samit Chatterjee 18/06/24*  
Deponent

**Samit Chatterjee**  
General Manager  
District Industries Centre, North 24 Parganas  
Dte. of Micro, Small & Medium Enterprises  
Govt. of West Bengal

Solemnly affirm and declare before me on identification

*SK Arshad Ali*

SK ARSHAD ALI  
NOTARY 24-PGS SOUTH  
GOVT. OF WEST BENGAL, REG. No. 003/2022  
ALIPORE JUDGES COURT KOL-27



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VERIFICATION:

I, the deponent above- named, do hereby verify and declare that the statements made in the aforesaid paragraphs are true and correct to the best of my knowledge and information as available in the office of the Directorate of Micro, Small & Medium Enterprise under Micro, Small, Medium Enterprise and Textiles Department, Government of West Bengal and I believe that nothing material has been concealed there from.

Verified at Kolkata on the 18<sup>th</sup> Day of June, 2024.

Identified by me

*Sibajyoti Chakrabarti*  
Advocate 18.06.2024  
State of West Bengal

*Samit Chatterjee* 18/6/24  
Deponent

**Samit Chatterjee**  
General Manager  
District Industries Centre, North 24 Parganas  
Dir. of Micro, Small & Medium Enterprises  
Govt. of West Bengal

*Samit Chatterjee*



18 JUN 2024



भारत का राजपत्र  
The Gazette of India

असाधारण

EXTRAORDINARY

भाग II — खण्ड I

PART II — Section I

प्राधिकार से प्रकाशित

PUBLISHED BY AUTHORITY

क्र 31]

नई दिल्ली, शुक्रवार, जून 16, 2006 / ज्यैष्ठ 26, 1928

No. 31]

NEW DELHI, FRIDAY, JUNE 16, 2006 / JYAISTHA 26, 1928

इस भाग में भिन्न पृष्ठ संख्या दी जाती है जिससे कि यह अलग संकलन के रूप में रखा जा सके।  
Separate paging is given to this Part in order that it may be filed as a separate compilation.

MINISTRY OF LAW AND JUSTICE

(Legislative Department)

New Delhi, the 16th June, 2006/Jyaistha 26, 1928 (Saka)

The following Act of Parliament received the assent of the President on the 16th June, 2006, and is hereby published for general information:—

THE MICRO, SMALL AND MEDIUM ENTERPRISES DEVELOPMENT  
ACT, 2006

No. 27 of 2006

[16th June, 2006.]

An Act to provide for facilitating the promotion and development and enhancing the competitiveness of micro, small and medium enterprises and for matters connected therewith or incidental thereto.

WHEREAS a declaration as to expediency of control of certain industries by the Union was made under section 2 of the Industries (Development and Regulation) Act, 1951;

AND WHEREAS it is expedient to provide for facilitating the promotion and development and enhancing the competitiveness of micro, small and medium enterprises and for matters connected therewith or incidental thereto.

BE it enacted by Parliament in the Fifty-seventh Year of the Republic of India as follows:—

CHAPTER I

PRELIMINARY

1. (1) This Act may be called the Micro, Small and Medium Enterprises Development Act, 2006

Short title and commencement

(2) It shall come into force on such date as the Central Government may, by notification, appoint, and different dates may be appointed for different provisions of this Act and any reference in any such provision to the commencement of this Act shall be construed as a reference to the coming into force of that provision.

Definitions

2. In this Act, unless the context otherwise requires,—

(a) "Advisory Committee" means the committee constituted by the Central Government under sub-section (2) of section 7;

(b) "appointed day" means the day following immediately after the expiry of the period of fifteen days from the day of acceptance or the day of deemed acceptance of any goods or any services by a buyer from a supplier.

Explanation.—For the purposes of this clause,—

(i) "the day of acceptance" means,—

(a) the day of the actual delivery of goods or the rendering of services; or

(b) where any objection is made in writing by the buyer regarding acceptance of goods or services within fifteen days from the day of the delivery of goods or the rendering of services, the day on which such objection is removed by the supplier;

(ii) "the day of deemed acceptance" means, where no objection is made in writing by the buyer regarding acceptance of goods or services within fifteen days from the day of the delivery of goods or the rendering of services, the day of the actual delivery of goods or the rendering of services;

(c) "Board" means the National Board for Micro, Small and Medium Enterprises established under section 3;

(d) "buyer" means whoever buys any goods or receives any services from a supplier for consideration;

(e) "enterprise" means an industrial undertaking or a business concern or any other establishment, by whatever name called, engaged in the manufacture or production of goods, in any manner, pertaining to any industry specified in the First Schedule to the Industries (Development and Regulation)-Act, 1951 or engaged in providing or rendering of any service or services; 65 of 1951.

(f) "goods" means every kind of movable property other than actionable claims and money;

(g) "medium enterprise" means an enterprise classified as such under sub-clause (iii) of clause (a) or sub-clause (iii) of clause (b) of sub-section (1) of section 7;

(h) "micro enterprise" means an enterprise classified as such under sub-clause (i) of clause (a) or sub-clause (i) of clause (b) of sub-section (1) of section 7;

(i) "National Bank" means the National Bank for Agriculture and Rural Development established under section 3 of the National Bank for Agriculture and Rural Development Act, 1981; 61 of 1981.

(j) "notification" means a notification published in the Official Gazette;

(k) "prescribed" means prescribed by rules made under this Act;

(l) "Reserve Bank" means the Reserve Bank of India constituted under section 3 of the Reserve Bank of India Act, 1934; 2 of 1934.

(m) "small enterprise" means an enterprise classified as such under sub-clause (ii) of clause (a) or sub-clause (ii) of clause (b) of sub-section (1) of section 7;

(n) "supplier" means a micro or small enterprise, which has filed a memorandum with the authority referred to in sub-section (1) of section 8, and includes,—

(i) the National Small Industries Corporation, being a company, registered under the Companies Act, 1956; 1 of 1956.

1 of 1956

(ii) the Small Industries Development Corporation of a State or a Union territory, by whatever name called, being a company registered under the Companies Act, 1956;

(iii) any company, co-operative society, trust or a body, by whatever name called, registered or constituted under any law for the time being in force and engaged in selling goods produced by micro or small enterprises and rendering services which are provided by such enterprises;

39 of 1989

(o) "Small Industries Bank" means the Small Industries Development Bank of India established under sub-section (1) of section 3 of the Small Industries Development Bank of India Act, 1989;

(p) "State Government", in relation to a Union territory, means the Administrator thereof appointed under article 239 of the Constitution.

CHAPTER II

NATIONAL BOARD FOR MICRO, SMALL AND MEDIUM ENTERPRISES

3. (1) With effect from such date as the Central Government may, by notification, appoint, there shall be established, for the purposes of this Act, a Board to be known as the National Board for Micro, Small and Medium Enterprises. Establishment of Board.

(2) The head office of the Board shall be at Delhi.

(3) The Board shall consist of the following members, namely:—

(a) the Minister in charge of the Ministry or Department of the Central Government having administrative control of the micro, small and medium enterprises who shall be the *ex officio* Chairperson of the Board;

(b) the Minister of State or a Deputy Minister, if any, in the Ministry or Department of the Central Government having administrative control of the micro, small and medium enterprises who shall be *ex officio* Vice-Chairperson of the Board, and where there is no such Minister of State or Deputy Minister, such person as may be appointed by the Central Government to be the Vice-Chairperson of the Board;

(c) six Ministers of the State Governments having administrative control of the departments of small scale industries or, as the case may be, micro, small and medium enterprises, to be appointed by the Central Government to represent such regions of the country as may be notified by the Central Government in this behalf, *ex officio*;

(d) three Members of Parliament of whom two shall be elected by the House of the People and one by the Council of States;

(e) the Administrator of a Union territory to be appointed by the Central Government, *ex officio*;

(f) the Secretary to the Government of India in charge of the Ministry or Department of the Central Government having administrative control of the micro, small and medium enterprises, *ex officio*;

(g) four Secretaries to the Government of India, to represent the Ministries of the Central Government dealing with commerce and industry, finance, food processing industries, labour and planning to be appointed by the Central Government, *ex officio*;

(h) the Chairman of the Board of Directors of the National Bank, *ex officio*;

(i) the Chairman and managing director of the Board of Directors of the Small Industries Bank, *ex officio*;

(j) the Chairman, Indian Banks Association, *ex officio*;

(k) one officer of the Reserve Bank, not below the rank of an Executive Director, to be appointed by the Central Government to represent the Reserve Bank;

(l) twenty persons to represent the associations of micro, small and medium enterprises, including not less than three persons representing associations of women's enterprises and not less than three persons representing associations of micro enterprises, to be appointed by the Central Government;

(m) three persons of eminence, one each from the fields of economics, industry and science and technology, not less than one of whom shall be a woman, to be appointed by the Central Government;

(n) two representatives of Central Trade Union Organisations, to be appointed by the Central Government; and

(o) one officer not below the rank of Joint Secretary to the Government of India in the Ministry or Department of the Central Government having administrative control of the micro, small and medium enterprises to be appointed by the Central Government, who shall be the Member-Secretary of the Board, *ex officio*.

(4) The term of office of the members of the Board, other than *ex officio* members of the Board, the manner of filling vacancies, and the procedure to be followed in the discharge of their functions by the members of the Board, shall be such as may be prescribed:

Provided that the term of office of an *ex officio* member of the Board shall continue so long as he holds the office by virtue of which he is such a member.

(5) No act or proceedings of the Board shall be invalid merely by reason of—

(a) any vacancy in, or any defect in the constitution of, the Board; or

(b) any defect in the appointment of a person acting as a member of the Board;

or

(c) any irregularity in the procedure of the Board not affecting the merits of the case.

(6) The Board shall meet at least once in every three months in a year.

(7) The Board may associate with itself, in such manner and for such purposes as it may deem necessary, any person or persons whose assistance or advice it may desire in complying with any of the provisions of this Act and a person so associated shall have the right to take part in the discussions of the Board relevant to the purposes for which he has been associated but shall not have the right to vote.

(8) Without prejudice to sub-section (7) the Chairperson of the Board shall, for not less than two of the meetings of the Board in a year, invite such Ministers of the State Governments having administrative control of the departments of small scale industries or, as the case may be, the micro, small and medium enterprises, or the Administrators of Union territories and representatives of such other associations of micro, small and medium enterprises, as he may deem necessary for carrying out the purposes of this Act.

(9) It is hereby declared that the office of member of the Board shall not disqualify its holder for being chosen as, or for being, a member of either House of Parliament.

Removal of  
member from  
Board

4. (1) The Central Government may remove a member of the Board from it, if he—

(a) is, or at any time has been, adjudged as insolvent; or

(b) is, or becomes, of unsound mind and stands so declared by a competent court; or

(c) refuses to act or becomes incapable of acting as a member of the Board; or

(d) has been convicted of an offence which, in the opinion of the Central Government, involves moral turpitude; or

(e) has so abused, in the opinion of the Central Government, his position as a member of the Board as to render his continuance in the Board detrimental to the interests of the general public.

(2) Notwithstanding anything contained in sub-section (1), no member shall be removed from his office on the grounds specified in clauses (c) to (e) of that sub-section unless he has been given a reasonable opportunity of being heard in the matter.

5. The Board shall, subject to the general directions of the Central Government, perform all or any of the following functions, namely:— Functions of Board.

(a) examine the factors affecting the promotion and development of micro, small and medium enterprises and review the policies and programmes of the Central Government in regard to facilitating the promotion and development and enhancing the competitiveness of such enterprises and the impact thereof on such enterprises;

(b) make recommendations on matters referred to in clause (a) or on any other matter referred to it by the Central Government which, in the opinion of that Government, is necessary or expedient for facilitating the promotion and development and enhancing the competitiveness of the micro, small and medium enterprises; and

(c) advise the Central Government on the use of the Fund or Funds constituted under section 12.

6. Subject to other provisions of this Act, the Member-Secretary of the Board shall exercise such powers and perform such functions as may be prescribed. Powers and functions of Member-Secretary of Board.

CHAPTER III

CLASSIFICATION OF ENTERPRISES, ADVISORY COMMITTEE AND MEMORANDUM OF MICRO, SMALL AND MEDIUM ENTERPRISES

65 of 1951. 7. (1) Notwithstanding anything contained in section 11B of the Industries (Development and Regulation) Act, 1951, the Central Government may, for the purposes of this Act, by notification and having regard to the provisions of sub-sections (4) and (5), classify any class or classes of enterprises, whether proprietorship, Hindu undivided family, association of persons, co-operative society, partnership firm, company or undertaking, by whatever name called,— Classification of enterprises.

65 of 1951. (a) in the case of the enterprises engaged in the manufacture or production of goods pertaining to any industry specified in the First Schedule to the Industries (Development and Regulation) Act, 1951, as—

(i) a micro enterprise, where the investment in plant and machinery does not exceed twenty-five lakh rupees;

(ii) a small enterprise, where the investment in plant and machinery is more than twenty-five lakh rupees but does not exceed five crore rupees; or

(iii) a medium enterprise, where the investment in plant and machinery is more than five crore rupees but does not exceed ten crore rupees;

(b) in the case of the enterprises engaged in providing or rendering of services, as—

(i) a micro enterprise, where the investment in equipment does not exceed ten lakh rupees;

(ii) a small enterprise, where the investment in equipment is more than ten lakh rupees but does not exceed two crore rupees; or

(iii) a medium enterprise, where the investment in equipment is more than two crore rupees but does not exceed five crore rupees.

Explanation 1.—For the removal of doubts, it is hereby clarified that in calculating the investment in plant and machinery, the cost of pollution control, research and development,

industrial safety devices and such other items as may be specified, by notification, shall be excluded.

*Explanation 2.*—It is clarified that the provisions of section 29B of the Industries (Development and Regulation) Act, 1951, shall be applicable to the enterprises specified in sub-clauses (i) and (ii) of clause (a) of sub-section (1) of this section. 65 of 1951.

(2) The Central Government shall, by notification, constitute an Advisory Committee consisting of the following members, namely:—

(a) the Secretary to the Government of India in the Ministry or Department of the Central Government having administrative control of the small and medium enterprises who shall be the Chairperson, *ex officio*;

(b) not more than five officers of the Central Government possessing necessary expertise in matters relating to micro, small and medium enterprises, members, *ex officio*;

(c) not more than three representatives of the State Governments, members, *ex officio*; and

(d) one representative each of the associations of micro, small and medium enterprises, members, *ex officio*.

(3) The Member-Secretary of the Board shall also be the *ex officio* Member-Secretary of the Advisory Committee.

(4) The Central Government shall, prior to classifying any class or classes of enterprises under sub-section (1), obtain the recommendations of the Advisory Committee.

(5) The Advisory Committee shall examine the matters referred to it by the Board in connection with any subject referred to in section 5 and furnish its recommendations to the Board.

(6) The Central Government may seek the advice of the Advisory Committee on any of the matters specified in section 9, 10, 11, 12 or 14 of Chapter IV.

(7) The State Government may seek advice of the Advisory Committee on any of the matters specified in the rules made under section 30.

(8) The Advisory Committee shall, after considering the following matters, communicate its recommendations or advice to the Central Government or, as the case may be, State Government or the Board, namely:—

(a) the level of employment in a class or classes of enterprises;

(b) the level of investments in plant and machinery or equipment in a class or classes of enterprises;

(c) the need of higher investment in plant and machinery or equipment for technological upgradation, employment generation and enhanced competitiveness of the class or classes of enterprises;

(d) the possibility of promoting and diffusing entrepreneurship in micro, small or medium enterprises; and

(e) the international standards for classification of small and medium enterprises.

(9) Notwithstanding anything contained in section 11B of the Industries (Development and Regulation) Act, 1951 and clause (h) of section 2 of the Khadi and Village Industries Commission Act, 1956, the Central Government may, while classifying any class or classes of enterprises under sub-section (1), vary, from time to time, the criterion of investment and also consider criteria or standards in respect of employment or turnover of the enterprises and include in such classification the micro or tiny enterprises or the village enterprises, as part of small enterprises. 65 of 1951. 61 of 1956.

8. (1) Any person who intends to establish,—

(a) a micro or small enterprise, may, at his discretion; or

(b) a medium enterprise engaged in providing or rendering of services may, at his discretion; or

(c) a medium enterprise engaged in the manufacture or production of goods pertaining to any industry specified in the First Schedule to the Industries (Development and Regulation) Act, 1951,

65 of 1951

shall file the memorandum of micro, small or, as the case may be, of medium enterprise with such authority as may be specified by the State Government under sub-section (4) or the Central Government under sub-section (3):

Provided that any person who, before the commencement of this Act, established—

(a) a small scale industry and obtained a registration certificate, may, at his discretion; and

(b) an industry engaged in the manufacture or production of goods pertaining to any industry specified in the First Schedule to the Industries (Development and Regulation) Act, 1951, having investment in plant and machinery of more than one crore rupees but not exceeding ten crore rupees and, in pursuance of the notification of the Government of India in the erstwhile Ministry of Industry (Department of Industrial Development) number S.O. 477(E), dated the 25th July, 1991 filed an Industrial Entrepreneur's Memorandum,

65 of 1951

shall within one hundred and eighty days from the commencement of this Act, file the memorandum, in accordance with the provisions of this Act.

(2) The form of the memorandum, the procedure of its filing and other matters incidental thereto shall be such as may be notified by the Central Government after obtaining the recommendations of the Advisory Committee in this behalf.

(3) The authority with which the memorandum shall be filed by a medium enterprise shall be such as may be specified, by notification, by the Central Government.

(4) The State Government shall, by notification, specify the authority with which a micro or small enterprise may file the memorandum.

(5) The authorities specified under sub-sections (3) and (4) shall follow, for the purposes of this section, the procedure notified by the Central Government under sub-section (2).

#### CHAPTER IV

##### MEASURES FOR PROMOTION, DEVELOPMENT AND ENHANCEMENT OF COMPETITIVENESS OF MICRO, SMALL AND MEDIUM ENTERPRISES

9. The Central Government may, from time to time, for the purposes of facilitating the promotion and development and enhancing the competitiveness of micro, small and medium enterprises, particularly of the micro and small enterprises, by way of development of skill in the employees, management and entrepreneurs, provisioning for technological upgradation, marketing assistance or infrastructure facilities and cluster development of such enterprises with a view to strengthening backward and forward linkages, specify, by notification, such programmes, guidelines or instructions, as it may deem fit.

Measures for promotion and development.

10. The policies and practices in respect of credit to the micro, small and medium enterprises shall be progressive and such as may be specified in the guidelines or instructions issued by the Reserve Bank, from time to time, to ensure timely and smooth flow of credit to

Credit facilities.

such enterprises, minimise the incidence of sickness among and enhance the competitiveness of such enterprises.

Procurement preference policy

11. For facilitating promotion and development of micro and small enterprises, the Central Government or the State Government may, by order notify from time to time, preference policies in respect of procurement of goods and services, produced and provided by micro and small enterprises, by its Ministries or departments, as the case may be, or its aided institutions and public sector enterprises.

Funds

12. There shall be constituted, by notification, one or more Funds to be called by such name as may be specified in the notification and there shall be credited thereto any grants made by the Central Government under section 13.

Grants by Central Government

13. The Central Government may, after due appropriation made by Parliament by law in this behalf, credit to the Fund or Funds by way of grants for the purposes of this Act, such sums of money as that Government may consider necessary to provide.

Administration and utilisation of Fund or Funds

14. (1) The Central Government shall have the power to administer the Fund or Funds in such manner as may be prescribed.

(2) The Fund or Funds shall be utilised exclusively for the measures specified in sub-section (1) of section 9.

(3) The Central Government shall be responsible for the coordination and ensuring timely utilisation and release of sums in accordance with such criteria as may be prescribed.

CHAPTER V

DELAYED PAYMENTS TO MICRO AND SMALL ENTERPRISES

Liability of buyer to make payment

15. Where any supplier supplies any goods or renders any services to any buyer, the buyer shall make payment therefor on or before the date agreed upon between him and the supplier in writing or, where there is no agreement in this behalf, before the appointed day:

Provided that in no case the period agreed upon between the supplier and the buyer in writing shall exceed forty-five days from the day of acceptance or the day of deemed acceptance.

Date from which and rate at which interest is payable

16. Where any buyer fails to make payment of the amount to the supplier, as required under section 15, the buyer shall, notwithstanding anything contained in any agreement between the buyer and the supplier or in any law for the time being in force, be liable to pay compound interest with monthly rests to the supplier on that amount from the appointed day or, as the case may be, from the date immediately following the date agreed upon, at three times of the bank rate notified by the Reserve Bank.

Recovery of amount due

17. For any goods supplied or services rendered by the supplier, the buyer shall be liable to pay the amount with interest thereon as provided under section 16.

Reference to Micro and Small Enterprises Facilitation Council

18. (1) Notwithstanding anything contained in any other law for the time being in force, any party to a dispute may, with regard to any amount due under section 17, make a reference to the Micro and Small Enterprises Facilitation Council.

(2) On receipt of a reference under sub-section (1), the Council shall either itself conduct conciliation in the matter or seek the assistance of any institution or centre providing alternate dispute resolution services by making a reference to such an institution or centre, for conducting conciliation and the provisions of sections 65 to 81 of the Arbitration and Conciliation Act, 1996 shall apply to such a dispute as if the conciliation was initiated under Part III of that Act.

26 of 1996

(3) Where the conciliation initiated under sub-section (2) is not successful and stands terminated without any settlement between the parties, the Council shall either itself take up the dispute for arbitration or refer it to any institution or centre providing alternate dispute resolution services for such arbitration and the provisions of the Arbitration and Conciliation Act, 1996 shall then apply to the dispute as if the arbitration was in pursuance of an arbitration agreement referred to in sub-section (1) of section 7 of that Act.

(4) Notwithstanding anything contained in any other law for the time being in force, the Micro and Small Enterprises Facilitation Council or the centre providing alternate dispute resolution services shall have jurisdiction to act as an Arbitrator or Conciliator under this section in a dispute between the supplier located within its jurisdiction and a buyer located anywhere in India.

(5) Every reference made under this section shall be decided within a period of ninety days from the date of making such a reference.

19. No application for setting aside any decree, award or other order made either by the Council itself or by any institution or centre providing alternate dispute resolution services to which a reference is made by the Council, shall be entertained by any court unless the appellant (not being a supplier) has deposited with it seventy-five per cent. of the amount in terms of the decree, award or, as the case may be, the other order in the manner directed by such court:

Application for setting aside decree, award or order.

Provided that pending disposal of the application to set aside the decree, award or order, the court shall order that such percentage of the amount deposited shall be paid to the supplier, as it considers reasonable under the circumstances of the case, subject to such conditions as it deems necessary to impose.

20. The State Government shall, by notification, establish one or more Micro and Small Enterprises Facilitation Councils, at such places, exercising such jurisdiction and for such areas, as may be specified in the notification.

Establishment of Micro and Small Enterprises Facilitation Council.

21. (1) The Micro and Small Enterprise Facilitation Council shall consist of not less than three but not more than five members to be appointed from amongst the following categories, namely:—

Composition of Micro and Small Enterprises Facilitation Council.

(i) Director of Industries, by whatever name called, or any other officer not below the rank of such Director, in the Department of the State Government having administrative control of the small scale industries or, as the case may be, micro, small and medium enterprises; and

(ii) one or more office-bearers or representatives of associations of micro or small industry or enterprises in the State; and

(iii) one or more representatives of banks and financial institutions lending to micro or small enterprises; or

(iv) one or more persons having special knowledge in the field of industry, finance, law, trade or commerce.

(2) The person appointed under clause (i) of sub-section (1) shall be the Chairperson of the Micro and Small Enterprises Facilitation Council.

(3) The composition of the Micro and Small Enterprises Facilitation Council, the manner of filling vacancies of its members and the procedure to be followed in the discharge of their functions by the members shall be such as may be prescribed by the State Government.

22. Where any buyer is required to get his annual accounts audited under any law for the time being in force, such buyer shall furnish the following additional information in his annual statement of accounts, namely:—

Requirement to specify unpaid amount with interest in the annual statement of accounts.

(i) the principal amount and the interest due thereon (to be shown separately) remaining unpaid to any supplier as at the end of each accounting year;

(ii) the amount of interest paid by the buyer in terms of section 16, along with the amount of the payment made to the supplier beyond the appointed day during each accounting year;

(iii) the amount of interest due and payable for the period of delay in making payment (which have been paid but beyond the appointed day during the year) but without adding the interest specified under this Act;

(iv) the amount of interest accrued and remaining unpaid at the end of each accounting year; and

(v) the amount of further interest remaining due and payable even in the succeeding years, until such date when the interest dues as above are actually paid to the small enterprise, for the purpose of disallowance as a deductible expenditure under section 23.

Interest not to be allowed as deduction from income

23. Notwithstanding anything contained in the Income-tax Act, 1961, the amount of interest payable or paid by any buyer, under or in accordance with the provisions of this Act, shall not, for the purposes of computation of income under the Income-tax Act, 1961, be allowed as deduction. 43 of 1961

Overriding effect

24. The provisions of sections 15 to 23 shall have effect notwithstanding anything inconsistent therewith contained in any other law for the time being in force.

Scheme for closure of business of micro, small and medium enterprises.

25. Notwithstanding anything contained in any law for the time being in force, the Central Government may, with a view to facilitating closure of business by a micro, small or medium enterprise, not being a company registered under the Companies Act, 1956, notify a Scheme within one year from the date of commencement of this Act. 1 of 1956.

#### CHAPTER VI

#### MISCELLANEOUS

Appointment of officers and other employees.

26. (1) The Central Government or the State Government may appoint such officers with such designations and such other employees as it thinks fit for the purposes of this Act and may entrust to them such of the powers and functions under this Act as it may deem fit.

(2) The Officers appointed under sub-section (1) may, for the purposes of this Act, by order require any person to furnish such information, in such form, as may be prescribed.

Penalty for contravention of section 8 or section 22 or section 26

27. (1) Whoever intentionally contravenes or attempts to contravene or abets the contravention of any of the provisions contained in sub-section (1) of section 8 or sub-section (2) of section 26 shall be punishable—

(a) in the case of the first conviction, with fine which may extend to rupees one thousand; and

(b) in the case of second or subsequent conviction, with fine which shall not be less than rupees one thousand but may extend to rupees ten thousand.

(2) Where a buyer contravenes the provisions of section 22, he shall be punishable with fine which shall not be less than rupees ten thousand.

Jurisdiction of courts

28. No court inferior to that of a Metropolitan Magistrate or a Magistrate of the first class shall try any offence punishable under this Act.

Power to make rules

29. (1) The Central Government may, by notification, make rules to carry out the provisions of this Act.

(2) In particular, and without prejudice to the generality of the foregoing power, such rules may provide for all or any of the following matters, namely:—

(a) the term of office of the members of the Board, the manner of filling vacancies, and the procedure to be followed in the discharge of functions by the members of the Board under sub-section (4) of section 3;

- (b) the powers and functions of the Member-Secretary under section 6;
- (c) the manner in which the Fund may be administered under sub-section (1) of section 14;
- (d) the criteria based on which sums may be released under sub-section (3) of section 14;
- (e) the information to be furnished and the form in which it is to be furnished under sub-section (2) of section 26; and
- (f) any other matter which is to be or may be prescribed under this Act.

(3) Every notification issued under section 9 and every rule made by the Central Government under this section shall be laid, as soon as may be after it is made, before each House of Parliament, while it is in session, for a total period of thirty days which may be comprised in one session or in two or more successive sessions, and if, before the expiry of the session immediately following the session or the successive sessions aforesaid, both Houses agree in making any modification in the notification or rule or both Houses agree that the notification or rule should not be made, the notification or rule shall thereafter have effect only in such modified form or be of no effect, as the case may be; so, however, that any such modification or annulment shall be without prejudice to the validity of anything previously done under that notification or rule.

30. (1) The State Government may, by notification, make rules to carry out the provisions of this Act.

Power to make rules by State Government.

(2) In particular, and without prejudice to the generality of the foregoing power, such rules may provide for all or any of the following matters, namely:—

(a) the composition of the Micro and Small Enterprises Facilitation Council, the manner of filling vacancies of the members and the procedure to be followed in the discharge of their functions by the members of the Micro and Small Enterprises Facilitation Council under sub-section (3) of section 21;

(b) any other matter which is to be or may be, prescribed under this Act.

(3) The rule made under this section shall, as soon as may be after it is made, be laid before each House of the State Legislature where there are two Houses, and where there is one House of the State Legislature, before that House.

31. (1) If any difficulty arises in giving effect to the provisions of this Act, the Central Government may, by order published in the Official Gazette, make such provisions not inconsistent with the provisions of this Act as may appear to be necessary for removing the difficulty:

Power to remove difficulties.

Provided that no order shall be made under this section after the expiry of two years from the commencement of this Act.

(2) Every order made under this section shall, as soon as may be after it is made, be laid before each House of Parliament.

32. (1) The Interest on Delayed Payments to Small Scale and Ancillary Industrial Undertakings Act, 1993 is hereby repealed.

Repeal of Act 32 of 1993.

(2) Notwithstanding such repeal, anything done or any action taken under the Act so repealed under sub-section (1), shall be deemed to have been done or taken under the corresponding provisions of this Act.

K. N. CHATURVEDI,  
Secy. to the Govt. of India.

## THE FIRST SCHEDULE

[See sections 2 and 3(i)]

Any industry engaged in the manufacture or production of any of the articles mentioned under each of the following heading or sub-headings, namely :-

### 1. METALLURGICAL INDUSTRIES:

#### A. Ferrous :

- (1) Iron and steel (metal).
- (2) Ferro- alloys.
- (3) Iron and steel castings and forgings.
- (4) Iron and steel structurals.
- (5) Iron and steel pipes.
- (6) Special steels.
- (7) Other products of iron and steel.

#### B. Non-ferrous :

- [(1) Precious metals, including gold and silver, and their alloys.
- (1A) Other non-ferrous metals and their alloys.]
- (2) Semi-manufactures and manufactures.

### 2. FUELS :

- (1) Coal, lignite, coke and their derivatives.
- (2) Mineral oil (crude oil), motor and aviation spirit, diesel oil, kerosene oil, fuel oil, diverse hydrocarbon oils and their blends including synthetic fuels, lubricating oils and the like.
- (3) Fuel gases-(coal gas, natural gas and the like).

**3. BOILERS AND STEAM GENERATING PLANTS:**

(1) Boilers and steam generating plants.

**4. PRIME MOVERS (OTHER THAN ELECTRICAL GENERATORS) :**

(1) Steam engines and turbines.

(2) Internal combustion engines.

**5. ELECTRICAL EQUIPMENT :**

(1) Equipment for generation, transmission and distribution of electricity including transformers.

(2) Electrical motors.

(3) Electrical fans.

(4) Electrical lamps.

(5) Electrical furnaces.

(6) Electrical cables and wires.

(7) X-ray equipment.

(8) Electronic equipment

(9) Household appliances such as electric irons, heaters and the like.

(10) Storage batteries.

(11) Dry cells.

**6. TELECOMMUNICATIONS :**

(1) Telephones.

(2) Telegraph equipment.

(3) Wireless communication apparatus.

(4) Radio receivers, including amplifying and public address equipment.

(5) Television sets.

(7) Teleprinters.

7. **TRANSPORTATION :**

(1) Aircraft.

(2) Ships and other vessels drawn by power.

(3) Railway locomotives.

(4) Railway rolling stock.

(5) Automobiles (motor cars, buses, trucks, motor cycles, scooters and the like).

(6) Bicycles.

(7) Others such as fork lift trucks and the like.

8. **INDUSTRIAL MACHINERY :**

A. *Major items of specialised equipment used in specific industries:*

(1) Textile machinery (such as spinning frames, carding machines powerlooms and the like) including textile accessories.

(2) Jute machinery.

(3) Rayon machinery.

(4) Sugar machinery.

(5) Tea machinery.

(6) Mining machinery.

(7) Metallurgical machinery.

(8) Cement machinery.

(9) Chemical machinery.

(10) Pharmaceuticals machinery.

(11) Paper machinery.

*B. General items of machinery used in several industries, such as the equipment required for various Aunit processes@ :*

- (1) Size reduction equipment - crushers, ball mills and the like.
- (2) Conveying equipment- bucket elevators, skip hoist, cranes, derrick and the like.
- (3) Size separation units-screens, classifiers and the like.
- (4) Mixers and reactors-kneading mills, turbo mixers and the like.
- (5) Filtration equipment-filter presses, rotary filters and the like.
- (6) Centrifugal machines.
- (7) Evaporators.
- (8) Distillation equipment.
- (9) Crystallisers.
- (10) Driers.
- (11) Power driven pumps-reciprocating, centrifugal and the like.
- (12) Air and gas compressors and vacuum pipes (excluding electrical furnaces).
- (13) Refrigeration plants for industrial use.
- (14) Fire fighting equipment and appliances including fire engines.

*C. Other items of Industrial Machinery :*

- (1) Ball, roller and tapered bearings.
- (2) Speed reduction units.
- (3) Grinding wheels and abrasives.

**9. MACHINE TOOLS:**

- (1) Machine Tools.

**10. AGRICULTURAL MACHINERY:**

- (1) Tractors, harvestors and the like.
- (2) Agricultural implements.

**11. EARTH-MOVING MACHINERY:**

Bulldozers, dumpers, scrapers, loaders, shovels, drag lines, bucket wheel excavators, road rollers and the like.

**12. MISCELLANEOUS MECHANICAL AND ENGINEERING INDUSTRIES:**

- (1) Plastic moulded goods.
- (2) Hand tools, small tools and the like.
- (3) Razor blades.
- (4) Pressure Cookers.
- (5) Cutlery.
- (6) Steel furniture.

**13. COMMERCIAL, OFFICE AND HOUSEHOLD EQUIPMENT:**

- (1) Typewriters.
- (2) Calculating machines.
- (3) Air conditioners and refrigerators.
- (4) Vacuum cleaners.
- (5) Sewing and knitting machines.
- (6) Hurricane lanterns.

**14. MEDICAL AND SURGICAL APPLIANCES:**

- (1) Surgical instruments- sterilisers, incubators and the like.

**15. INDUSTRIAL INSTRUMENTS.**

- (1) Water metres, steam metres, electricity metres and the like.
- (2) Indicating, recording and regulating devices for pressure, temperature, rate of flow, weights, levels and the like.
- (3) Weighing machines.

**16. SCIENTIFIC INSTRUMENTS:**

- (1) Scientific instruments.

**17. MATHEMATICAL, SURVEYING AND DRAWING INSTRUMENTS:**

- (1) Mathematical, surveying and drawing instruments.

**18. FERTILISERS:**

- (1) Inorganic fertilizers.
- (2) Organic fertilisers.
- (3) Mixed fertilisers.

**19. CHEMICAL (OTHER THAN FERTILISERS):**

- (1) Inorganic heavy chemicals.
- (2) Organic heavy chemicals.
- (3) Fine chemicals including photographic chemicals.
- (4) Synthetic resins and plastics.
- (5) Paints, varnishes and enamels.
- (6) Synthetic rubbers.
- (7) Man-made fibres including regenerated cellulose rayon, nylon and the like.
- (8) Coke oven by-products.
- (9) Coal tar distillation products like naphthalene, anthracene and the like.
- (10) Explosives including gun powder and safety fuses.

(11) Insecticides, fungicides, weedicides and the like.

(12) Textile auxiliaries.

(13) Sizing materials including starch.

(14) Miscellaneous chemicals.

**20. PHOTOGRAPHIC RAW FILM AND PAPER :**

(1) Cinema film.

(2) Photographic amateur film.

(3) Photographic printing paper.

**21. DYE-STUFFS : Dye-stuffs.**

**22. DRUGS AND PHARMACEUTICALS : Drugs and Pharmaceuticals.**

**23. TEXTILES (INCLUDING THOSE DYED, PRINTED OR OTHERWISE PROCESSED):**

(1) Made wholly or in part of cotton, including cotton yarn, hosiery and rope.

(2) Made wholly or in part of jute, including jute twine and rope.

(3) Made wholly or in part of wool, including wool tops, woolen yarn, hosiery, carpets and druggets;

(4) Made wholly or in part of silk, including silk yarn and hosiery;

(5) Made wholly or in part of synthetic, artificial (man-made) fibres, including yarn and hosiery of such fibres.

**24. PAPER AND PULP INCLUDING PAPER PRODUCTS :**

(1) Paper - writing, printing and wrapping.

(2) Newsprint.

(3) Paper board and straw board.

(4) Paper for packaging (corrugated paper, kraft paper, bags, paper containers and the like).

(5) Pulp - wood pulp, mechanical, chemical, including dissolving pulp.

25. **SUGAR :**

(1) Sugar.

26. **FERMENTATION INDUSTRIES :**

(1) Alcohol.

(2) Other products of fermentation industries.

27. **FOOD PROCESSING INDUSTRIES :**

(1) Canned fruits and fruit products.

(2) Milk foods.

(3) Malted Foods.

(4) Flour.

(5) Other processed foods.

28. **VEGETABLE OILS AND VANASPATHI:**

(1) Vegetable oils, including solvent extracted oils.

(2) Vanaspathi.

29. **SOAPS, COSMETICS AND TOILET PREPARATIONS :**

(1) Soaps.

(2) Glycerine.

(3) Cosmetics.

(4) Perfumery.

(5) Toilet preparations.

30. **RUBBER GOODS :**

(1) Tyres and tubes.

(2) Surgical and medical products including prophylactics.

(3) Footwear.

(4) Other rubber goods.

**31. LEATHER, LEATHER GOODS AND PICKERS :**

(1) Leather, leather goods and pickers.

**32. GLUE AND GELATIN**

(1) Glue and gelatin.

**33. GLASS :**

(1) Hollow ware.

(2) Sheet and plate glass.

(3) Optical glass.

(4) Glass wool.

(5) Laboratory ware.

(6) Miscellaneous ware.

**34. CERAMICS :**

(1) Fire bricks.

(2) Refractories.

(3) Furnace lining bricks - acidic, basic and neutral.

(4) China ware and pottery.

(5) Sanitary ware.

(6) Insulators.

(7) Tiles.

(8) Graphite Crucibles.

**35. CEMENT AND GYPSUM PRODUCTS :**

- (1) Portland cement.
- (2) Asbestos cement.
- (3) Insulating boards.
- (4) Gypsum boards, wall boards and the like.

**36. TIMBER PRODUCTS:**

- (1) Plywood.
- (2) Hardboard, including fibre-board, chip-board and the like.
- (3) Matches.
- (4) Miscellaneous (furniture components, bobbins, shutters and the like)

**37. DEFENCE INDUSTRIES :**

- (1) Arms and ammunition.

**38. MISCELLANEOUS INDUSTRIES :**

- (1) Cigarettes.
- (2) Linoleums, whether felt based or jute based.
- (3) Zip fasteners (metallic and non-metallic).
- (4) Oil Stoves.
- (5) Printing, including litho printing industry.

*Explanation 1.*-- The articles specified under each of the headings Nos. 3, 4, 5, 6, 7, 8, 10, 11 and 13 shall include their component parts and accessories.

*Explanation 2.*-- The articles specified under each of the headings Nos. 18, 19, 21 and 22 shall include the intermediates required for their manufacture.

## THE SECOND SCHEDULE

[See section 6(4)]

Functions which may be assigned to Development Councils :-

- (1) Recommending targets for production, co-ordinating production programmes and reviewing progress from time to time.
- (2) Suggesting norms of efficiency with a view to eliminating waste, obtaining maximum production, improving quality and reducing costs.
- (3) Recommending measures for securing the fuller utilisation of the installed capacity and for improving the working of the industry, particularly of the less efficient units.
- (4) Promoting arrangements for better marketing and helping in the devising of a system of distribution and sale of the produce of the industry which would be satisfactory to the consumer.
- (5) Promoting standardisation of products.
- (6) Assisting in the distribution of controlled materials and promoting arrangements for obtaining materials for the industry.
- (7) Promoting or undertaking inquiry as to materials and equipment and as to methods of production, management and labour utilisation, including the discovery and development of new materials, equipment and methods and of improvements in those already in use, the assessment of the advantages of different alternatives and the conduct of experimental establishments and of tests on a commercial scale.
- (8) Promoting the training of persons engaged or proposing engagement in the industry and their education in technical or artistic subjects relevant thereto.
- (9) Promoting the retaining in alternative occupations of personnel engaged in or retrenched from the industry.
- (10) Promoting or undertaking scientific and industrial research, research into matters affecting industrial psychology and research into matters relating to production and to the consumption or use of goods and services supplied by the industry.
- (11) Promoting, improvements and standardisation of accounting and costing methods and practice.

- (12) Promoting or undertaking the collection and formation of statistics.
- (13) Investigating possibilities of decentralising stages and processes of production with a view to encouraging the growth of allied small scale and cottage industries.
- (14) Promoting the adoption of measures for increasing the productivity of labour, including measures for securing safer and better working conditions and the provision and improvement of amenities and incentives for workers.
- (15) Advising on any matters relating to the industry (other than remuneration and conditions of employment) as to which the Central Government may request the Development Council to advise and undertaking inquiries for the purpose of enabling the Development Council so to advise, and
- (16) Undertaking arrangements for making available to the industry information obtained and for advising on matters with which the Development Councils are concerned in the exercise of any of their functions.

### THE THIRD SCHEDULE

(See Section 18FB)

The Industrial Employment (Standing Orders) Act, 1946 (20 of 1946).

The Industrial Disputes Act, 1947 (14 of 1947).

The Minimum Wages Act, 1948 (11 of 1948).

**LIST OF AMENDING ACTS**

- The Industries (Development and Regulation) Amendment Act, 1953 (26 of 1953).
- The Industries (Development and Regulation) Amendment Act, 1956 (71 of 1956).
- The Repealing and Amending Act, 1957 (36 of 1957).
- The Industries (Development and Regulation) Amendment Act, 1961 (51 of 1961).
- The Industries (Development and Regulation) Amendment Act, 1962 (37 of 1962).
- The Industries (Development and Regulation) Amendment Act, 1965 (6 of 1965).
- The Industries (Development and Regulation) Amendment Act, 1971 (72 of 1971).
- The Industries (Development and Regulation) Amendment Act, 1973 (67 of 1973).
- The Industries (Development and Regulation) Amendment Act, 1974 (32 of 1974).
- The Industries (Development and Regulation) Amendment Act, 1979 (17 of 1979).
- The Industries (Development and Regulation) Amendment Act, 1984 (4 of 1984).
- The Delegated Legislation Provisions (Amendment) Act, 1986 (4 of 1986).

-35<sup>b</sup> Annexure - R-2<sup>y</sup>

Udyam Registration Number: UDYAM/B/18/1277

Type of Enterprise	MICRO	Major Activity	Manufacturing
Type of Organisation	Proprietary	Name of Enterprise	AYUSH YAMAN FURNITURE
Owner Name	SIKANDAR SHARMA	PAN	CYEPS2429F
Do you have GSTIN		Mobile No.	9903845584
Email Id	sikandarsarma21@gmail.com	Social Category	General
Gender	Male	Specially Abled(DIVYANG)	Yes
Date of Incorporation	04/05/2018	Date of Commencement of Production/Business	19/08/2017

**Bank Details**

Bank Name	IFS Code	Bank Account Number
punjab national bank	PUNB0011320	0113010184489

**Employment Details**

Male	Female	Other	Total
3	1	1	5

**Investment in Plant and Machinery OR Equipment (in Rs.)**

SNo.	Financial Year	Enterprise Type	Written Down Value (WDV)	Exclusion of cost of Pollution Control, Research & Development and Industrial Safety Devices	Net Investment in Plant and Machinery OR Equipment[(A)-(B)]	Total Turnover (A)	Export Turnover (B)	Net Turnover [(A)-(B)]	Is ITR Filled?	ITR Type
	2022-23	Micro	800000.00	150000.00	650000.00	1000000.00	0.00	1000000.00	No	NA

**Unit(s) Details**

SNo.	Unit Name	Flat	Building	Village/Town	Block	Road	City	Pin	State	District
	AYUSH YAMAN FURNITURE	105	Manik Bandhapadhyo Sarani	Baranagar	Barrackpore-II	Neogj Para Road	Kolkata	700036	WEST BENGAL	KOLKATA

**Official address of Enterprise**

Flat/Door/Block No.	105	Name of Premises/ Building	Manik Bandhapadhyo Sarani
Village/Town	Baranagar	Block	Barrackpore-II
Road/Street/Lane	Neogj Para Road	City	Kolkata
State	WEST BENGAL	District	NORTH 24 PRAGANAS, Pin: 700036
Mobile	9903845584	Email:	sikandarsarma21@gmail.com

**National Industry Classification Code(S)**

SNo.	Nic 2 Digit	Nic 4 Digit	Nic 5 Digit	Activity
	31 - Manufacture of furniture	3100 - Manufacture of furniture	31001 - Manufacture of furniture made of wood	Manufacturing

Are you interested to get registered on Government e-Market (GeM) Portal	Yes
Are you interested to get registered on TReDS Portals(one or more)	Yes
Are you interested to get registered on National Career Service(NCS) Portal	Yes
NAME OF	N. 24- PRAGANAS
	KOLKATA

4 "Anaxile - R-3"

36



Government of West Bengal  
Directorate of Micro, Small & Medium Enterprises  
New Secretariat Buildings (9th floor)  
1, Kiran Shankar Roy Road, Kolkata -700001

No. 116/MSME/Pollution/Queries/JD(DZ)

Date: 05/06/2023.

To  
The Chairman,  
Baranagar Municipality,  
87, Deshbandhu Road, P.O.-Alambazar,  
Kolkata-700035.

Ref: A complaint as received against a wooden manufacturing unit M/S Ayush Yaman Furniture, Shop No- G-3A, Nibhrito Abashik Housing Society, 105, Neogi Para Road, Kolkata-700036, North 24 Pgs under Baranagar Municipality, dated 26.05.2023.

Sub: Request to investigate about dreadful air and sound pollution caused by the unit at the said residential area.

Madam,

Inviting reference to above, this is draw your kind attention that a complaint has been received by this office regarding severe sound and air pollution caused by a wooden furniture manufacturing unit owned by a Mr. Shikandar Sharma as stated under reference. The said unit has been creating nuisance since 2016 at the said residential complex unabatedly. The said unit is running with compound meter saw, hand saw machine, heavy hammer, circular saw cutter of various types which makes tremendous sound throughout the day ( from 8.30 am to 11 pm). Also wooden dust particles fly around and make all nearby houses dusty causing air pollution as well. Sometimes, manufacturer does his wood works outside the shop which causes immense sound and vibrations to the surroundings. All wooden debris is piled up in front of the residential apartment and burning of that wooden debris use to cause fumes and ashes creating an abominable situation. It has been reported that the owner use to threaten neighbours if they ever protest against such offensive action.

In this perspective, you are requested to look into the matter and carry out an inspection as early as possible.

Yours sincerely,

Joint Director of MSME (DZ),  
West Bengal.

"Annexure - R - 4"

- 37 -



Government of West Bengal  
Directorate of Micro, Small & Medium Enterprises  
Office of the General Manager  
District Industries Centre  
Hritpukur Road, P.O. Barasat, North 24 Parganas, Kolkata- 700124  
Phone-2552-7027/7028/7022. Email ID- dicn24pgs@gmail.com

Memo: 92/Law/DIC/N24PGS

Date: 03.5.2024

To  
The Director,  
Micro, Small and Medium Enterprises, West Bengal  
New Secretariat Buildings (9<sup>th</sup> Floor),  
I. K. S. Roy Road, Kolkata - 700001

Sub: Complaint regarding illegal wooden furniture manufacturing factory  
Ref: No. 69/LC/02/2024(NGT), dtd. 02/05/2024 of the Dte. MSME, WB

Kind attn: Sri Sudipta Saha, Joint Director of MSME(Empl)

Sir,

A complaint was received from one Sri Rajat Chaudhury, of no. 105, Niyogipara Road, Flat No. 202 (2<sup>nd</sup> floor), Kolkata- 700 036, against a wooden furniture manufacturing unit named M/s. Ayush Yaman Furniture, Shop No. G-3A, Nibhiritio Abakash Housing Society, no. 105 Niyogipara Road, under Baranagar Municipality dated 26.5.2023 (Copy enclosed-Annex A). The office of the undersigned was yet to make any formal communication in this regard till 05.6.2023.

Meantime, on 05.6.2023 the undersigned received a copy of the letter from the Joint Director of MSME (DZ), WB, addressed to the Chairman, Baranagar Municipality on the same issue as the complainant had also approached the Director of MSME, West Bengal, too. In the letter, the Joint Director of MSME (DZ), WB, requested the Chairman, Baranagar Municipality to investigate about 'dreadful air and sound pollution caused by the unit at the said residential area' (Copy enclosed - Annex B)

As, the higher authority had already proceeded on the complaint of Sri Rajat Chaudhury and as the undersigned was not given any specific instruction on further course of action on this matter, no separate initiative was taken by the undersigned on this complaint.

Enclor: Annex A, Annex B + SF

Yours faithfully

*Chaitanya*  
General Manager  
District Industries Centre  
North 24 Parganas

BEFORE THE HON'BLE NATIONAL  
GREEN TRIBUNAL EASTERN ZONE  
BENCH, KOLKATA

O. A. NO. 87/2024/EZ

In The Matter of:

Rajat Chowdhury

... Applicant

Versus

The State of West Bengal &Ors.

... Respondents

AFFIDAVIT-IN-OPPOSITION ON  
BEHALF OF THE RESPONDENT  
NUMBER 04, THE DIRECTOR,  
DIRECTORATE OF MICRO SMALL  
MEDIUM ENTERPRSE AND TEXTILE  
DEPARTMENT, GOVERNMENT OF  
WEST BENGAL

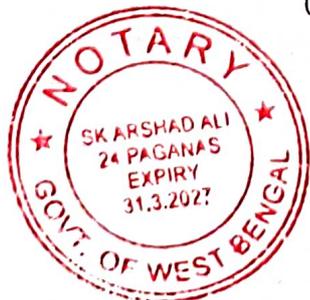
SIBOJYOTI CHAKRABARTI

Advocate

: For The State of West Bengal

Email: [subho.advocate@gmail.com](mailto:subho.advocate@gmail.com)

(M): 9007035534.



18 JUN 2024