

**Before the Green Tribunal, Eastern Zone Bench at Kolkata**

**MEMORANDUM OF APPLICATION**

**[ Under Section 18 (1) read with sections 14 & 15 and under  
Section 18 (2) of the National Green Tribunal Act, 2010 ]**

**Original Application No. .... /2024/EZ**

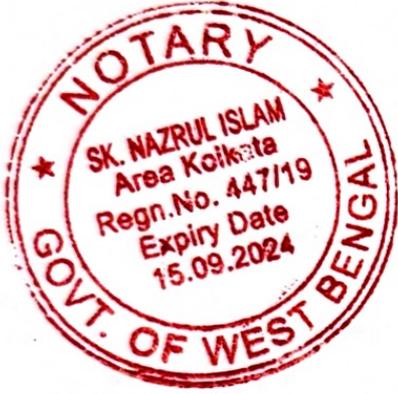
**Srikant Singh**

..... Applicant

**-Versus-**

**West Bengal Pollution Board & Ors.**

..... Respondents



**Compilation – I**

| Sl. No. | Particulars          | Page No. |
|---------|----------------------|----------|
| 1.      | Synopsis             | 1-6      |
| 2.      | List of Dates        | 6        |
| 3.      | Original Application | 6-15     |
| 4.      | Verification         | 16       |

*Ankur Sharma*

**Advocate**

**Ankur Sharma**

**Contact No. 9433883322**

**E-mail: adv.ankursharma9@gmail.com**

**15 MAR 2024**

**Before the Green Tribunal, Eastern Zone Bench at Kolkata**

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.....Respondents

**Compilation – II**

| Sl | Particulars   | Annexures<br>and page no. |
|----|---|---------------------------|
| 1. | True copy of the said email and screenshot of online complaint. | 'P-1'<br>(17 -18)         |
| 2. | Some photographs of the pollution being caused by the unit.     | 'P-2'<br>(19 - 21)        |



*Ankur Sharma*

Advocate

Ankur Sharma

Contact No. 9433883322

E-mail: adv.ankursharma9@gmail.com

**Before the Green Tribunal, Eastern Zone Bench at Kolkata**

**MEMORANDUM OF APPLICATION**

**[ Under Section 18(1) read with sections 14 & 15 and under  
Section 18 (2) of the National Green Tribunal Act, 2010 ]**

**Original Application No. .... /2024/EZ**

**IN THE MATTER OF :**

Srikant Singh son of Late  
Ashok Singh, resident of 46/5,  
Netaji Subhash Road, Bally,  
P.S. – Liluah, District –  
Howrah, West Bengal, PIN –  
711204.

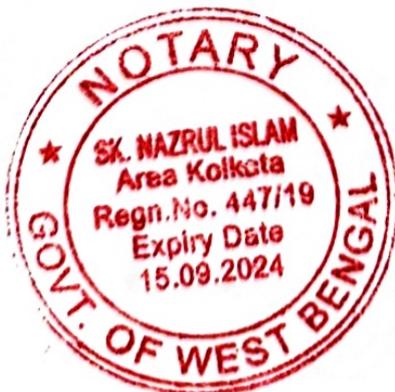
.....Applicant

**-VERSUS –**

1. West Bengal Pollution  
Control Board represented by  
its Member Secretary having  
office at PARIBESH  
BHAVAN, 10A, Block - L.A.,  
Sector - III, Salt Lake City,  
Kolkata - 700 106. Email :

ms.wbpcb-wb@bangla.gov.in

2. Smt. Aruna Vyas proprietor  
of M/s. Padmavati Metal  
Industries having office at 46/1  
Netaji Subhas Road, P.S. -



Liluah, Howrah, West Bengal,  
PIN - 711204.

.....Respondents

TO

THE HON'BLE CHAIRMAN AND HIS COMPANION  
MEMBERS OF THE NATIONAL GREEN TRIBUNAL.

HUMBLE APPLICATION SUBMITTED BY THE  
APPLICANT ABOVE NAMED

### Synopsis

The Applicant is a citizen of India and permanently resides at the address as mentioned in the cause title hereinabove adjacent to the industrial unit of the Respondent no. 2. The Applicant has filed this Application against gross air and noise pollution being caused due to operation of the industrial unit of the Respondent no. 2 which is causing great inconvenience and trouble to your Applicant and several other local residents in the vicinity. The industrial unit of Respondent no. 2 is running in the name and style of M/s. Padmavati Metal Industries engaged in production of copper scrap at municipal holding no. 46/1 Netaji Subhas Road, Liluah, Howrah, West Bengal, PIN - 711204. The unit during its operation causes massive air and noise pollution, the operation of the unit starts from 4:00 A.M. in the morning and continues till 11:00 P.M. in the night.

The unit does not have any air pollution control devices nor has any chimney with adequate stack height to release smoke generated from its activities. Smoke escapes from gaps present in the asbestos roof of the unit and pollutes the air badly. The said



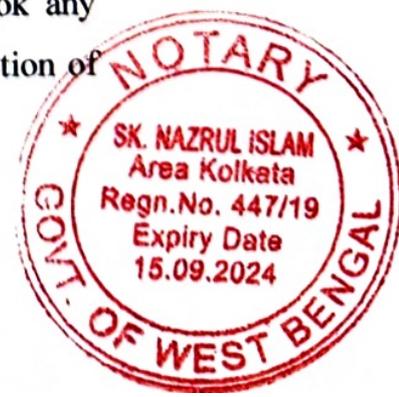
smoke also enters into the house of your Applicant causing the residents to suffocate.

The unit also causes massive noise pollution since it does not have any sound insulation infrastructure / acoustic insulation panels, noise generated during its operation of breaking of scrap copper causes inconvenience to health and psyche of the Applicant and several other local residents in vicinity of the unit.

Your Applicant vide online complaint dated 26.11.2023 and email dated 15.12.2023 lodged complaint before the West Bengal Pollution Control Board, inter alia, requesting them to intervene and take necessary corrective steps. However, no steps have been taken by the West Bengal Pollution Control Board as a result of which your Applicant is suffering immensely.

It is submitted that the present application has been made seeking appropriate directions for (i) inspection of the industrial unit by West Bengal Pollution Control Board, (ii) direction upon the Private Respondent to install Air Pollution Control Device (APCD) attached to a chimney having adequate stack height, (iii) direction upon the private respondent to make necessary sound insulation arrangements (iii) imposition of exemplary environmental compensation upon the polluter for causing severe noise and air pollution.

Gross violation of the environmental norms is observed, smoke released from the roof top shed of the said industrial unit enters into the three storied building of your Applicant causing discomfort and health hazards. In spite of complaint lodged with the West Bengal Pollution Control Board they never took any steps against the unit of the Respondent no. 2. Sheer inaction of



the Respondent Authority has resulted in this predicament, and finding no alternatives the Applicant was compelled to approach this Hon'ble Tribunal for justice.

#### **List of Dates**

|            |   |
|------------|---|
| 26/11/2023 | Complaint lodged on the online portal of West Bengal Pollution Control Board. |
| 15/12/2023 | Complaint vide email lodged with the West Bengal Pollution Control Board.     |

#### **FACTS IN BRIEF**

**MOST RESPECTFULLY SHEWETH :**

1. That the Applicant is a citizen of India and resides at the address mentioned in the cause title herein above. The Applicant is filing the instant application under Section 14 and 15 read with section 18 of the National Green Tribunal Act, 2010.
2. That the Applicant is filing this Application against gross pollution and environmental damages being caused due to operation of a industrial unit situated adjacent to the house of the Applicant running in the name and style of M/s. Padmavati Metal Industries engaged in processing scrap copper at municipal holding no. 46/1 Netaji Subhas Road, Liluah, Howrah, West Bengal, PIN - 711204 hereinafter referred to as the 'said unit'.
3. That the said unit is engaged in extraction of copper from scraps and processing copper waste.
4. The said unit starts operation daily from 04:00 hrs and causes massive noise and air pollution till 23:00 hrs. Thick dense smoke



escapes from the roof top asbestos shed of the unit and pollutes the air grossly. The smoke also enters / penetrates the dwelling unit of your Applicant and causes discomfort and health hazard to your Applicant and other residents.

5. Your Applicant states that the unit during its operation causes massive air and noise pollution. Operation of the unit starts daily from 4:00 A.M. in the morning and continues till 11:00 P.M. in the night.
6. Your Applicant states that the unit does not have any air pollution control devices nor has any chimney with adequate stack height to release smoke generated from its activities. Smoke escapes from gaps present in the asbestos roof of the unit pollutes the air badly. The said smoke also enters into the house of your Applicant causing the residents to suffocate.
7. Your Applicant states that the unit also causes massive noise pollution since it does not have any sound insulation infrastructure / acoustic insulation panels. Noise generated during its operation of breaking of scrap copper causes inconvenience to the Applicant and several other residents in vicinity of the unit.
8. Your Applicant is forced to keep all windows shut throughout the day due to menace of thick black / smoke released by the unit of the Respondent no. 2 in broad daylight unabated.
9. Your Applicant states that your Applicant and his family members are unable to sleep properly due to continuous noise pollution by the said unit starting from as early as 4:00 a.m. in the morning and continuing till 11:00 p.m. in the night.



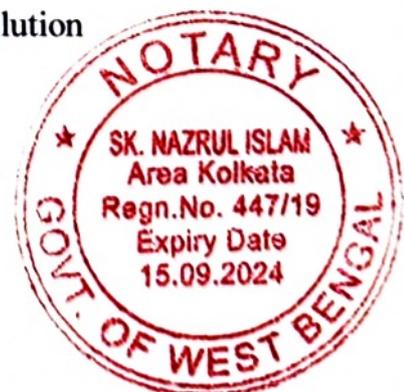
10. Your Applicant on 26.11.2023 lodged a complaint against the unit on the website of West Bengal Pollution Control Board which was recorded as Registration no. 20230000021779. The Applicant upon finding surreptitious inaction of the West Bengal Pollution Control Board lodged another complaint vide email dated 15.12.2023 before the West Bengal Pollution Control Board, inter alia, requesting them to intervene and take necessary steps. However, no steps have been taken by the West Bengal Pollution Control Board as a result of which your Applicant is suffering immensely.

A true copy of the said email and screenshot of the online complaint are annexed herewith and collectively marked by the letter and figure 'P-1'.

11. Your Applicant states that the unit is flamboyantly flouting environmental norms in broad daylight thereby canvassing how environmental norms have become a hoax in the state of West Bengal.

Some photographs of the pollution being caused by the unit are annexed herewith and collectively marked by the letter and figure 'P-2.'

12. That no attempts have been taken by the West Bengal Pollution Control Board to stop the menace of air pollution and noise pollution by the said unit which shows how environmental norms have been made a hoax, especially at the instance of West Bengal Pollution Control Board, and can be flouted easily especially in the State of West Bengal. Gross pollution is being carried on by the said unit. Curiously and alarmingly, the West Bengal Pollution



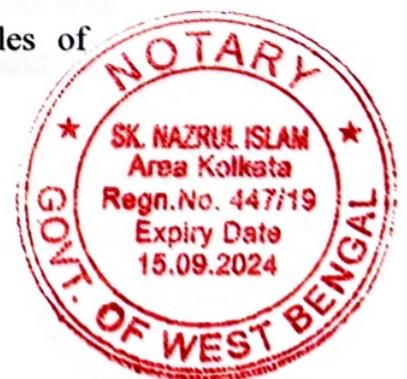
Control Board turned blind eyes towards such unabated and uncontrolled pollution for their own reasons.

13. Your Applicant states that emissions released from industrial activities ought to be treated before releasing into the air. There should be an initiative towards ensuring minimal damage to the environment due to any kind of industrial activity. In the present case, it is evident that the Respondent no. 2 has no interest in stopping pollution nor does it bother for any orders by any authority which is evident from the fact that the unit is releasing toxic smoke openly in broad daylight.
14. Your Applicant states that it is obligatory on part of the Respondent no. 2 to ensure that it does not pollute the air or causes any noise pollution.
15. Your Applicant states that a simple inspection of unit will reveal how the unit is indulged in grossly polluting the air and causing massive noise pollution flamboyantly without any regard for the state policy on environment.
16. Your Applicant states that the unit does not have any pollution abatement systems as a result of which the unit is hazardously polluting the environment and causing health hazards to your Applicant and several other residents in vicinity thereof making them prone to numerous types of deadly diseases.
17. Your Applicant states that large scale non-compliance of environmental norms is continuing which has been resulting in irreversible damage to the environment.
18. The West Bengal Pollution Control Board who is entrusted with the duty to prevent damage to the environment, monitor and take



actions where they find any breach of law. In stead, they are sitting tight in spite of receiving repeated complaints / information.

19. That the West Bengal Pollution Control Board ought to have been active in stopping such gross violation of the environmental norms and laws at least in cases some one acts as their eye opener.
20. That it can hardly be disputed that environmental pollution is a huge threat to man's physical surroundings, his health and those of other living species. The menace of manmade air and noise pollution in a man's physical surrounding violates his right to life under Article 21 of the Constitution of India, 1950.
21. That the Hon'ble Supreme Court of India has extended the dimension of Article 21 of the Constitution of India by declaring the right to a decent and clean environment as a Fundamental Right. The framers of the Constitution even prescribed duty upon the citizens to make every effort to keep the environment clean and to protect its forests, rivers, water-bodies, and to have compassion for the living creatures. That is the object of our holy constitution in relation to protection of environment with particular reference to rivers and water bodies.
22. Appropriate directions of varied dimensions and of serious consequences in accordance with the law are required to be passed by this Hon'ble Tribunal to protect the environment around the said unit and such other or further orders to penalize the polluter who in every possibility has established relationship with the local law enforcing authority.
23. It is submitted that conducts of the Respondent Authority are contrary to every environmental legislation and principles of



environmental protection. In spite of getting knowledge about damages being done to the environment, the authority chose to sit tight over the issue for their own reasons.

24. It is submitted that due to the rampant release of toxic smoke in to the air it is causing huge damage to the environment.

25. It is submitted that due to aforesaid activities the environment is getting polluted and your Applicant is facing health hazards.

26. It is submitted that the Respondent Authorities have turned a blind eye to the pollution and damages by the said unit.

27. It is submitted that despite complaint, no stern actions were taken by the Respondent Authorities and the unit is still operating by grossly polluting the environment. The Respondent Authorities have miserably failed in performance of their duties.

28. The Respondent no. 2 is in violation of several environmental laws and norms in so far as the manner in which toxic air is released into the air and noise pollution is concerned.

29. That having felt it necessary to protect the environment in and around your Applicant's own house which is getting devastated as a result of actions of the Respondent no. 2 and inaction of the West Bengal Pollution Control Board your Applicant begs to move the present application on the following amongst other grounds :



**GROUND**

A. For that the Respondent authorities have miserably failed to perform their duties as per the statute by way of allowing the said unit to pollute the environment by releasing toxic black smoke into the air through gaps present in its roof top asbestos shed.

B. For that the Applicant has enough evidence to prove the devastation of the environment caused by the unit of the Respondent no. 2.

C. For that the Applicant has drawn the attention of the concerned authority viz. West Bengal Pollution Control Board vide email to awaken their conscience which is enclosed for kind consideration of this Hon'ble Tribunal.

D. For that West Bengal Pollution Control Board ought to have taken stern legal actions as they were in duty bound against the Respondent no. 2 who is engaged in unholy illegal act of polluting the air and causing health hazard and inconvenience to the Applicant.

E. For that government authorities have neglected to take any steps against the Respondent no. 2.

F. For that the Respondent Authorities have a duty under the law to protect the environment and take steps against violators of environmental norms and laws.

G. For that the inaction of the Respondent Authority to perform their duties has resulted in the present predicament and violation of several environmental laws.



H. For that the Respondent Authorities ought to have considered that releasing toxic smoke into the air and causing noise pollution is against environmental laws.

I. For that the Respondent Authorities ought to have taken stern lawful steps against the Respondent no. 2 being the polluter to prevent the ecology in vicinity of the said unit from devastation.

J. For that the Respondent Authorities ought to have been more vigilant in monitoring pollution by industrial units in and around Howrah city area, and not sitting tight even after receiving information of violations.

K. For that the failure of the respondents is violative of several environmental laws. It is also against the concept of sustainable development.

L. For that the approach of the respondent authorities not to move even an inch without any stricture from this Hon'ble Tribunal must be countermand.

M. For that section 18 (1) read with section 14 & 15 of the National Green Tribunal Act, 2010, the Hon'ble Court has ample jurisdiction to adjudicate this matter.

N. For that under section 18(2) of the National Green Tribunal Act, 2010, your Applicant is competent to file this application before the Hon'ble Tribunal.



**LIMITATION:**

The Applicant declares that as per the National Green Tribunal Act 2010 this application is well within the prescribed time.

**INTERIM RELIEF :**

Pending disposal of the Application, the Applicant prays that this Hon'ble Tribunal be pleased to :

A. Direct the West Bengal Pollution Control Board to carry out an inspection at the unit of the Respondent no. 2 and submit a report before this Hon'ble Tribunal ;

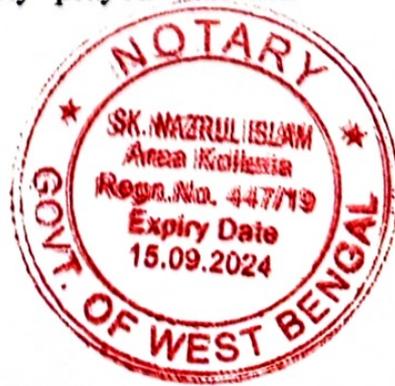
B. Direct the West Bengal Pollution Control Board to issue directions upon the Respondent no. 2 herein to install Air Pollution Control Device (APCD) having continuous online monitoring system connected with the web server of West Bengal Pollution Control Board and install sound insulation infrastructure / acoustic insulation panels;

C. Direct the Respondent no. 2 to immediately stop all industrial activities at site till installation of Air Pollution Control Device (APCD) and sound insulation infrastructure / acoustic insulation panels ;

D. And pass any such further order or orders as this Hon'ble Tribunal may deem fit proper and necessary up on considering the facts and circumstances of the case.

**PRAAYER**

For the reasons stated above, it is humbly prayed that this Hon'ble Tribunal may be pleased to :



- A. Admit the Application and issue notice upon the Respondents ;
- B. Direct the West Bengal Pollution Control Board to immediately cause inspection of the industrial unit of the Respondent no. 2 located at 46/1 Netaji Subhas Road, Liluah, Howrah, West Bengal, PIN - 711204 and submit a report in the form of an Affidavit before this Hon'ble Tribunal ;
- C. Direct the West Bengal Pollution Control Board to issue directions upon the Respondent no. 2 herein to install Air Pollution Control Device (APCD) having continuous online monitoring system connected with the web server of West Bengal Pollution Control Board and install sound insulation infrastructure / acoustic insulation panels ;
- D. Direct the West Bengal Pollution Control Board to ensure that the unit of Respondent no. 2 does not pollute the environment ;
- E. Direct the Respondent No. 2 to take remedial measures for reversing the damage already caused to the environment by them
- F. Direction to impose exemplary penalty upon polluter being the Respondent no. 2 herein in consonance with the concept of "Polluter pays Principal" for causing massive air and noise pollution ;

And pass any such further order or orders as this Hon'ble Tribunal may deem fit proper and necessary upon considering the facts and circumstances of the case.

## VERIFICATION

I, Srikant Singh son of Late Ashok Singh, aged about 34 years, residing at 46/5, Netaji Subhash Road, Bally, P.S. – Liluah, District – Howrah, West Bengal, PIN – 711204 state that I am the Applicant of this Application. I do hereby verify the contents of paragraphs no. 1 to 12, and the rest are true to the best of my knowledge, and are my humble prayers before your Lordship and I have not suppressed any material facts herein.

*Srikant Singh*  
Deponent

Prepared by me  
In my chamber

*Am Sh*

Advocate

Date : 13/03/2024

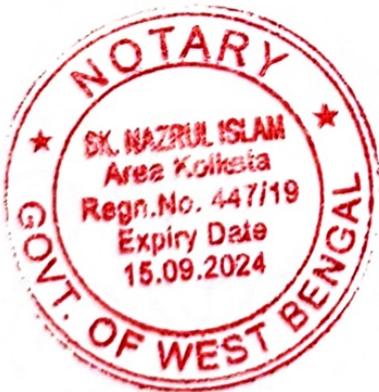
Place : Kolkata

Verified by me

*Am Sh*

Advocate

F/497/370/2021



Solemnly Affirmed and  
Declared before me U/S 139  
CPC, U/S 297 (C) CrPC

*SK Nazrul Islam*  
Notary

*SK Nazrul Islam*  
Notary, Govt. of W.B.  
Regn. No. 447/19  
City Civil Court, Calcutta

15 MAR 2024



Srikant Singh <itsrikantsingh@gmail.com>

**alarming levels of air and sound pollution by Padmavati Metal Registrataion No : 202300000021779**

1 message

Srikant Singh <itsrikantsingh@gmail.com>

15 December 2023 at 18:54

To: ee14.wbpcb-wb@bangla.gov.in

Respected Sir/Madam ,

I am writing to express my deep concern about the alarming levels of air and sound pollution emanating from Padmavati Metal, located at 46/1, Netaji Subhas Rd, Liluah, Howrah, West Bengal 711204. The emissions have become a severe nuisance, impacting the health and well-being of our community. The air pollution, comprising particulate matter and noxious gases like ZnO & CuO, is noticeable, and the distinct odors are a cause for concern. Additionally, the factory's operations generate continuous and disruptive noise, especially during non-business hours.They start the factory manytimee in early morning at 4:00 am and run till 11:00 pm

They have not made any chimney for controlling air pollution neither they have taken any measure to control the heavy sound from there factory

Complaint Registration No : 202300000021779

**Grievance Acknowledgement**

**West Bengal Pollution Control Board**

\* indicates mandatory Field

The supplied details has been recorded in the system  
Please Remember the Registration Number for any future reference

Registration No : 202300000021779

Thanks and Regards,  
Srikant Singh

**Grievance Acknowledgement**  
**West Bengal Pollution Control Board**

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**\* indicates mandatory Field**

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**The supplied details has been recorded in the system  
Please Remember the Registration Number for any future reference**

**Registration No :**

**202300000021779**

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Annex P-2' 19-







Srikant Singh

**VAKALATNAMA**  
BEFORE HON'BLE NATIONAL GREEN TRIBUNAL  
EASTERN ZONE BENCH AT KOLKATA

Original Application No. of 2024

Srikant Singh

Appellant / Applicant /  
Petitioner

-Versus-

West Bengal Pollution Control  
Board & Others

Respondent / Opposite  
Party / Defendant

**Vakalatnama on behalf of Mr. Srikant Singh, Applicant**

Know all men by these presents that by the Vakalatnama I/We appoint the Advocates noted below or any one of them, my/our lawful Advocate/Advocates for filing Memorandum of Appeal or Application or Petition for entering appearance in the above matter for appearing in, conducting and arguing in the same, for moving the Court in any matter connected therewith, for preparing the paper-book in the case and for putting the papers, petition, etc. on my/our behalf for filing or taking back fresh suits etc. for signing and filing petitions of compromise in connections with the said matter and for taking copies of paper from the record and I/We further say that any act done by my/our said Advocate or Advocates or by any of them after accepting this Vakalatnama shall be considered as my/our own true and lawful act.

And I/We further hereby agree and undertake to pay the said Advocate/Advocates his or their fees as settled all other sums that may be necessary to carry out his requisitions of the Court and otherwise to enable the Advocate/Advocates to conduct the case properly. Failing which the Advocate/Advocates after notice to me/us will be at liberty to withdraw from further conducting the case.

IN WITNESS WHERE OF I/We sign and execute this Vakalatnama on this the 13 day of March 2024.

**NAME OF ADVOCATE**

ANKUR SHARMA

Advocate

High Court, Calcutta

Office: 13/3 Dr. P. K. Banerjee Road

Howrah - 71101

Mob: 9433883322

Email: Adv.ankursharma9@gmail.com

