



2

**BEFORE THE HONBLE NATIONAL GREEN TRIBUNAL  
EASTERN ZONE BENCH AT KOLKATA  
MEMORANDUM OF APPLICATION**

(Under section 18(1) read with section 14 and 15 of the  
National Green Tribunal Act, 2010)

**Original Application No. of 2024**

**IN THE MATTER OF:**

Ranjana Dutta

..... **Applicant.**

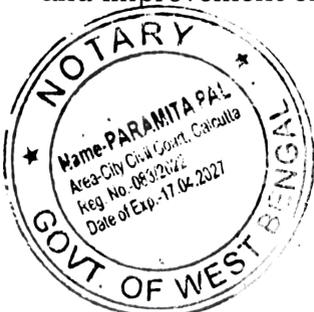
**-Versus-**

State of West Bengal &Ors.

.....**Respondents.**

**Synopsis**

The applicant filed this instant application before this Hon'ble Tribunal for necessary direction to the Respondent authority to take effective action to mitigate impacts of illegally installing 13 (thirteen) numbers of air conditioners just adjacent to the residence flat of the applicant and the same is causing severe noise and air pollution and breathing problems and also seeking intervention of the Hon'ble Tribunal as the Respondent Authorities neglected from taking any steps to restrain the private respondents from causing air pollution. That the Private Respondent no. 6, HDFC Bank has installed many numbers of air conditioners on the ground and first floor of premises no. 22/23B, Monohor Pukur Road, P.S- Rabindra Sarobar, Kolkata- 700029, who have taken the said premises on rent from the Private Respondents 7 & 8. The applicant is invoking the principal of sustainable development and precautionary principle as envisaged under section 20 of the National Green Tribunal Act, 2010. The applicant also raises the issue of non-implementation of various environmental laws more particularly non - implementation the Environment (Protection) Act) 1986, the Air (Protection and Control of Pollution) Act, 1981 for the protection and improvement of human environment. Hence, this Application.



08 JUL 2024

**BEFORE THE HONBLE NATIONAL GREEN TRIBUNAL  
EASTERN ZONE BENCH AT KOLKATA  
MEMORANDUM OF APPLICATION**

(Under section 18(1) read with section 14 and 15 of the  
National Green Tribunal Act, 2010)

**Original Application No.                      of 2024**

**IN THE MATTER OF:**

Ranjana Dutta

..... **Applicant.**

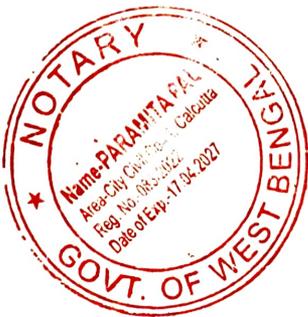
**-Versus-**

State of West Bengal &Ors.

.....**Respondents.**

**List of Dates**

- 09.05.2024                      :            The applicant had informed the matter in writing to the State Respondents vide letters dated 09.05.2024 sent by speed post and all the letters have been received.
- 13.02.2024                      :            The Hon'ble Tribunal passed an order in an identical matter that has been decided in O.A. No. 74/2023/EZ Gautam Prakash Versus M/s Seventeen Degree Hotel Company Pvt. Ltd &Ors, vide Solemn Judgment dated 13.02.2024 Kolkata which relates to pollution being caused due to running of air conditioners and which also attributes to noise pollution exceeding the permissible limits.



4

**BEFORE THE HONBLE NATIONAL GREEN TRIBUNAL  
EASTERN ZONE BENCH AT KOLKATA  
MEMORANDUM OF APPLICATION**

(Under section 18(1) read with section 14 and 15 of the National Green  
Tribunal Act, 2010)

**Original Application No. \_\_\_\_\_ of 2024/EZ**

**IN THE MATTER OF:**

Ranjana Dutta, residing at  
22/1E, Monohor Pukur Road, 1<sup>st</sup>  
Floor, P.S- Rabindra Sarabar,  
Kolkata- 700029.

E-mail: ranjanat10@gmail.com

..... **Applicant**

-Versus-

1. State of West Bengal, service  
through Chief Secretary,  
Government of West Bengal  
having office at Nabanna 325,  
Sarat Chatterjee Road, Police  
Station- Shibpur, Howrah-  
711102.

E-mail:- cs-westbengal@nic.in



08 JUL 2024

5

2. The Additional Chief Secretary,  
Environment Department,  
Government of West Bengal,  
“Prani Sampad Bhawan”, LB-II,  
Sector-III, Salt Lake City,  
Kolkata: 700106.

E-mail:- [psecy.env-wb@gov.in](mailto:psecy.env-wb@gov.in)

3. The Member Secretary, West  
Bengal Pollution Control Board,  
“Paribesh Bhawan”, 10A, Block-  
LA, Sector- III, Salt Lake City,  
Kolkata- 700106.

Email:- [ms.wbpcb-wb@banqla.gov.in](mailto:ms.wbpcb-wb@banqla.gov.in)

4. The Municipal Commissioner,  
The Kolkata Municipal  
Corporation, 5, S. N. Banerjee  
Road, Kolkata- 700013.

Email:- [mc@kmcgov.in](mailto:mc@kmcgov.in)

5. The Officer in Charge,  
Rabindra Sarobar, Police Station,



08 JUL 2024

6

134/1, Meghnad Saha Sarani,  
Kolkata- 700029.

Email-

[rabindrasarobar@kolkatapolice.gov.in](mailto:rabindrasarobar@kolkatapolice.gov.in)

6. The Branch Manager, HDFC  
Bank, MonohorPukur Road,  
Branch, having office at 22/23B,  
MonhorPukur Road, P.S-  
Rabindra Sarobar, Kolkata-  
700029.

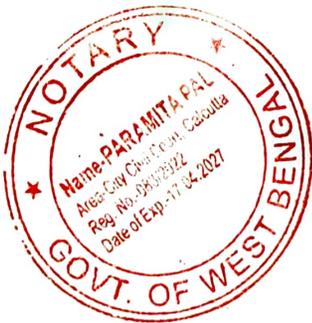
Email:- Not Known

7. Mr. Suresh Kanoi, having  
office at 22/23B, MonohorPukur  
Road, P.S- Rabindra Sarobar,  
Kolkata- 700029.

Email- Not Known

8. Mr. Sanjiv Kanoi, having office  
at 22/23B, MonohorPukur Road,  
P.S- Rabindra Sarobar, Kolkata-  
700029.

E-mail:- Not Known



.....**Respondents**

To,

The Hon'ble Chairperson and His Companion Member of the said Hon'ble Tribunal.

The Humble application on behalf  
of the applicant above named

**MOST RESPECTFULLY SHEWETH:**

1. That your Applicant is a law abiding and peace loving citizen of India and is residing at the address given in the cause title herein above and is a senior citizen and widow and a person aggrieved and the present application is being filed under section 14 of the National Green Tribunal Act, 2010.
2. That the applicant is seeking intervention of this Hon'ble Tribunal to direct the Respondents to take effective action to mitigate impacts of illegally installing air conditioners just adjacent to the residence flat of the applicant and the same is causing severe heat, noise and air pollution and breathing problems also seeking intervention of the Hon'ble Tribunal as the Respondent Authorities neglected from taking any steps to restrain the private respondents from causing air pollution. That moreover the applicant in this original application inter alia alleges complaint of Noise Pollution



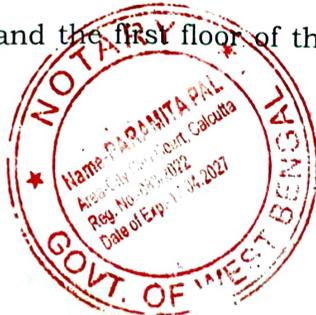
and Air Pollution caused due to installation of many Air Conditioners (13 Air Conditioner machines) on intersection of the ground and first floor of premises no. 22/23B, Monohor Pukur Road, P.S- Rabindra Sarobar, Kolkata- 700029, by HDFC Bank, Respondent 6 who have taken the said premises on rent from the private Respondents(Sl. No. 7 & 8). The applicant is invoking the principal of sustainable development and precautionary principle as envisaged under section 20 of the National Green Tribunal Act, 2010. The applicant also raises the issue of non-implementation of various environmental laws more particularly non implementation the Environment (Protection Act) 1986, the Air (Protection and Control of Pollution) Act 1981 for the protection and improvement of human environment.

**FACTS IN BRIEF:**

1. That the applicant being a senior citizen and residing at the address as stated in the cause title of the original application since quite a long span of time alone.

Photocopy of the Aadhar Card of the Applicant is annexed herewith and marked with the letter "R-1".

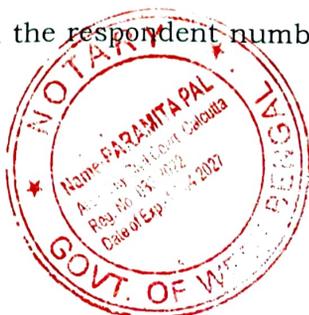
2. That in the month of December, 2023 one Mr. Suresh Kanoi and Mr. Sanjiv Kanoi being the owners of premises no. 22/23B, Monhor Pukur Road, P.S- Rabindra Sarobar, Kolkata- 700029, the private respondents herein being respondent numbers 7 & 8 had let out the ground floor and the first floor of the same premises to HDFC



Bank, being respondent number 6 The said bank had installed many numbers of air conditioners (13 Air Conditioner machines) on intersection of the ground floor and the first floor of the building which is just opposite to the Bed room and Drawing cum Dining room of the applicant.

Colored photographs showing the position of air conditioners being installed just in front of the window of the bed room and drawing cum dining room of the applicant is annexed herewith and marked with the letter "R-2".

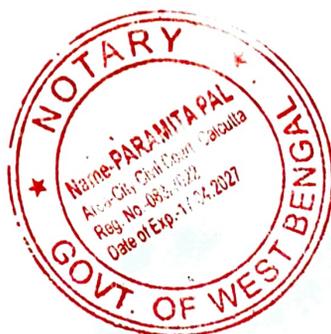
3. That in the present scenario immense noise is created and heat is generated when all the air conditioners are in operation and as a result of which the applicant is unable to open the windows and during the day time the heat generated from the operation of the air conditioners make it unbearable for the applicant and the neighbors to survive.
4. The noise and the immense heat generated adversely affects the human health and presently the applicant is facing breathing problems and the environment in the locality is being deteriorated due to operation of so many air conditioner machines.
5. That it is also pertinent to state that the Respondent number 6 i.e., the HDFC bank installed a machine for inlet of fresh oxygenated air inside, which also causes emission of heated air outside as well as insufficiency of oxygen in the surrounding.
6. That the applicant had requested the respondent numbers 7 & 8 the landowners as well the respondent number 6, the HDFC Bank



management to kindly look into the matter so that the applicant may live peacefully and in a healthy and pollution free environment.

7. That moreover during the night time some of the air conditioner machines are also running and the applicant cannot sleep well due to the heated air and noise emanating from the running of those machines.
8. That very astonishingly no one paid any heed to the applicant's request and she is compelled to live in a very critical condition amidst the heated air and the noise being generated by so many machines. On the contrary the respondent numbers 7 & 8 along with some other persons behaved very rudely and roughly with the applicant and also threatened her.
9. That having no other alternative the applicant had informed the matter in writing to the State Respondents vide letters dated 09.05.2024 sent by speed post and all the letters have been received. But after lapse of a considerable span of time the State Respondents have not taken any steps or any action so that the applicant may live in a healthy environment free from air and noise pollution.

Photocopies of the letters dated 09.05.2024 sent to the State Respondents, postal receipts and article track reports as obtained from the website of the India Posts are collectively annexed herewith and marked with the letter "R-3".



10. That it is also brought to the judicial notice of this Hon'ble Tribunal, that an identical matter had been decided in O. A. No. 74/2023/EZ Gautam Prakash Versus M/s Seventeen Degree Hotel Company Pvt Ltd &Ors, vide Solemn Judgment dated 13.02.2024 the Hon'ble National Green Tribunal, Eastern Zone Bench, Kolkata which relates to pollution being caused due to running of air conditioners and which also attributes to noise pollution exceeding the permissible limits.

Copy of the Solemn Judgment dated 13.02.2024 passed by the Hon'ble National Green Tribunal, Eastern Zone Bench, Kolkata in O. A. No. 74/2023/EZ is annexed herewith and marked with the letter "R-4".

11. That being highly aggrieved by and dissatisfied with the aforesaid inaction and / or non-action of the official respondents despite having statutory duty to preserve the environment, your applicant begs to move this application before this Hon'ble National Green Tribunal on the following amongst other :-

#### GROUNDS

That the instant application is being filed on the following grounds amongst other which the applicant may take up through his at the time of hearing.

A. For That the instant application is being filed under section 14 of the National Green Tribunal Act 2010 raising substantial questions relating to the environment where the community at large is affected and is likely to be affected by the adverse environmental consequences.



- B. For That the environmental consequences related to a specific activity or a point source of pollution i.e., severe air pollution and noise pollution created by continuous running of many air conditioners.
- C. For That the State Respondents ought to have taken steps for restraining the private respondents from causing air and noise pollution.
- D. For That the applicant has the 'Right to Life and Privacy' as enshrined under Article 21 of the Indian Constitution which also envisages Right to Dignified life in an pollution free environment.
- E. For That the applicant had informed the State authorities but the State authorities are sitting tight over the matter.
- F. For That the records of the present case are lying within jurisdiction of this Hon'ble Tribunal.
- G. For That your Applicant states that he has no other alternative efficacious remedy and remedy sought for herein is speedy and efficacious if granted by this Hon'ble Tribunal.

12. That this application is made bonafide and for the interest of justice.



**LIMITATION**

That the present application is being filed within the period of limitation as given under section 14 of the National Green Tribunal Act, 2010 and the cause of action is continuing till date.

**PRAYER**

In the light of the facts and circumstances stated above, it is most respectfully prayed that this Hon'ble Tribunal may be pleased to pass following orders:

- i) Direct the Respondent authorities their men, agent, servant and associate, relating thereto to take immediate steps to stop and prevent the private respondents from causing air and noise pollution by the running of so many air conditioners and fresh oxygenated air inlet machine.
- ii) Direct the Respondent authorities to take immediate steps to restrain the private respondent numbers 6, 7 & 8 from causing air and noise pollution.
- iii) Direct the Respondent authorities to take immediate punitive action against the persons responsible for causing air and noise pollution.



- iv) Direct the Respondent authorities to transmit and produce the records of the case before the Hon'ble Tribunal so that conscionable justice may be administered.
- v) To direct the private respondents being respondent numbers 6, 7 & 8 to pay litigation costs to the applicant.
- vi) Pass any other order as the Hon'ble Tribunal may deem fit and proper in facts and circumstances of the case.

*Ranjana Dutta*  
Applicant

By the applicant through

*Indudip Ghosh*

Advocate for Applicant  
High Court, Calcutta  
Bar Association, Room No.

**Place :** Kolkata

**Date :** 08/07/2024

08 JUL 2024



Amesure - R-1'

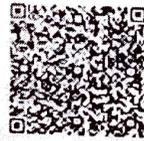
18 15



भारत सरकार  
GOVERNMENT OF INDIA

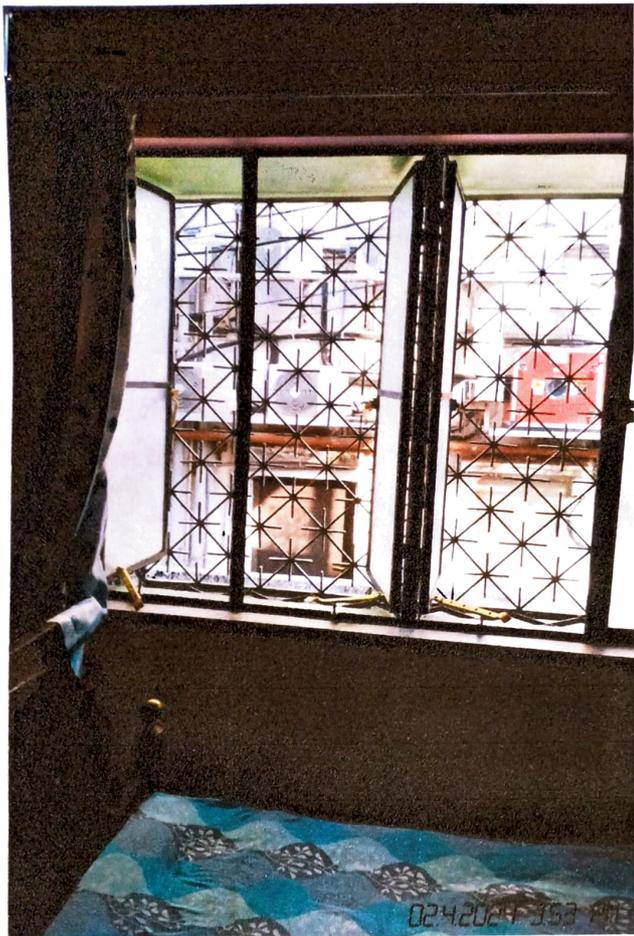


Ranjana Dutta  
Ranjana Dutta  
DOB: 19-12-1960  
Gender: Female

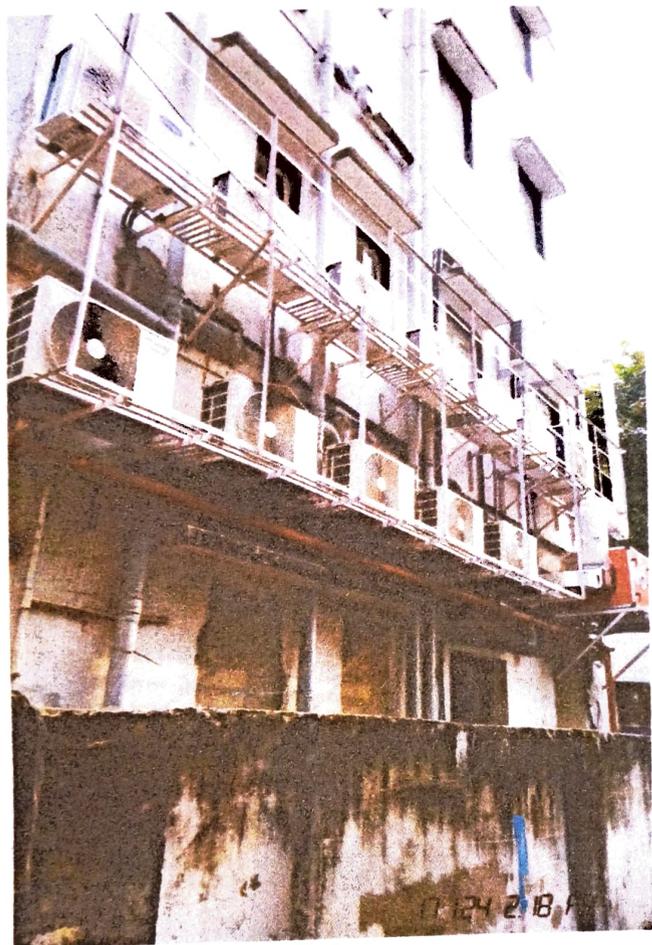


6616 3335 4561

आधार - आम आदमी का अधिकार



1A 20



Date: 09.05.2024

To  
The Additional Chief Secretary,  
Environment Department,  
Government of West Bengal,  
"Prani Sampad Bhawan", LB-II, Sector-III,  
Salt Lake City, Kolkata: 700106.

**SUB- Complaint of Noise Pollution and Air Pollution caused due to installation of many Air Conditioners and One Fresh Air Inlet Machine on the intersection of the ground floor and first floor of premises no. 22/23B, Monhor Pukur Road, P.S- Rabindra Sarabar, Kolkata- 700029, by HDFC, Bank, who have taken the said premises on rent from Mr. Suresh Kanoi and Mr. Sanjiv Kanoi situated just opposite my premises.**

Dear Sir,

I, the under signed take this opportunity to inform you the following facts and circumstances for your kind knowledge and taking necessary action in this matter.

I am senior citizen and a widow residing alone at 1<sup>st</sup> floor of the building being premises no.22/1E, Monhor Pukur Road, P.S- Rabindra Sarabar, Kolkata- 700029 since quite a long span of time. In the month of December, 2023 one Mr. Suresh Kanoi and Mr. Sanjiv Kanoi being the owners of premises no. 22/23B, Monhor Pukur Road, P.S- Rabindra Sarabar, Kolkata- 700029 had let out the ground floor and the first floor of the same premises to HDFC Bank. The said bank had installed many numbers of air conditioners on the intersection of the ground floor and the first floor of the building which is just opposite to my flat.

In the present scenario of scorching heat and heat is generated when all the air conditioners are in operation and immense noise is created as a result of which I am unable to open the windows and during the day time the heat generated from the operation of the air conditioners make it unbearable for me and the neighbors to survive.

*Rajana Datta*

Due to the noise and the heat it affects the health and presently I am facing breathing problems and the environment in the locality is being deteriorated due to operation of so many air conditioner machines and one Fresh Air Inlet Machine.

I also say that the HDFC bank installed a machine for letting of fresh air inside, which also causes the emission of heated air outside, thereby causing irritation to the eyes and acute breathing problem as the machine induce oxygenated air inside and the same is installed just opposite to my bed room.

The Hdfc Bank is also operating its ATM Counter 24 x 7 which is also just beside our bed room and on the ground floor and there is bright light inside our bed room throughout the entire night further customers come late at night and early in the morning which causes disruption in our peaceful sleep.

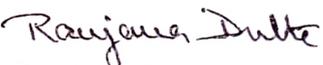
I have requested Mr. Suresh Kanoi and Mr. Sanjiv Kanoi as well as the HDFC Bank management to kindly look into the matter so that I may live peacefully and in a healthy and pollution free environment.

However no one paid any heed to my request and I am compelled to live in a very critical condition amidst the heated air and the noise being generated by so many machines. On the contrary Mr. Suresh Kanoi and Mr. Sanjiv Kanoi along with some other persons behaved very rudely and roughly with me and also threaten me.

In the above circumstance I humbly request you to kindly look into the matter on an urgent basis and take steps against Mr. Suresh Kanoi and Mr. Sanjiv Kanoi and the HDFC management who have taken ground floor and the first floor of the building so that we may live in a healthy and pollution free environment for which I shall remain grateful to you.

Thanking You,

Yours Sincerely

  
Ranjana Dutta

Address: 22/1E, Monhor Pukur Road, P.S-  
Rabindra Sarabar, Kolkata- 700029.

(M): 8910150857.

23 20

Date: 09.05.2024

To  
The Municipal Commissioner,  
The Kolkata Municipal Corporation,  
5, S. N. Banerjee Road,  
Kolkata-700013.

**SUB- Complaint of Noise Pollution and Air Pollution caused due to installation of many Air Conditioners and One Fresh Air Inlet Machine on the intersection of the ground floor and first floor of premises no. 22/23B, Monhor Pukur Road, P.S- Rabindra Sarabar, Kolkata- 700029, by HDFC, Bank, who have taken the said premises on rent from Mr. Suresh Kanoi and Mr. Sanjiv Kanoi situated just opposite my premises.**

Dear Sir,

I, the under signed take this opportunity to inform you the following facts and circumstances for your kind knowledge and taking necessary action in this matter.

I am senior citizen and a widow residing alone at 1<sup>st</sup> floor of the building being premises no.22/1E, Monhor Pukur Road, P.S- Rabindra Sarabar, Kolkata- 700029 since quite a long span of time. In the month of December, 2023 one Mr. Suresh Kanoi and Mr. Sanjiv Kanoi being the owners of premises no. 22/23B, Monhor Pukur Road, P.S- Rabindra Sarabar, Kolkata- 700029 had let out the ground floor and the first floor of the same premises to HDFC Bank. The said bank had installed many numbers of air conditioners on the intersection of the ground floor and the first floor of the building which is just opposite to my flat.

In the present scenario of scorching heat and heat is generated when all the air conditioners are in operation and immense noise is created as a result of which I am unable to open the windows and during the day time the heat generated from the operation of the air conditioners make it unbearable for me and the neighbors to survive.

Ranjana Datta

24 21

Due to the noise and the heat it affects the health and presently I am facing breathing problems and the environment in the locality is being deteriorated due to operation of so many air conditioner machines and one Fresh Air Inlet Machine.

I also say that the HDFC bank installed a machine for letting of fresh air inside, which also causes the emission of heated air outside, thereby causing irritation to the eyes and acute breathing problem as the machine induce oxygenated air inside and the same is installed just opposite to my bed room.

The Hdfc Bank is also operating its ATM Counter 24 x 7 which is also just beside our bed room and on the ground floor and there is bright light inside our bed room throughout the entire night further customers come late at night and early in the morning which causes disruption in our peaceful sleep.

I have requested Mr. Suresh Kanoi and Mr. Sanjiv Kanoi as well as the HDFC Bank management to kindly look into the matter so that I may live peacefully and in a healthy and pollution free environment.

However no one paid any heed to my request and I am compelled to live in a very critical condition amidst the heated air and the noise being generated by so many machines. On the contrary Mr. Suresh Kanoi and Mr. Sanjiv Kanoi along with some other persons behaved very rudely and roughly with me and also threaten me.

In the above circumstance I humbly request you to kindly look into the matter on an urgent basis and take steps against Mr. Suresh Kanoi and Mr. Sanjiv Kanoi and the HDFC management who have taken ground floor and the first floor of the building so that we may live in a healthy and pollution free environment for which I shall remain grateful to you.

Thanking You,

Yours Sincerely

*Ranjana Dutta*  
Ranjana Dutta

Address:22/1E, Monhor Pukur Road, P.S-  
Rabindra Sarabar, Kolkata- 700029.

(M): 8910150857.

25 22

Date: 09.05.2024

To  
The Member Secretary,  
West Bengal Pollution Control Board,  
"Paribesh Bhawan",  
10A, Block-LA, Sector-III,  
Salt Lake City, Kolkata-700106.

**SUB- Complaint of Noise Pollution and Air Pollution caused due to installation of many Air Conditioners and One Fresh Air Inlet Machine on the intersection of the ground floor and first floor of premises no. 22/23B, Monohor Pukur Road, P.S- Rabindra Sarabar, Kolkata- 700029, by HDFC, Bank, who have taken the said premises on rent from Mr. Suresh Kanoi and Mr. Sanjiv Kanoi situated just opposite my premises.**

Dear Sir,

I, the under signed take this opportunity to inform you the following facts and circumstances for your kind knowledge and taking necessary action in this matter.

I am senior citizen and a widow residing alone at 1<sup>st</sup> floor of the building being premises no.22/1E, Monhor Pukur Road, P.S- Rabindra Sarabar, Kolkata- 700029 since quite a long span of time. In the month of December, 2023 one Mr. Suresh Kanoi and Mr. Sanjiv Kanoi being the owners of premises no. 22/23B, Monhor Pukur Road, P.S- Rabindra Sarabar, Kolkata- 700029 had let out the ground floor and the first floor of the same premises to HDFC Bank. The said bank had installed many numbers of air conditioners on the intersection of the ground floor and the first floor of the building which is just opposite to my flat.

In the present scenario of scorching heat and heat is generated when all the air conditioners are in operation and immense noise is created as a result of which I am unable to open the windows and during the day time the heat generated from the operation of the air conditioners make it unbearable for me and the neighbors to survive.

Ranjana Dutta

26 23

Due to the noise and the heat it affects the health and presently I am facing breathing problems and the environment in the locality is being deteriorated due to operation of so many air conditioner machines and one Fresh Air Inlet Machine.

I also say that the HDFC bank installed a machine for letting of fresh air inside, which also causes the emission of heated air outside, thereby causing irritation to the eyes and acute breathing problem as the machine induce oxygenated air inside and the same is installed just opposite to my bed room.

The Hdfc Bank is also operating its ATM Counter 24 x 7 which is also just beside our bed room and on the ground floor and there is bright light inside our bed room throughout the entire night further customers come late at night and early in the morning which causes disruption in our peaceful sleep.

I have requested Mr. Suresh Kanoi and Mr. Sanjiv Kanoi as well as the HDFC Bank management to kindly look into the matter so that I may live peacefully and in a healthy and pollution free environment.

However no one paid any heed to my request and I am compelled to live in a very critical condition amidst the heated air and the noise being generated by so many machines. On the contrary Mr. Suresh Kanoi and Mr. Sanjiv Kanoi along with some other persons behaved very rudely and roughly with me and also threaten me.

In the above circumstance I humbly request you to kindly look into the matter on an urgent basis and take steps against Mr. Suresh Kanoi and Mr. Sanjiv Kanoi and the HDFC management who have taken ground floor and the first floor of the building so that we may live in a healthy and pollution free environment for which I shall remain grateful to you.

Thanking You,

Yours Sincerely

*Ranjana Dutta*

Ranjana Dutta

Address: 22/1E, Monhor Pukur Road, P.S-  
Rabindra Sarabar, Kolkata- 700029.

(M): 8910150857.

9A

RABINDRA SAROBAR P.S.

D. ENTRY NO 1353

Date: 21.2.2024

DATE 21/02/2024

21/02  
21/02/24

To

The Officer in Charge ,  
Rabindra Sarobar Police Station,  
Kolkata-700029

**Sub:-Complaint against Mr Suresh Kanoi and Mr Sanjiv Kanoi  
and HDFC Bank Authority who forcefully installed  
13(Thirteen)Air Conditioners just opposite of my flat**

Dear Sir

I hereby like to draw your kind notice that I, Ranjana Dutta wife of Late Dilip Kumar Dutta aged about 63 years, am residing at the 1st floor flat of Premises No.22/1E, MonoharPukur Road, P.S. Rabindra Sarobar , Kolkata-700029 and living in very dangerous and gross violation of environment activities. I am a senior citizen and living alone at the above-mentioned address.

Just few days ago HDFC Bank Authority have taken on rent the entire ground and first floor from Mr Suresh Kanoi and Mr Sanjiv Kanoi of Premises No. 22/23B ,MonoharPukurRoad,P.S. Rabindra Sarobar, Kolkata-700029, and this premises is situated just opposite to my flat and there is 12 feet common passage between the two premises.

In the mean time I have noticed that they installed 13(thirteen) Air Conditioners on the ground floor and first floor junction areas 's outside wall of the Premises No.22/23B, MonoharPukurRoad, Kolkata-700029 and it is installed just opposite of my flat and windows. It will very dangerously affect to my life /health as those ACs will generate immense heat when operated and I shall not be able to open my windows and will also affect structural stability of our building and its outside walls

When I went to MrSanjiv Kanoi and HDFC authority with a request to shift the above numbers of Air conditioners installed just opposite to my windows, they misbehave with me as well as declined to remove those.

In the above circumstances, I request you to be kind enough to instruct the above-mentioned persons to remove the Air Conditioners and other articles as early as possible and hope that considering the urgency of my need to take action immediately to save my life and oblige.

Thanking you,

Ranjana Dutta

*Ranjana Dutta*

M.No: 8910150857

Rajana Delta Letters

<b>EMS SPEED POST</b>		<b>SPEED POST</b> Advance Customer CSI C.de-300006091E KOLKATA (01)	<b>SPEED POST RECEIPT</b>	
EW	490052680		Municipal Commissioner	
Date -	9.5.29		K.M.C.	
Weight -	20		Kod 13	
Charge Rs. -	18		FROM R. Dutta	
Signature -			Kod 29	
ADVANCE CUST. ID NO. 3000049815 (KOLKATA GPO. KOLKATA - 700 001)				

<b>EMS SPEED POST</b>		<b>SPEED POST</b> Advance Customer CSI C.de-300006091E KOLKATA (01)	<b>SPEED POST RECEIPT</b>	
EW	490052693		TO Additional Chief Secretary	
Date -	9.5.29		Environment Department	
Weight -	20		Salt Lake Kod-106	
Charge Rs. -	18		FROM R. Dutta	
Signature -			Kod 29	
ADVANCE CUST. ID NO. 3000049815 (KOLKATA GPO. KOLKATA - 700 001)				

<b>EMS SPEED POST</b>		<b>SPEED POST</b> Advance Customer CSI C.de-300006091E KOLKATA (01)	<b>SPEED POST RECEIPT</b>	
EW	490052702		TO Member Secretary	
Date -	9.5.29		W.B Pollution Control Board	
Weight -	20		Salt Lake Kod-106	
Charge Rs. -	18		FROM R. Dutta	
Signature -			Kod 29	
ADVANCE CUST. ID NO. 3000049815 (KOLKATA GPO. KOLKATA - 700 001)				

24 26

Sign In Register



You are here Home >> Track Consignment

## Track Consignment

Quick help

\* Indicates a required field.

\* Consignment Number  
EW490052680IN

Track More

Booked At	Booked On	Destination Pincode	Tariff	Article Type	Delivery Location	Delivery Confirmed On
Kolkata GPO BPC	10/05/2024 10:35:08	700013	17.70	Inland Speed Post	Dharmatala SO	11/05/2024 13:51:10

### Event Details For : EW490052680IN

#### Current Status : Item Delivered(Addressee)

Date	Time	Office	Event
11/05/2024	13:51:10	Dharmatala SO	Item Delivered(Addressee)
11/05/2024	11:33:47	Dharmatala SO (Beat Number:8)	Item Delivered [To: commissioner (Addressee) ]
11/05/2024	10:08:09	Dharmatala SO	Out for Delivery
11/05/2024	09:30:08	Dharmatala SO	Item Received
10/05/2024	13:26:46	Kolkata GPO BPC	Item Dispatched
10/05/2024	11:55:29	Kolkata GPO BPC	Item Bagged
10/05/2024	10:35:08	Kolkata GPO BPC	Item Booked

- Home
- About Us
- Forms
- Recruitments
- Holidays
- Feedback
- Right To Information



Sign In

Register

50 27



FA

ॐ

हिन्दी



भारतीय डाक



India Post



सत्यमेव जयते

You are here Home>> **Track Consignment**



## Track Consignment

[Quick help](#)

\* Indicates a required field.

\* Consignment Number

EW490052693IN

[Track More](#)

Booked At	Booked On	Destination Pincode	Tariff	Article Type	Delivery Location	Delivery Confirmed On
Kolkata GPO BPC	10/05/2024 10:35:08	700106	17.70	Inland Speed Post	Bidhan Nagar IB Market SO	14/05/2024 14:54:09

### Event Details For : EW490052693IN

Current Status : Item Delivered(Addressee)

Date	Time	Office	Event
14/05/2024	14:54:09	Bidhan Nagar IB Market SO	Item Delivered(Addressee)
14/05/2024	14:29:36	Bidhan Nagar IB Market SO (Beat Number:7)	Not Delivered ADDRESSEE ABSENT
14/05/2024	10:38:31	Bidhan Nagar IB Market SO	Out for Delivery
11/05/2024	08:12:27	Bidhan Nagar IB Market SO	Item Received
11/05/2024	06:03:49	KOLAP TMO	Item Dispatched
10/05/2024	21:39:50	KOLAP TMO	Item Received
10/05/2024	13:27:26	Kolkata GPO BPC	Item Dispatched
10/05/2024	13:11:21	Kolkata GPO BPC	Item Bagged
10/05/2024	13:10:43	Kolkata GPO BPC	Item Bagged
10/05/2024	12:40:42	Kolkata GPO BPC	Item Bagged
10/05/2024	10:35:08	Kolkata GPO BPC	Item Booked

[Home](#)  
[About Us](#)  
[Forms](#)

31 28



Sign In

Register



AA

ॐ

हिन्दी



You are here Home>> Track Consignment



## Track Consignment

Quick help

\* Indicates a required field.

\* Consignment Number

EW490052702IN

Track More

Booked At	Booked On	Destination Pincode	Tariff	Article Type	Delivery Location	Delivery Confirmed On
Kolkata GPO BPC	10/05/2024 10:35:08	700106	17.70	Inland Speed Post	Bidhan Nagar IB Market SO	14/05/2024 14:52:44

### Event Details For : EW490052702IN

#### Current Status : Item Delivered(Addressee)

Date	Time	Office	Event
14/05/2024	14:52:44	Bidhan Nagar IB Market SO	Item Delivered(Addressee)
14/05/2024	09:35:40	Bidhan Nagar IB Market SO	Out for Delivery
11/05/2024	08:12:27	Bidhan Nagar IB Market SO	Item Received
11/05/2024	06:03:49	KOL AP TMO	Item Dispatched
10/05/2024	21:39:50	KOL AP TMO	Item Received
10/05/2024	13:27:26	Kolkata GPO BPC	Item Dispatched
10/05/2024	13:11:21	Kolkata GPO BPC	Item Bagged
10/05/2024	13:10:43	Kolkata GPO BPC	Item Bagged
10/05/2024	12:40:42	Kolkata GPO BPC	Item Bagged
10/05/2024	10:35:08	Kolkata GPO BPC	Item Booked

Home

About Us

Forms

Recruitments

Amexone - D-1

32 29

Item No.08

Court No.1

**BEFORE THE NATIONAL GREEN TRIBUNAL  
EASTERN ZONE BENCH, KOLKATA  
(THROUGH PHYSICAL HEARING WITH HYBRID MODE)**

Original Application No. 74/2023/EZ

**IN THE MATTER OF:**

Gautam Prakash,  
C/o Sri Suresh Choudhary (Advocate),  
Opposite Residence of the District Judge,  
Luby Circular Road, Dhanbad,  
Pin - 826001,

...Applicant(s)

**Versus**

1. M/s Seventeen Degree Hotel Company Pvt. Ltd,  
Through its General Manager,  
City Centre, Luby Circular Road, Dhanbad,  
Pin - 826001,
2. Jharkhand State Pollution Control Board,  
Through its Chairman,  
Head Office: TA Division Building, HEC,  
Dhurva, Ranchi,
3. Jharkhand State Pollution Control Board, (Regional Office Dhanbad),  
Through its Regional Officer,  
HIG-01, Sardar Patel Nagar, Housing Colony,  
Hirapur, Dhanbad,  
Pin - 826001,
4. Additional Chief Secretary,  
Department of Forest, Environment & Climate Change,  
Government of Jharkhand,  
Secretariat, Nepal House, Doranda, Ranchi,  
Pin - 834001, ... (Deleted vide order dt.07.07.2023)
5. Sub-Divisional Officer, (SDO), Dhanbad,  
P.O., P.S. & District-Dhanbad,  
Pin - 826001, ... (Deleted vide order dt.07.07.2023)

...Respondent(s)

Date of hearing: 13.02.2024

**CORAM: HON'BLE MR. JUSTICE B. AMIT STHALEKAR, JUDICIAL MEMBER  
HON'BLE DR. ARUN KUMAR VERMA, EXPERT MEMBER**

For Applicant(s) : Mr. Gautam Prakash, in person (in Virtual Mode)

For Respondent(s): Mr. Ashwini Kumar Beotra, Advocate (in Virtual Mode) a/w  
Mr. Sibojyoti Chakraborty, Advocate for R-1,  
Mr. Dev Aaryan, Advocate for R-2 & 3 (in Virtual Mode)

**ORDER**

1. Mr. Gautam Prakash, the Applicant in person, is present (in Virtual Mode).
2. The allegation of the Applicant in the present Original Application is that the Respondent No.1, M/s Seventeen Degree Hotel Company Pvt. Ltd., has installed four Air Conditioners in its premises on the side facing the Applicant's house, each of which has a capacity of 8.5 tonnes or more. It is stated that the outdoor units of the said Air Conditioners are installed on the face of the western wall of the City Centre, each of which is at a distance of just about 10 meters from the Applicant's house. The air conditioners are stated to be operational for most part of the day and continue to operate till late hours in the night, well beyond 10 P.M. and these Air Conditioners are alleged to make an unbearable high pitched noise, causing inconvenience and jeopardizing the mental and physical health of the residents of the Applicant's house.
3. It is further stated that on a complaint made by the Applicant on 02.12.2020 to the the Jharkhand State Pollution Control Board, an enquiry was undertaken by the team of officials of the State Board and the team recorded its findings against the establishment of the Respondent No.1. The Noise Level Report of the Jharkhand State Pollution Control Board has been filed as Annexure-A5 (page 24) to the Original Application.
4. The contention of the Applicant is that noise level value is much higher than the prescribed limit for a commercial area. Photographs of the premises have also been filed as Annexure-A3 (page 22-23) to the Original Application.

5. Affidavit dated 28.07.2023 has been filed by the Jharkhand State Pollution Control Board, Respondent No.2, bringing on record an Inspection Report of an inspection carried out on 26.07.2023 which reads as under:-

**“Inspection Report of M/s Seventeen Degree Hotel Company Pvt. Ltd. in the light of direction issued by Hon’ble NGT in O.A. No.- 74/2023/EZ in the matter of Gautam Prakash Vs M/s Seventeen Degree Hotel Company Pvt. Ltd. & Anr.**

*In the light of HQ letter Ref. No. B.1790 Ranchi, Dated: 18.07.2023 regarding compliance of direction issued by the Hon’ble NGT Eastern Zone Bench in order Dated: 07/07/2023 in O.A. No. 74/2023/EZ, M/s Seventeen Degree Hotel Company Pvt. Ltd. was inspected on 26.07.2023 by Sri Ram Pravesh Kumar, Regional Officer along with Sri Ashotosh Anand, Consulting Executive, Sri Subodh Kumar Singh, Assistant Scientific Officer & Sri Abhay Kumar Singh, Sample Taker, Regional Office Dhanbad.*

*During the inspection Sri Gautam Singh, Manager of M/s Seventeen Degree Hotel Company Pvt. Ltd. was present at the Hotel and Sri Suresh Chaudhary, Father of complainant Sri Gautam Prakash was present at the complain site which is his residential House.*

*During the inspection M/s Seventeen Degree Hotel Company Pvt. Ltd. was found in operation and following observation were made:-*

- 1. M/s Seventeen Degree Hotel Company Pvt. Ltd. is having a restaurant with seating capacity – 51 seats. One Bar of seating Capacity -26 and one banquet hall of capacity -50 Person inside City Center Residential-cum-Commercial complex.*
- 2. M/s Seventeen Degree Hotel Company Pvt. Ltd. has not obtained any Consent to Establish and Consent to operate from the State Pollution Control Board and also the Person Present could not provide any relevant document regarding consent.*
- 3. Fresh water is being supplied by management of City Center Complex and the waste water discharge is also done in the common drain of City Center Complex by the Unit.*

4. *The City Center complex is a Residential-cum-commercial complex which is having many commercial shops including educational institutions, shopping Mart, cloths & Shoes showrooms etc.*
5. *M/s Seventeen Degree Hotel Company Pvt. Ltd. has installed 4 nos. of Air Conditioner Outdoor Unit towards the West side of City Center Complex.*
6. *During the inspection and measurement of Noise level towards the west side of City Center Complex it was found that apart from 4 outdoor AC Units of M/s Seventeen Degree Hotel Company Pvt. Ltd. and about 24-25 Outdoor AC Unit are also installed of different size and capacity which cumulatively cause increase in Noise Pollution Level.*
7. *Noise absorbing Barriers for blocking Noise from Air Conditioner Outdoor Unit has not been provided by the City Center Complex above Boundary wall.*
8. *The Complainant House is also towards west side of Hotel about 10 mtrs away from the Air conditioner Outdoor Units.*
9. *The Complainant also informed about Noise from D.G sets installed towards the West side of Boundary wall is also causing Noise Problems.*
10. *During the inspection 7 nos. of D.G. Sets of different capacity were found installed adjacent to boundary wall between complainant House and City Center complex.*
11. *The Noise level has been measured using Sound Level meter at the House of complainant, inside the Banquet Hall of Seventeen Degree Hotel and Near Boundary wall in between City Center complex and complainant House.*
12. *The Noise level measured inside the complainant House was found 60dB which is above the prescribed limit for residential area.*

13. The Noise Level inside the Banquet Hall after starting all the 4 outdoor Units of Air conditioner was found to be 62.3 dB which is within the prescribed limit for commercial area.

14. The noise level Near Boundary Wall in between City Center complex and complainant House was found to be 67.4 dB which is higher than the prescribed limit for commercial area.

15. Department of Forest, Environment & Climate Change has notified a notification Dated 14.06.2029 authorizing the Sub Divisional Officer, Sub Divisional Police Officers and Senior Superintendent of Police to take action for maintenance of Air Quality Standard in respect of Noise under their Jurisdiction as pre Noise Pollution (Regulation and Control) Rules, 2000.

**Recommendation:-**

*On the basis of above facts Show cause may also be asked from M/s Seventeen Degree Hotel Company Private Limited, City Centre, Dhanbad for operating the unit without obtaining valid Consent to establish (CTE) AND Consent to operate (CTO) and accordingly punitive action may be taken."*

6. In the affidavit of the Jharkhand State Pollution Control Board, it is stated that in pursuance to the findings of the Inspecting Team, a show cause notice dated 27.07.2023 has been issued to the Respondent No.1, M/s Seventeen Degree Hotel Company Pvt. Ltd. to submit its explanation before the State Board by 08.08.2023.
7. The Applicant has filed affidavit dated 21.08.2023 stating that in pursuance to the initial report dated 07.12.2020 of the Jharkhand State Pollution Control Board, the Respondent No.1 attempted to mitigate the issue of noise pollution by temporarily installing a barrier in its four AC Units but instead of decreasing the volume of noise, the barrier only helped to increase the same.

8. It is further stated that the Diesel Generator (DG) sets in isolation from the aforementioned AC Units are also contributing to noise pollution and the exhaust chimneys of these DG sets being of insufficient height and are emitting exhaust fumes towards the property owned by the Applicant.
9. The Jharkhand State Pollution Control Board, Respondent No.2, has filed further affidavit dated 23.08.2023 stating that when no response was given by the Respondent No.1 to the first show cause notice dated 27.07.2023, a second show cause notice was issued on 22.08.2023 by the State Board to the Respondent No.1 Unit to submit its reply on or before 04.09.2023 as a last chance.
10. The Jharkhand State Pollution Control Board, Respondent No.2, has filed another affidavit dated 06.09.2023 stating that in response to the second show cause notice the Respondent No.1 Unit has submitted its reply on 04.09.2023 requesting for 30 days time to submit relevant documents. However, on 05.09.2023 an order was passed by the Jharkhand State Pollution Control Board directing the Respondent No.1 Unit to close down with immediate effect and to operate the said Unit only after obtaining Consent to Establish and Consent to Operate from the State Board.
11. The Respondent No.1, M/s Seventeen Degrees Hotel Company Pvt. Ltd. has filed affidavit dated 26.09.2023 stating that the Unit has applied to the Jharkhand State Pollution Control Board for Consent to Establish and Consent to Operate. It is stated that the Unit has four Air Conditioners affixed on the west side wall of the complex with which the Applicant has issues. It is also stated that out of four Air Conditioners, two Air Conditioners have been shifted inside a room

which has considerably brought down the sound decibels below the permissible limit.

12. In the affidavit, it is also stated that there are seven DG sets within the boundary of the City Centre Complex which are being used by the entire complex as alternative source of electricity in case of shut down and/or power cuts. It is stated that there are 24 Air Conditioners fixed to the west side wall of the building which run throughout day but the same did not belong to the Respondent No.1. It is also stated that the two Air Conditioners shall be replaced by new Air Conditioners. The Respondent No.1 has also undertaken that all the four Air Conditioners will not be operated at the same time.
13. A plea of limitation has also been taken that the Respondent's Banquet Hall cum Bar & Restaurant was started in the year 2018 but the present Original Application has been filed only on 03.06.2023 and, therefore, the same is barred by limitation.
14. We may reject the objection of the Respondent No.1 with regard to the limitation at the outset itself, since the operation of the DG sets and Air Conditioners causing noise pollution is a continuous cause of action for the Applicant and, therefore, we hold that the present Original Application is not barred by limitation.
15. A further affidavit dated 11.10.2023 has been filed by the Jharkhand State Pollution Control Board, Respondent No.2, stating that the Unit of Respondent No.10 was again inspected on 07.10.2023, copy of Inspection Report has been filed as Annexure-F1 (series), to the affidavit which reads as under:-

***"Compliance of Order dated 27.09.2023 passed by Hon'ble National Green Tribunal, Eastern Zone Bench in O.A. No. 74/2023/EZ in the matter of Sri Gautam Prakash Versus M/s. Seventeen Degrees Hotel Company Pvt. Ltd. & Anr.***

---

In the order dated 27.09.2023, Hon'ble NGT, Eastern Zone Bench in its order dated 27/09/2023 in O.A. No. 74/2023/EZ in the matter of Gautam Prakash Versus M/s Seventeen Degree Hotel Company Pvt. Ltd. & Anr. Has issued certain directions. The operative of which are as below:-

**“3. Mr. Gautam Prakash, the Applicant in person, who is present in Virtual Mode, submits that the main problem of the noise pollution is with regard to the 04 air conditioners and not with rest of the 24 or 28 air conditioners.**

**4. We, therefore, direct the Jharkhand State Pollution Control Board to carry out a fresh inspection of the site and submit a fresh Inspection Report on affidavit within two weeks.**

**5. Mr. Gautam Prakash, the Applicant in person and Mr. Santosh Prasad, General Manager of Seventeen Degrees Hotel Company Pvt. Ltd. may also be present during inspection of which due notice shall be given to them by the Jharkhand Pollution Control Board.**

**6. List on 12.10.2023.”**

In the light of compliance of above order, Jharkhand State Pollution Control Board, H.Q. Ranchi vide letter no. B.2292, dated 04.10.2023 has directed Regional Officer, Jharkhand State Pollution Control Board, Dhanbad to conduct fresh inspection in the presence of Mr. Gautam Prakash, the Applicant in person and Mr. Santosh Prasad, General Manager of Seventeen Degree Hotel Company Pvt. Ltd.

To comply above direction, site was inspected by undersigned along with Mr. Sougata Mahoto, C.E (J.R.F) on dated 07.10.2023. During inspection, Sri Suresh Chaudhary, father of Mr. Gautam Prakash (Applicant) was present and he informed that, Mr. Gautam Prakash is not in town. Mr. Suresh Chaudhary was available during the inspection. Mr. Santosh Prasad, General Manager of Seventeen Degree Hotel Company Pvt. Ltd. was also present during inspection.

In earlier inspection dated 26.07.2023, 04 nos. of Outdoor units of AC(s) of M/s. Seventeen Degree Hotel Company Pvt. Ltd. were found mounted on the wall of west side of commercial-cum-residential building (City Centre). Capacity of Each outdoor unit is 5.5 Tonnes.

During the current inspection it was found that, M/s. Seventeen Degrees Hotel Company Pvt. Ltd. has shifted 02 nos. of outdoor units of AC within a room inside the Hotel, which flows air through the windows. Rest of the two outdoor units of AC is still in the same position as reported earlier.

Mr. Suresh Choudhary informed that, after shifting 02 nos. of outdoor units of AC within the room, about 50% noise related issue has been resolved. He also informed that if, rest 02 nos. of outdoor units of AC will be shifted to another place, then noise issue will further be reduced.

During the inspection, Noise level at the courtyard of applicant house has been monitored and observed noise level-56.1 dBA, which is slightly higher than the prescribed limit for Residential area which is 55 dBA.

Mr. Santosh Prasad, General Manager of Seventeen Degrees Hotel Company Pvt. Ltd. has assured that, these outdoor units of AC will be shifted 15 to 20 feet from current position towards the northern side of the building and air flow (Exhaust) position of the same will also be changed from West direction (Applicant side) to North side. Mr. Suresh Choudhary, applicant's father agreed with the above as remedial measures, so that the noise pollution can be controlled/reduced.

Copy of Assurance letter of M/s Seventeen Degrees Company Pvt. Ltd. & Noise level monitoring report are enclosed."

#### NOISE LEVEL REPORT

<b>S.N.</b>	<b>Name of Monitoring point</b>	<b>Time</b>	<b>Noise level value obtained dB(A) leq</b>
01	Inside the premises of complainant 35 feet from Air Conditioners machine	12:30 PM to 12:35 PM	56.1 dB(A)

16. Another affidavit dated 05.12.2023 has been filed by the Jharkhand State Pollution Control Board, stating that the State Board vide its letter dated 17.10.2023 has directed the Regional Officer-cum-Laboratory, Dhanbad, to take the average reading spread over morning, evening and night hours over at least one week. The Noise

Level Monitoring Report has been filed at page no.182 of the paper book, which reads as under:-

**“NOISE LEVEL MONITORING REPORT**

**Name of the Location:** *Nearby House of Sri Gautam Prakash,  
Resident near M/s Seventeen Degrees  
Hotel Company Pvt. Ltd. L.C. Road,  
Dhanbad,*

<b>Date</b>	<b>Morning Hours (Time)</b>	<b>Noise level value obtained dB(A)</b>	<b>Evening Hours (Time)</b>	<b>Noise level value obtained dB(A)</b>	<b>Night Hours (Time)</b>	<b>Noise level value obtained dB(A)</b>
27/10/2023	11:10 AM to 11:15 AM	56.8	06:20 PM to 06:25 PM	57.0	10:00 PM to 10:05 PM	56.2
28/10/2023	11:00 AM to 11:05 AM	56.8	06:10 PM to 06:55 PM	56.7	10:10 PM to 10:15 PM	57.7
29/10/2023	11:10 AM to 11:15 AM	56.7	06:05 PM to 06:10 PM	58.3	10:05 PM to 10:10 PM	56.5
30/10/2023	11:05 AM to 11:10 AM	58.0	06:15 PM to 06:20 PM	59.5	10:10 PM to 10:15 PM	55.6
31/10/2023	11:05 AM to 11:10 AM	57.0	06:10 PM to 06:15 PM	56.6	10:05 PM to 10:10 PM	56.9
01/11/2023	11:15 AM to 11:20 AM	56.7	06:30 PM to 06:35 PM	51.1	10:05 PM to 10:10 PM	52.0
02/11/2023	-	-	06:35 PM to 06:40 PM	54.5	10:10 PM to 10:15 PM	53.8
<b>Average Value</b>		<b>57.00</b>		<b>56.24</b>		<b>55.53</b>

**Note:** *Monitoring has not been done on dated 02.11.2023, morning time due to non co-operation of complainer. One AC was operational that time out of two.*

**Remarks:** *Prescribed limit in residential area in day time-55.0 dB(A) and Night time-45.0 dB(A). Average Noise level inside complainant house were found beyond the prescribed limit.”*

17. A bare perusal of this Noise Level Monitoring Report dated 10.11.2023 reveals that average noise level was 57.00 dB(A) during morning hours; in the evening hours it was average 56.24 dB(A) and in the night hours it was 55.53 dB(A). The prescribed limit in a residential area in day time is 55.0 dB(A) and in night time is 45.0

dB(A). The remarks in the said Report is that average noise level inside the complainant house was found beyond the prescribed limit.

18. The Respondent No.1, M/s Seventeen Degrees Hotel Company Private Limited, has filed another affidavit dated 07.02.2024 stating that out of the four Air Conditioners, two Air Conditioners had already been shifted from the Unit as stated in the previous affidavit and now the remaining two Air Conditioners have also been removed from the west side wall of the complex and now all four Air Conditioners have been removed. It is also stated that average noise level is only marginally higher than the prescribed limit during day time and evening time whereas during night time it has been recorded higher than the prescribed limit.
19. We have heard the learned Counsel for the parties and perused the documents on record.
20. The Inspection Report of 26.07.2023 clearly mentions that there were four Air Conditioners Outdoor Units towards the west side wall of the City Centre Complex; noise absorbing barriers for blocking noise from Air Condition Outdoor Units had not been provided by the City Centre Complex above the boundary wall; the noise level measured inside the complainant's house was found to be 60 dB which is above the prescribed limit for residential area and after starting all four Outdoor Units of Air Conditioners inside the Banquet Hall of the Respondent No.1, the noise level was found to be 62.3 dB which is within the prescribed limit for commercial area; the noise level near the boundary wall in between City Center Complex and complainant's house was found to be 67.4 dB which is higher than the prescribed limit for commercial area. The Inspecting Team also found that the

Respondent No.1 Unit was operating without Consent to Establish and Consent to Operate.

21. The documents filed as Annexure-R-4 to the affidavit of the Respondent No.1 shows that it applied for Consent to Establish and Consent to Operate only on 29.08.2023 as would be clear from the online payment receipt (page no.146 of the paper book). On the own showing of the Respondent No.1 that the Banquet Hall cum Bar and Restaurant was started and Air Conditioners installed in the year 2018 as stated in para 18 of the affidavit dated 26.09.2023. This means that the Respondent No.1 Unit was operating throughout without a valid Consent to Establish and Consent to Operate from the year 2018 onwards till the commencement of the present proceedings and filed application for grant of Consents from the Jharkhand State Pollution Control Board only on 29.08.2023.
22. Learned Counsel for the Respondent No.1 submitted that it is not the Unit of the Respondent No.1 which is contributing to the noise pollution but as per the Inspection Report there are other Air Conditioners and DG sets which also contribute to the higher noise pollution. The Noise Level Monitoring Report of 10.11.2023, on the other hand, shows the morning hours noise level to be average 57.00 dB(A), evening hours 56.24 dB(A) and night hours 55.53 dB(A). Further the Inspection Report inside the Respondent No.1 shows the noise level to be 62.3 dB(A) which was stated to be within the prescribed limit for commercial area, therefore, the Report of the Inspection Team is absolutely incorrect because there are other Air Conditioners and DG sets in the area.
23. Be that as it may, the documents on record show that the Unit of Respondent No.1 was operating without Consent to Establish and

Consent to Operate from the Jharkhand State Pollution Control Board from 2018 onwards which is in clear violation of the environmental norms and requirements of the Water (Prevention and Control of Pollution) Act, 1972, and the Air (Prevention and Control of Pollution) Act, 1981, and, therefore, the Unit of Respondent No.1 would be liable for payment of Environmental Compensation from 2018 onwards. Besides, what action has to be taken against the Unit of Respondent No.1 for operating its Unit at higher decibels than the prescribed limit is a decision to be taken by the Jharkhand State Pollution Control Board.

24. We, therefore, dispose of this Original Application with a direction to the Jharkhand State Pollution Control Board, Respondent No.2, to determine environmental compensation against the Respondent No.1 Unit for operating without Consent to Establish and Consent to Operate from the Jharkhand State Pollution Control and for operating the said Unit at noise levels higher than the prescribed limits.
25. Needless to say, upon determination of Environmental Compensation, the Jharkhand State Pollution Control Board, Respondent No.2, shall put the Respondent No.1 Unit to notice and pass final orders only after giving the Respondent No.1 an opportunity of being heard. Let this exercise be completed within a period of two months.
26. I.As. if any, stand disposed of accordingly.
27. There shall be no order as to costs.

.....  
**B. Amit Sthalekar, JM**

.....  
**Dr. Arun Kumar Verma, EM**

February 13, 2024,  
Original Application No.74/2023/EZ  
AK

15 42<sup>42</sup>

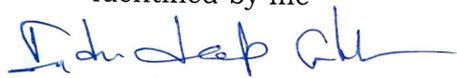


### VERIFICATION

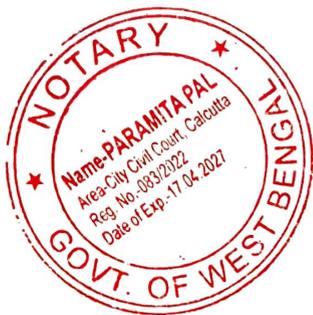
I, Ranjana Dutta, the above named deponent do hereby verify on this 8<sup>th</sup> day of July, 2024, that the facts stated herein above are true and correct to my information and no part of its are false and nothing material has been concealed therefrom.

Verified at Kolkata on the 8<sup>th</sup> day of July, 2024.

Identified by me

  
Advocate

  
Deponent



08 JUL 2024

S.L. No. 8/24

43



### AFFIDAVIT

I, Ranjana Dutta, W/o Late Dilip Kumar Dutta, aged about 63 years, by faith-Hindu, by occupation- housewife and residing at 22/1E, MonohorPukur Road, P.S- Rabindra Sarobar, Kolkata- 700029, do hereby solemnly affirm and state as follows :-

1. That I am the applicant in the Original Application and well conversant with the fact and circumstances of the case and I am competent to sign and swear this affidavit.
2. That I have read and understood the contents of the accompanying application and say that the facts stated above are true and correct as per my personal knowledge and legal advice received by me are true to the best of my knowledge and belief.
3. That the annexures annexed with the Application are true copies of their respective originals.
- 4.

Prepared in my office

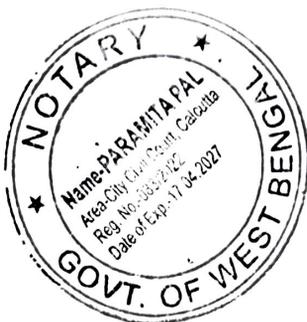
*Dududeep Ghl*  
Advocate

(Enrollment no: F-1731/2017)

*Ranjana Dutta*  
DEPONENT

Identified by me

*Dududeep Ghl*  
Advocate



Solemnly affirmed and declared  
by me on identification

*Pal*  
PARAMITA PAL  
City Civil Court  
Kolkata  
Reg No 083/2022

08 JUL 2024

Ranjana Dutta

**"VAKALATNAMA"**In the Court of The Honble National Green Tribunal Eastern Zone  
at Bench at Kolkata.

Before Ld \_\_\_\_\_ Judge

Suit/Case No. O.A no's

at 2014/EZ

Signature

Ranjana Dutta

Plaintiff  
Applicant  
Appellant

-VS-

State of West Bengal for.

Defendant  
Opp. Party  
Respondent

KNOW ALL MEN by these Ranjana Dutta

that I/We do hereby in my / our name and my / (our behalf constitute and appoint Sri true and lawful Pleader / Advocate & Attorneys to appear and act for me / us in the matter noted above to the suit written statement, conduct suit, appeal from original suit order etc. and for that purpose to do all acts and things, whatsoever in that connection including compromise of the above matter disposing in or withdrawing money from filling or taking out of appeal, document and payment order from Court referring matters in dispute between the parties here to arbitration, withdrawing the above matters with liberty title fresh suit, sending properties released from attachment filling execution or Miscellaneous cases and other petitions, bidding at execution sale, obtaining payment from us our Court. Withdrawing custody and other fees and doing on my / our behalf such other acts in the above matters as are necessary and proper

I / We hereby agreeing to ratify and confirm all acts so done by the said Advocate or Attorneys as my / our own acts and as it done by me / us to all intents and purposes.

Date... 08/07... 2014

ADVOCATES—

INDRADEEP GHOSH  
Advocate  
High Court, Calcutta.Enrolment: F/1231/2017  
Email: ghoshindradeep506@gmail.com  
Phone no: 7003321437

Received the vokalatnama  
from the executant within  
named satisfied & Accepted.

Rudh dep Qlu  
Advocate

08/07/24

**BEFORE THE HONBLE NATIONAL  
GREEN TRIBUNAL  
EASTERN ZONE BENCH AT  
KOLKATA  
MEMORANDUM OF APPLICATION**

(Under section 18(1) read with  
section 14 and 15 of the National  
Green Tribunal Act, 2010)

Original Application No. of 2024

**IN THE MATTER OF:**

Ranjana Dutta

..... **Applicant.**

**-Versus-**

State of West Bengal &Ors.

..... **Respondent.**

**ORIGINAL APPLICATION**

Indradeep Ghosh,  
Advocate,  
High Court, Calcutta,  
8, K.P.C. Street, Kolkata- 700003.  
[ghoshindradeep506@gmail.com](mailto:ghoshindradeep506@gmail.com)  
M- 7003321437.



08 JUL 2024