

BEFORE THE NATIONAL GREEN TRIBUNAL
(EASTERN ZONE BENCH, KOLKATA)

O.A. No. 33 of 2025/EZB

ORIGINAL APPLICATION

under National Green Tribunal Act' 2010

In the matter of:

Subhas Datta

.....Applicant

-Versus-

State of West Bengal and Others

.....Respondents

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Applicant

Subhas Datta
SUBHAS DATTA

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Residence: 55/2, Panchanantala Road,

P.O.+P.S.+Dist. - Howrah-711 101(for both)

Telephone : 033 -2638 3526,

Mobile : 09830 752 752

Email : subhasdatta@rediffamil.com



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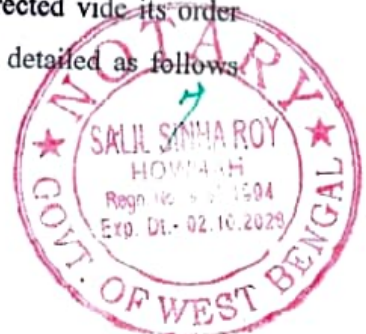
SYNOPSIS OF THE CASE

That rampant and mushroom establishments of Ceremonial Houses/Lawns, Banquet Halls, Club Houses etc. have now become major sources of severe environmental and social disorders throughout the State of West Bengal. Following the order of National Green Tribunal, Principal Bench and considering the environmental menace West Bengal Pollution Control Board had issued one CIRCULAR as back as in October 2021, vide Memo No. 314/383L/WPB/2017, dated 5th October 2021 by which the Ceremonial Houses/ Lawns, Banquet Halls and Club Houses had been brought "Under the regulatory regime of the Board". Afterwards in suppression of the above circular, further CIRCULAR had been issued by the State Pollution Control Board, vide Memo No. 23-4A-10/2012, dated 10th April 2023, by which the Ceremonial Houses/Lawns, Banquet Halls and Club Houses in the State are required to obtain Consent to Establish/ Consent to operate from the State Board. The State Board has set-out a detailed Guidelines for the ceremonial establishments, the brief of which is as follows:-

- a. Prescribed measures must be followed for controlling the water pollution.
- b. Restricted uses of microphones/loudspeakers with proper sound limiter should be ensured having prior permission from the competent authority.
- c. Sufficient and required air-pollution control measures must be provided.
- d. Adequate solid and plastic wastes management should be taken up as per the Solid Waste Management Rules 2016.
- e. Local authorities must take into account certain relevant aspects before granting the trade license to the establishments
- f. The Solid Guidelines have also prescribed for certain steps to be taken by the appropriate authority in case of non-compliance of the provisions of the circular/guidelines

The Principal Bench of National Green Tribunal has finally directed vide its order dated 4th February 2021 by which compulsory compliances have been detailed as follows (Page 6, Para 8):-

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"The recommendations in the report of the CPCB need to be duly implemented by all the States/UTs by adopting the guidelines for control of pollution in marriage halls, banquet halls, party venues etc. along with consent management system, as already directed. Further, as recommended by the CPCB in the above report, ETPs needs to be installed by all the big units, not connected to the sewer lines, apart from ensuring compliance of rain water harvesting systems, adequate safeguards in operating the kitchen need to be adopted, composting facilities, control of noise levels and providing parking space."

In spite of the direction by the Hon'ble Court and specific Guidelines in the matter, there is practically no compliance causing severe environmental hazards in every nook and corner of our society. The monitoring and the controlling authorities have preferred to remain as silent spectators to this menace. There is no other option other than approaching the Hon'ble Tribunal for relief.

Hence this Application



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LIST OF DATES

Sl No.	Dates	Particulars
1.	19.09.2019	Order passed by the Tribunal Principal Bench on 19.09.2019
2.	04.02.2021	Order passed by the Tribunal Principal Bench on 04.02.2021
3.	05.10.2021	Circular of West Bengal Pollution Control Board published on 05.10.2021
4.	11.04.2023	Circular of West Bengal Pollution Control Board published on 11.04.2023
5.	05.02.2025	Memorandum sent to the authorities in the matter.



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**BEFORE THE NATIONAL GREEN TRIBUNAL
(EASTERN ZONE BENCH, KOLKATA)**

ORIGINAL APPLICATION

National Green Tribunal Act, 2010

O. A. No. of 2025/EZB

In the matter of:

Subhas Datta

.....Applicant

-Versus-

State of West Bengal and Others

.....Respondents

IN THE MATTER OF:

1. Subhas Datta

Son of Late Baneswar Datta,

25/1, Guitendal Lane,

P.O. + P.S. + District – Howrah

Pin code – 711101, West Bengal

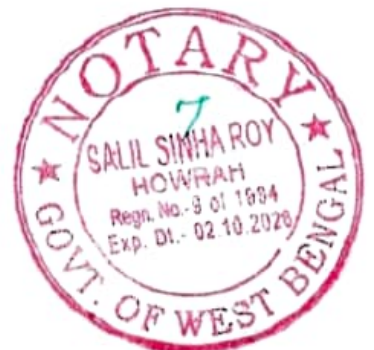
..... Applicant

1. STATE OF WEST BENGAL,

(Notice through the Chief Secretary),

Nabanna, 325, Sarat Chatterjee Road,

1



12 FEB 2025

Shibpur, Howrah - 71102

Tel -033-22535130

cs-westbengal@nic.in

2. URBAN DEVELOPMENT AND MUNICIPAL AFFAIRS

DEPARTMENT

(Notice through the Principal Secretary),

Govt. Of West Bengal,

Nagarayan, DF -8, Sec – I, Salt Lake City,

Kolkata – 700064,

Tel – 033-2334-9356

secy.ma-wb@gov.in

3. DEPARTMENT OF ENVIRONMENT,

Govt. of West Bengal,

(Notice through the Principal Secretary),

Environment Department,

5th Floor, Pranisampad Bhawan,

Block LB-II, Slat Lake, Sec-III,

Bidhannagar, Kolkata - 700 106

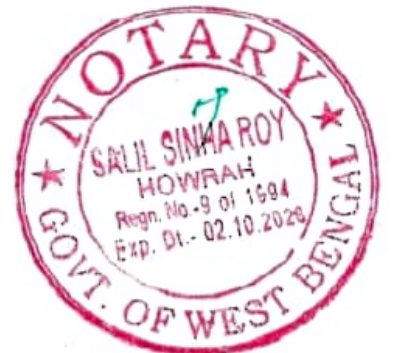
Tel-033-2335-2742

psecy.env-wb@gov.in

4. WEST BENGAL POLLUTION CONTROL BOARD

(Notice through the Member Secretary),

Paribesh Bhawan, 10A Block L.A, Sec-III,



12 FEB 2025

Salt Lake, Bidhannagar, Kolkata - 700106

Tel-0332335-8213

ms.wbpcb-wb@bangla.gov.in

5. The Director General of Police,

West Bengal, Bhabani Bhavan,

31, Belvedere Road, Calcutta – 700027

Tel – 033-24794050

dgpwestbengal@gmail.com

..... Respdents

- A. The address of the Applicant as given above is for the service of notices of this application and that of their representatives.
- B. The addresses and e-mail details of the respondents as given above are for service of notices of this application and that of their representatives.
- C. The Applicant begs to present this Original Application on the issue of severe environmental hazards being caused by the Ceremonial Houses/Lawns, Banquet Halls, Club Houses etc. spread through out the entire State due to total non-compliances of the Environmental Guidelines set-out by the State Pollution Control Board as well as disregard to the dictum given by the Principal Bench of National Green Tribunal. The day-to-day life of the people affected very badly. Without judicial intervention no relief can be available to the people. Hence this petition is being filed.

Most Respectfully Sheweth

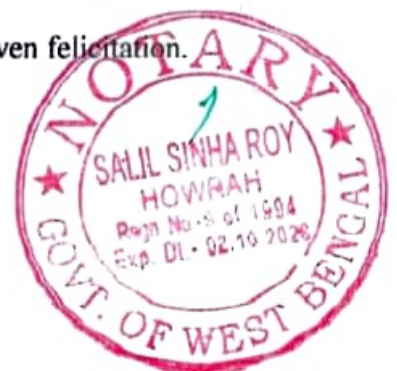
I, Subhas Datta, aged about 75 years, son of Late Baneswar Datta, by Religion – Hindu, occupation Chartered Accountant, residing at 25/1, Guitendal Lane, P.S+P.O+Dist. - Howrah, Pincod-711101, do hereby solemnly declare and say as follows:-

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FACTS IN BRIEF:

1. That the applicant is the environmental activist and public spirited person. He is engaged in different social, environmental and philanthropic activities since 1977. The applicant is second to none in the fields of ventilating the grievances of the common people. There is hardly any major public issue in the State of West Bengal on which the applicant has not tried to project the peoples' demands before different appropriate authorities.
2. That the applicant has organized series of movements on ecology, environment and on different social aspects of the State of West Bengal. Some of such activities had to face police atrocities, arrests and institution of false and fabricated criminal proceedings against the applicant. On the basis of the Writ Petition (No. 380 of 1995) filed by the applicant in April 1995 before the Hon'ble Supreme Court of India the first Environment Bench, which is popularly called as the Green Bench, had been constituted in the High Court at Calcutta in June 1996.
3. That various activities of the applicant have been recognized by several media giants during the past few decades, brief of which is as follows: -
 - a) Times of India, the leading English daily had projected the applicant as the "Hero of the Country" in the year 2007.
 - b) India Today, the prestigious English Weekly had recognized the applicant as one of the "fifty pioneers of the country" and published a special edition on 7th July 2008, detailing the activities undertaken by him.
 - c) Hindusthan Times, the leading English daily had recognized the applicant in 2012 as one of the "25 change makers of the country" and given felicitation.



d) Times of India, the English daily, had nominated the applicant as “Hero of Calcutta – 2013.”

e) The Telegraph, one leading English daily published from Calcutta and National Insurance Company had given “True Legends Award 2018” to the applicant.

4. That several other forms of recognitions have been given to the applicant from time to time, the brief of some of which is as follows:

a) Research work had been carried out by one German Scholar covering the applicant’s activities in 2000, which was afterwards published as book titled “Taking the State to Court” by the Oxford University Press, London.

b) European Green Party leaders had invited the applicant in 2009 to Brussels, Belgium to discuss the possibility of forming Green Party in India. Meeting had been held with U. K. Green Party leader in London in 2009.

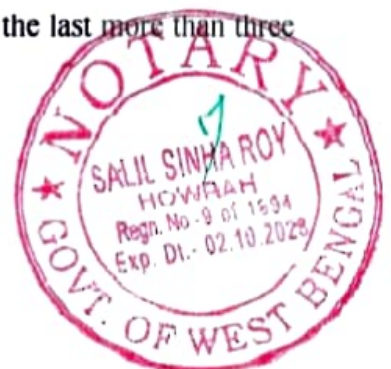
c) In order to adopt the same practices for Ganga cleaning the applicant had participated in Thames River cleaning operation in London, organized by Thames 21, in 2005.

d) Several weeklies in different languages have published articles on the applicant’s activities during the last few decades.

e) He had visited London/Glasgow in 2013 and met the respective port authorities to ascertain the methodology of dredging by saving the marine bio-diversity for adopting the same process by the Calcutta Port Trust.

f) There are about thirteen thousand newspaper clippings on various news covering the activities of the applicant carried out during the last more than three decades.

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5. That during the past forty years the applicant has been continuously fighting hard to save and protect the environment and ecology of the State of West Bengal and some of the Eastern and North Eastern States of the country. The applicant has brought about one hundred and thirty environmental matters and also various matters of public interest before the Hon'ble Apex Court of the Country, Environment Bench (Green Bench) and Public Interest Litigation Bench of the High Court at Calcutta, National Green Tribunal and also have been interacting on various related issues and assisting/assisted the Hon'ble Courts (High Court and NGT) as Amicus Curiae in some matters.
6. That few of the moves of the applicant have been recognized otherwise by and or before the Judicial forum, the brief of which is as follows:-
- a) On the basis of the pleadings/petition before the High Court at Calcutta The West Bengal Trees (Protection and Conservation in Non-Forest Areas) Act 2006 was enacted.
 - b) Based on his petition before the High Court, Calcutta, compensation under The Public Liability Insurance Act 1994 had been awarded to the victims of air pollution caused by a reputed industrial house for the first time in the country.
 - c) Six Supreme Court Judges from Thailand came to Calcutta and had interactive sessions with the applicant where the Consulate General of US had also been present. The Hon'ble Judges had visited the High Court at Calcutta to view/hear proceedings and the arguments made by him before the Public Interest Litigation Bench of the High Court at Calcutta.
7. That rampant and mushroom establishments of Ceremonial Houses/Lawns, Banquet Halls, Club Houses etc. have now become major sources of severe environmental and social



disorders throughout the State of West Bengal. The total number of such establishments are not known but it is estimated that the same will be more than two lakhs. Major cities, towns and urban areas are badly affected by the operations of such units in the most congested parts of the human habitations of the State.

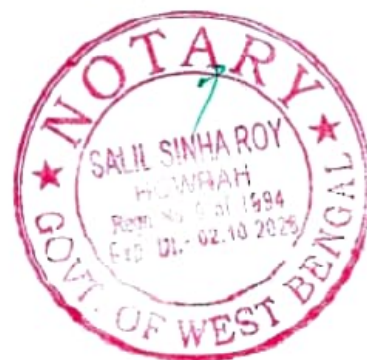
8. That considering the environmental menace West Bengal Pollution Control Board had issued one CIRCULAR as back as in October 2021, vide Memo No. 314/383L/WPB/2017, dated 5th October 2021 by which the Ceremonial Houses/ Lawns, Banquet Halls and Club Houses had been brought "Under the regulatory regime of the Board". The said CIRCULAR had detailed the category of such establishments as per their area/capacity and compliance requirements and enforcements authorities. It is referred to in the said circular the order dated 31.08.2016 of the Hon'ble Tribunal in OA No. 57 of 2015/EZ and also OA No. 71 of 2017/EZ order dated 24.08.2016. For the kind reference of the Hon'ble Court the copy of the Circular dated 05.10.2021 is enclosed and marked as Annexure –P/1.
9. That afterwards in suppression of the above said circular, further CIRCULAR had been issued by the State Pollution Control Board, vide Memo No. 23-4A-10/2012, dated 10th April 2023, by which *the Ceremonial Houses/ Lawns, Banquet Halls and Club Houses in the State will henceforth be required to obtain Consent to Establish/ Consent to operate from the State Board under section 25 & 26 of the Water (Prevention and Control of Pollution) Act, 1974 and under section 21 of Air (Prevention and Control of Pollution) Act 1981 for its establishment/operation and shall follow Guidelines of the Board as given in the Annexure.*



10. That the State Pollution Control Board has set-out a detailed Guidelines for Ceremonial Houses/Lawns, Banquet Halls, Club Houses. The major aspects of the said Guidelines are reproduced below:-

a) Water pollution control measures:-

- I. Ceremonial Houses/lawns and Banquet Halls and Club Houses having domestic effluent generation more than 10m³/day shall provide Sewage Treatment Plan (STP) of adequate capacity and achieve the standard as prescribed in Notification No. GSR 1265(E) dated 13.10.2017 of the Ministry of Environment, Forest & Climate Change.*
- II. Ceremonial Houses/lawns and Banquet Halls and Club Houses having domestic effluent generation less than 10m³/day shall provide Septic Tank and Soak Pit of adequate capacity. The soak pit shall be got cleaned periodically*
- III. In order to save water resources and minimize water generation, effective water saving devices should be installed and appropriate water saving and/or water/recycle programmes should be implemented.*
- IV. Restricted uses of microphones/loudspeaker with proper sound limiter should be ensured having prior permission from the competent authority.*
- V. Sufficient and required air-pollution control measures must be provided.*
- VI. Adequate solid and plastic wastes management should be taken as per the Solid Waste Management Rules 2016.*
- VII. Local authorities must take into account certain relevant aspects before granting the trade licenses to the establishments*

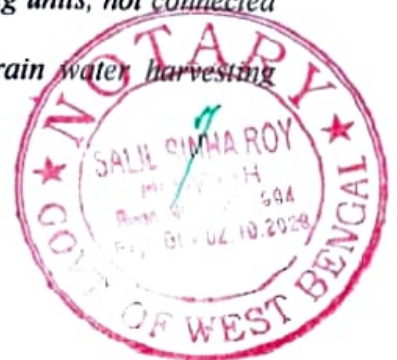


VIII. The said Guidelines have also prescribed for certain steps to be taken by the appropriate authority in case of non-compliance of the provisions of the circular/guidelines.

The copy of the said CIRCULAR issued by the West Bengal Pollution Control Board, Memo No. 23-4A-10/2012 dated 11.04.2023 is enclosed and marked as Annexure – P/2.

11. That in spite of the exhaustive guidelines by the State Pollution Control Board most of the establishments are not under the regulatory regime of the Board and there is total non-compliances of the environmental dictum for which disorders of various sorts have been surfaced in the society and affected the day-to-day life of the people at large.
12. That since the Circular dated 11.04.2023 has referred to the order passed by the Hon'ble Tribunal, Principal Bench dated 19.09.2019, the applicant prefers to enclose a copy of the said order for the kind reference of the Hon'ble Tribunal as Annexure – P/3.
13. That it is further observed that the Hon'ble Principal Bench of National Green Tribunal has finally disposed of the matter, OA 400/2017 vide order dated 4th February 2021, which is very exhaustive. The most important part of the order dated 04.02.2021, page 16, para 8, is reproduced below:-

"In view of above, the recommendations in the report of the CPCB need to be duly implemented by all the States/UTs by adopting the guidelines for control of pollution in marriage halls, banquet halls, party venues etc. along with consent management system, as already directed. Further, as recommended by the CPCB in the above report, ETPs needs to be installed by all the big units, not connected to the sewer lines, apart from ensuring compliance of rain water harvesting



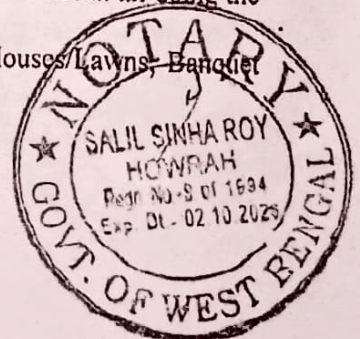
systems, adequate safeguards in operating the kitchen need to be adopted, composting facilities, control of noise levels and providing parking space. Without such safeguards, no consent should be given or renewed even in respect of the establishments already setup. This may be strictly ensured by the State PCBs/PCCs and further overseen by the CPCB by laying down a compensation regime against the violating establishments as well as for erring State-PCBs/PCCs. As already directed in the order dated 20.12.2019, quoted above that the consent conditions must require the owner/manager of establishment informing the organizer/user in writing in advance about the conditions applicable for ensuring compliance. Conduct of functions must not disturb other citizens right to peaceful and clean environment. Information as to any particular establishment 3 Para 21 of the order 17 has been given consent and is compliant or not should be placed on the website of the PCB/PCC as well as the establishment concerned for information of the concerned public. Placing such information in public domain will be one of the conditions while granting consent and failure of placing such information in public domain may render the consent granted to any establishment being withdrawn."

The copy of the order of the National Green Tribunal Principal Bench dated 04.02.2021 is enclosed and marked as Annexure - P/4.

14. That although the Municipal Corporations/ Chief Executive Officer of all local bodies/authorities have duly been instructed to strictly implement and ensure compliances of the conditions at the time of granting permission, the authorities are not at all doing the same for which there are mushroom growth of the Ceremonial Houses/Lawns, Banquet

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Halls, Club Houses at every corner of the society. The authorities do not appear to be even knowing about the environmental surveillances.

15. That in this context it is pertinent to mention that the CIRCULAR of State Pollution Control Board has also mandated stating the steps to be taken by the appropriate authorities in case of non-compliances of the provision of the Circular but none of the authorities are active in this regard. The important areas of operation by the controlling authorities are reproduced below:-

a) Pollution Control Board:

Immediate action should be taken as per provisions of the Water (Prevention and Control of Pollution) Act, 1974 and under section 21 of Air (Prevention and Control of Pollution) Act, 1981 and the Environment (Protection) Act, 1986.

b) Local Authority:

The local authorities shall withdraw the trade license of Ceremonial Houses/Lawns and Banquet Halls and Club Houses should not be allowed to hold any further social functions till necessary measures are taken to comply with this guidelines.

c) Police Authority:

- i. The police authority shall file a case of u/s 188 of Indian Penal Code for violation of Government order*
- ii. In case of noise pollution, the provisions of Noise Pollution (Regulation and Control) Rules 2000 and its amendments, should be followed..*

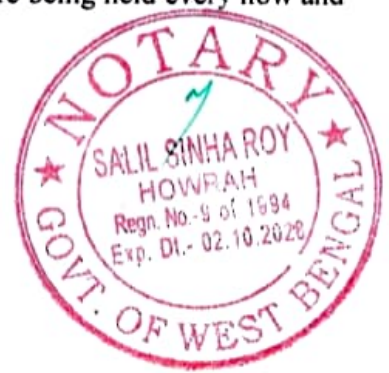
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16. That it is experienced that there is hardly any compliances of the environmental norms by the Ceremonial Houses/Lawns, Banquet Halls, Club Houses in the State. The controlling as well as the enforcement authorities are inactive on this aspect. Such inaction has caused environmental and other social disorders in the society.
17. That such environmental hazards being caused from the Ceremonial Houses/Lawns, Banquet Halls and Club Houses spread throughout the entire State have not been addressed by the concerned authorities for decades. The monitoring and the controlling authorities have preferred to remain as silent spectators in the matter. The applicant has sent memorandum to all the concerned authorities on 5th February 2025, the photocopy of which with the postal receipt is enclosed and marked as Annexure – P/5.

GROUNDS

- I. For that the Respondents have failed to take steps in the matter of controlling the environmental hazards being caused by the Ceremonial Houses/Lawns, Banquet Halls and Club Houses throughout the entire State.
- II. For that it is the bonden duty of the Respondents for controlling and monitoring the pollution being made by different organizations/establishments through holding various types of social/religious/political functions.
- III. For that the Respondents concerned have failed to protect the environment, in different places of the State where several functions are being held every now and then without complying the environmental norms.



- IV. For that there is total failure of the authorities concerned in complying with the mechanism and guidelines for controlling the pollution and enforcement of the environmental norms as set out by the State Pollution Control Board.
- V. For that the Respondents concerned have failed to take steps under The Water (Prevention and Control of Pollution) Act, 1974 .
- VI. For that the Hon'ble National Green Tribunal order The Air (Prevention and Control of Pollution) Act, 1981.
- VII. For that the Respondents concerned have failed to take steps under The Environment (Protection) Act, 1986.
- VIII. For that the Respondents Authorities failed to act on the representation dated 05.02.2025 sent to in the matter.

LIMITATION

18. The applicant declares that the cause of action in the instant case, accrues and continues from day-to-day life. Such cause of action is renewing on a day-to-day basis and as such the question of applicability of the limitation prescribed in Section 14(3) of the National Green Tribunal Act 2010, does not arise. The applicant has submitted the representation dated 05.02.2025 before the Respondent authorities but they have failed to consider the representation.

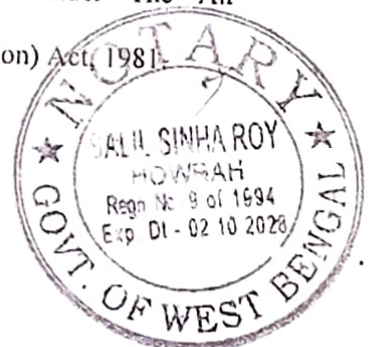
This application is made bonafide and for the ends of justice.

Your applicant therefore humbly prays Your Honor for the following orders:-



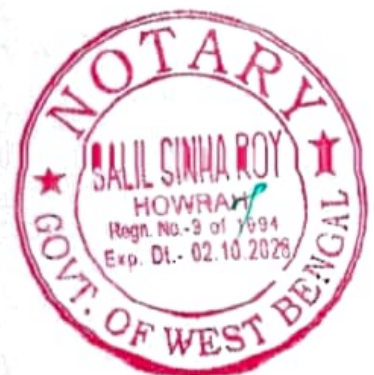
PRAYER :-

- i. To direct the Respondents concerned to bring appropriately all the Ceremonial Houses/Lawns, Banquet Halls and Club Houses of the State under the regulatory regime of State Board.
- ii. To direct the Respondent authorities to initiate immediate steps to implement the Guidelines (vide Memo No. 23-4A-10/2012, dated 11th April 2023) for the Ceremonial Houses/Lawns, Banquet Halls and Club Houses for controlling the water, noise pollution, proper solid and liquid waste management of all the individual establishments in operation within the State.
- iii. To direct the Respondents concerned to take necessary steps against the defaulting units being operative within the State as per the Guidelines set-out by the State Board, (vide Memo No. 23-4A-10/2012, dated 11th April 2023).
- iv. To direct the concerned Respondents to take appropriate steps as envisaged under The Water (Prevention and Control of Pollution) Act, 1974 .
- v. To direct the concerned Respondents to take appropriate steps as envisaged under The Air (Prevention and Control of Pollution) Act, 1981.



- vi. To direct the concerned Respondents to take appropriate steps under The Environment (Protection) Act, 1986.
- vii. Such other and/or further order or orders be made and/or direction or directions be given as the Hon'ble Tribunal may deem fit and proper

Subhas Datta
Subhas Datta



VERIFICATION

SL. NO. 1224

I, Sri Subhas Datta, son of Late Baneswar Datta, aged about 75 years, by occupation Chartered Accountant, by religion Hinduism, residing at 25/1, Guitendal Lane, Post Office, Police Station and District - Howrah, Pin code - 711101, do hereby declare and state that the contents of the paragraph nos. 8, 9, 10, 12, 13, 15 & 17 are true to the best of knowledge and the contents of the paragraph nos. 17, 11, 14 & 16 are my information derived from the relevant records which I verily believe to be true and the rests are my respectful submissions before the Hon'ble Tribunal.

Subhas Datta
DEPONENT

Prepared by me in my office

Subhas Datta
(Subhas Datta)

Applicant-in-person

IDENTIFICATION BY ME &
SIGNED/L.T.L TAKEN IN MY PRESENCE

Manik Lal Chakraborty
Advocate

S Datta Date : 19.02.2025
Place: Howrah.

Manik Lal Chakraborty
Advocate
Judges' Court Howrah
F/910/2004, M-9432472888

SOLEMNLY AFFIRMED & DECLARED
BEFORE ME ON IDENTIFICATION

12-25
SALIL SINHA ROY
NOTARY HOWRAH

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12 FEB 2025





WEST BENGAL POLLUTION CONTROL BOARD

(Department of Environment, Government of West Bengal)

"Paribesh Bhawan", 10A, Block - LA, Sector - III,

Salt Lake City, Kolkata - 700 106

Ph.: (033)2335-5079, Fax : (033)2335-8073

Website : www.wbpcb.gov.in E-mail : net.wbpcb-wb@bangla.gov.in

Memo No. 314 /383L/WPB/2017

Date: 05/10 /2021

CIRCULAR

Sub : Circular for Ceremonial House/Lawns, Banquet Halls and Club Houses.

Ref : The order dated 31.08.2016 of the Hon'ble National Green Tribunal, Eastern Zone Bench, Original Application No. 57 of 2015 in the matter of Survey of India Co-operative Society Ltd. - Vs - CESC Ltd. & Ors.

AND

The order dated 24.04.2018 of the Hon'ble National Green Tribunal, Eastern Zone Bench, Original Application No. 71 of 2017 in the matter of Srikrishna Parua -Vs- West Bengal Pollution Control Board & Ors.

The West Bengal Pollution Control Board has decided to bring Ceremonial Houses/Lawns, Banquet Halls and Club Houses in the state under the regulatory regime of the Board. The Ceremonial Houses/Lawns, Banquet Halls and Club Houses in the state will henceforth be required to comply with the following requirements:

Category	Area/Capacity	Compliance Requirement and Enforcement Authorities
A	1) Ceremonial Houses/Lawns and Banquet Halls spread over an area of 1 Acre or more or having gathering capacity of 1000	(i) Ceremonial Houses/Lawns, Banquet Halls and Club Houses under Category A and located in Municipal Corporations Areas/ Municipal Areas of West Bengal shall be under the purview of

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	<p>persons or above.</p> <p>2) Club Houses having an area of 2000 sq. meter or above or having membership of 500 persons or above.</p>	<p>consent management regime of the Board and shall apply to the Board for obtaining consent under the Water (Prevention and Control of Pollution) Act, 1974 and Air (Prevention and Control of Pollution) Act, 1981.</p> <p>(ii) Ceremonial Houses/Lawns, Banquet Halls and Club Houses under Category A and located in areas other than Municipal Corporations Areas/Municipal Areas of West Bengal shall follow Guidelines of the West Bengal Pollution Control Board which will be enforced through concerned local authorities.</p>
B	<p>1) Ceremonial Houses and Banquet Halls spread over less than 1 Acre area or having gathering capacity of less than 1000 persons.</p> <p>2) Club Houses having area of less than 2000 sq. meter or having membership of less than 500 persons.</p>	<p>Ceremonial Houses/Lawns, Banquet Halls and Club Houses under Category B shall follow guidelines of West Bengal Pollution Control Board which will be enforced through the local authorities concerned.</p>



The guidelines for Ceremonial Houses/Lawns, Banquet Halls and Club houses are given in the Annexure.

The Municipal Commissioners/Chief Executive Officers of all local bodies /local authorities are instructed to strictly implement and impose the above directions at the time of granting permission to Ceremonial Houses/Lawns, Banquet Halls and Club Houses. It is to be ensured that Ceremonial Houses/Lawns, Banquet Halls and Club Houses which are under the consent management regime of the West Bengal Pollution Control Board shall obtain Consent to Establish and Consent to Operate from the Board within 60 days from the date of issue of these direction.

In case of any default, the appropriate authority shall take necessary steps as mentioned in the Annexure to this memo.

These directions have been issued under the powers conferred by Section 33A of the Water (Prevention and Control of Pollution) Act, 1974, Section 31A of the Air (Prevention and Control of Pollution) Act, 1981, and in suppression of earlier statutory circular issued by the Board vide 1102/383L/WPB/2017 dated 15/12/2017.

By Order,



(Dr. Kalyan Rudra)
Chairman

West Bengal Pollution Control Board



12 FEB 2025

ANNEXURE❖ Guidelines for Ceremonial Houses / Lawns, Banquet Halls and Club houses Water pollution control measures:

- 1) Ceremonial Houses/lawns and Banquet Halls and Club Houses having domestic effluent generation more than 10m³/day shall provide Sewage Treatment Plant (STP) of adequate capacity and achieve the standard as prescribed in Notification No. GSR 1265(E) dated 13.10.2017 of the Ministry of Environment, Forest & Climate Change .
- 2) Ceremonial Houses/lawns, Banquet Halls and Club Houses having domestic effluent generation less than 10m³/day shall provide Septic Tank and Soak Pit of adequate capacity. The soak pit shall be got cleaned periodically.
- 3) In order to save water resources and minimize water generation, effective water saving devices should be installed and appropriate water saving and/or water/recycle programmes should be implemented.

❖ Noise pollution control measures:

- 1) Use of loudspeakers/sound system, including D J, in Ceremonial House and Banquet Halls shall require prior permission of the competent Authority so as to avoid nuisance in nearby/surrounding area of the Ceremonial House and Banquet Hall. The Ceremonial House and Banquet Hall should not generate or allow to generate any noise level which may be responsible for violation of the ambient noise level as fixed up under the Environment Protection Act, 1986.
- 2) No loudspeaker/microphone/sound blowing system will be fitted in any uncovered area and/or outside the area of the premises.
- 3) No fireworks of any kind will be used within the covered or uncovered area or outside the premises before 5 p.m. and after 10 p.m. Use of noise making fireworks is totally prohibited.



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- 4) Noise Pollution (Regulation and Control) Rules, 2000 and amendments thereof shall be strictly followed.

❖ **Air pollution control measures:**

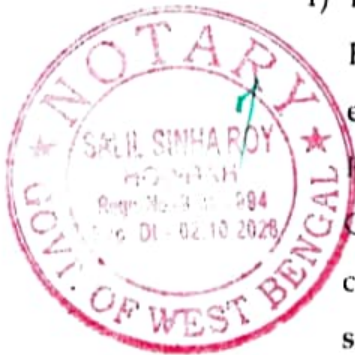
- 1) Properly designed exhaust system shall be provided in kitchens. There should be no free passage in the premises through which cooking fumes and odor could escape to the neighboring areas.
- 2) Appropriate air pollution control equipment with adequate stack height should be installed such that there are no visible fumes or emission from the kitchen exhaust and the emission should not cause any odor nuisance to nearby sensitive receptors such as residential premises, school, hospitals etc.
- 3) Diesel Generator sets should comply with the prescribed norms as per Ministry of Environment, Forest and Climate Change Notification No. GSR 371(E) dated 17.5.2002 and its subsequent amendments.

❖ **Solid waste management measures:**

- 1) The waste materials shall be accumulated in an environmentally safe manner within the boundary of the premises concerned and shall be disposed of properly within twelve hours after completion of the ceremony.
- 2) Solid Waste Management Rules, 2016 and its amendments thereof shall be strictly followed.

❖ **Local authority shall consider the following before granting trade licence/permission to operate :**

- 1) Locational aspect of the Ceremonial Houses/lawns and Banquet Halls and Club Houses i.e, the distance from residential area, educational institutes, health care units, religious institutions. For the existing Ceremonial Houses/lawns and banquet Halls and Club Houses, if such residential area, educational institutes, health care units, religious institutions exist in vicinity proper measures should be adopted so that there is no adverse impact on the



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environment of the area.

- 2) The availability of adequate potable water and resources.
- 3) The necessary car parking arrangement.

❖ **Steps to be taken by the appropriate authority in case of non-compliance of the provisions of the circular :-**

➤ **Pollution Control Board :-**

- i) In case of Category - A units - immediate action should be taken as per provisions of the Water (Prevention and Control of Pollution) Act, 1974, The Air (Prevention and Control of Pollution) Act, 1981 and the Environment (Protection) Act, 1986.
- ii) In case of Category - B units - matters should be referred to the local authority for taking immediate steps.

➤ **Local Authority :**

- i) The local authorities shall withdraw the trade licence of Ceremonial Houses/lawns and Banquet Halls and Club Houses should not be allowed to hold any further social functions till necessary measures are taken to comply with this guidelines.
- ii) Urgent steps should be taken as per the provisions of the prevailing laws.

➤ **Police Authority :**

- i) The police authority shall file a case of u/s 188 of Indian Penal Code for violation of Government order.
- ii) In case of noise pollution, the provisions of the Noise Pollution (Regulation and Control) Rules, 2000 and its amendments should be followed.
- iii) In case of use of "Black DG" the directions/Order of the Hon'ble National Green Tribunal, Eastern Zone made in the Original Application No.-158/2016/EZ Subhas Datta -Vs- State of WB & Ors., should be strictly followed.



12 FEB 2025

Copy forwarded to:-

- 1 **Additional Chief Secretary**, Department of Environment, GoWB, Pranisampad Bhaban, 5th Floor, LB-2, Sector-III, Salt Lake, Kolkata – 700 106
- 2 **Principal Secretary**, Department of Urban Development & Municipal Affairs Department, GoWB, Nagarayan Bhavan, Block-DF-8, Sector-I, Salt Lake City, 2nd Avenue, DF Block, Sector 1, Bidhannagar, Kolkata, West Bengal 700064
- 3 **Principal Secretary**, Department of Micro, Small, Medium Enterprises & Textiles, GoWB, New Secretariat Building, 1 No. K.S.Roy Road, Kolkata, West Bengal 700001
- 4 **Principal Secretary**, Department of Land and Land Reforms, GoWB, Nabanna, 6th Floor, 325, Sarat Chatterjee Road, Mandirtala, Shibpur, Howrah-711102
- 5 **Secretary**, Department of Industry Commerce & Enterprises, GoWB, Shilpa Sadan, 6th Floor, 4, Abanindranath Tagore Sarani (Camac Street), Kolkata-700 016
- 6 **Managing Director**, West Bengal Industrial Development Corporation Ltd., GoWB, 31, Black Burn Lane, 4th Floor, Shilpa Bhavan (Near Poddar Court), Kolkata-700012
- 7 **Director**, Micro, Small & Medium Enterprise (MSME), New Secretariat Building, 1 No. K.S.Roy Road, Kolkata, West Bengal 700001
- 8 **Director**, Land Records & Surveys and Joint Land Reforms Commissioner, GoWB, 35, Alipore Road, Gopal Nagar, Chetla, Kolkata, West Bengal 700027
- 9 **Chief Engineer**, WBPCB
- 10 **Chief Technical Advisor**, WBPCB
- 11 **Jt. Director (Employment)**, Micro, Small & Medium Enterprise (MSME), New Secretariat Building, 1 No. K.S.Roy Road, Kolkata, West Bengal 700001
- 12 **Senior Personnel Manager**, WBPCB
- 13 **Sr. Environmental Engineer - EIM / Asansol RO / Alipore RO**, WBPCB
- 14 **Sr. Scientist - Dr. R.K.Saha / D. Gupta / Dr. D. Chakraborty**, WBPCB
- 15 **Senior Law Officer**, WBPCB
- 16 **Environmental Engineer & In-Charge - Camac Street RO / Salt Lake RO / Hooghly RO / Barrackpur RO / Durgapur RO / Howrah RO / Siliguri RO / Planning Cell**, WBPCB
- 17 **Finance & Accounts Manager**, WBPCB (S.K.Khamrui/ S.Pal / S.Singh)
- 18 **Assistant Environmental Engineer & In-Charge - Haldia RO / Malda RO**, WBPCB
- 19 **Public Relation Officer**, WBPCB
- 20 **Environment Officer (Communication)** - for circulation in float file.
- 21 **PA to Chairman**, WBPCB
- 22 **PA to Member Secretary**, WBPCB



(D.Sarkar) 05/10/2021

Senior Environmental Engineer (Planning)

12 FEB 2025

Dr. Rajesh Kumar, IPS
Member Secretary



West Bengal Pollution Control Board
(Department of Environment, Government
of West Bengal)

Memo No. 23-4A-10/2012

Dated : 11 04. 2023

CIRCULAR

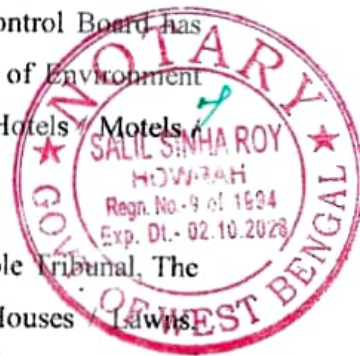
Subject : Circular for Ceremonial House/Lawns, Banquet Halls and Club Houses

WHEREAS, West Bengal Pollution Control Board (hereinafter will be referred to as the State Board) is entrusted with the enforcement of the provision of the Water (Prevention and Control of Pollution) Act, 1974, the Air ((Prevention and Control of Pollution) Act, 1981, for the purpose of protection of environment and for the prevention and control of pollution in the State of West Bengal.

AND WHEREAS, as per provision of section 25 & 26 of the Water (Prevention and Control of Pollution) Act, 1974 and under section 21 of Air (Prevention and Control of Pollution) Act, 1981, any industry can operate in the state after obtaining Consent to Establish/ Consent to operate from the State Board.

AND WHEREAS, in compliance to the order dated 19.09.2019 of the Hon'ble National Green Tribunal, Principal Bench passed in connection with O.A.No. 400/2017(Westend Green Farms Society Vs Union of India & Ors.), the Central Pollution Control Board has framed Mechanism / Guidelines for Control of Pollution and enforcement of Environment Norms at Individual Establishments and the Area/Cluster of Restaurants / Hotels / Motels / Banquets etc.

AND WHEREAS, in compliance to the above mentioned order of the Hon'ble Tribunal, The West Bengal Pollution Control Board has decided to bring Ceremonial Houses / Lawns / Banquet Halls and Club Houses in the State under the regulatory regime of the Board. The Ceremonial Houses / Lawns, Banquet Halls and Club Houses in the State will henceforth be required to obtain Consent to Establish / Consent to operate from the State Board under



section 25 & 26 of the Water (Prevention and Control of Pollution) Act, 1974 and under section 21 of Air (Prevention and Control of Pollution) Act, 1981 for its establishment / operation and shall follow Guidelines of the Board as given in the Annexure.

The Municipal Commissioners/Chief Executive Officers of all local bodies /local authorities are instructed to strictly implement and impose the above directions at the time of granting permission to Ceremonial Houses / Lawns, Banquet Halls and Club Houses.

In case of any default, the appropriate authority shall take necessary steps as mentioned in the Annexure to this memo. The Police Authorities also should take steps in case of violation of the guidelines.

Mechanism/Guidelines for Control of Pollution and enforcement of Environment Norms at Individual Establishments and the Area/Cluster of Restaurants/Hotels/Motels/Banquets etc. by the Central Pollution Control Board should also be strictly followed.

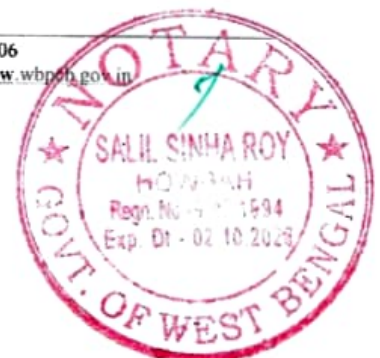
These directions have been issued under the powers conferred by Section 33A of the Water (Prevention and Control of Pollution) Act, 1974, Section 31A of the Air (Prevention and Control of Pollution) Act, 1981, and in suppression of earlier statutory circular issued by the Board vide Memo No. 314/383L/WPB/2017 dated 05/10/2021.

This will take immediate effect.

S. Sen
11/A/2023

Member Secretary

Paribesh Bhawan, Bldg. 10A, Block LA, Sector III, Salt Lake, Kolkata 700 106
Tel: 2335-8213, Fax: 2335 2813/6730, Email: ms.wbpcb-wb@bangln.gov.in, Website: www.wbpcb.gov.in



12 FEB 2025

ANNEXURE

Guidelines for Ceremonial Houses / Lawns, Banquet Halls and Club houses**❖ Water pollution control measures:**

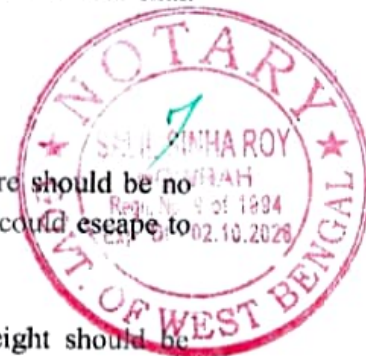
- 1) Ceremonial Houses/lawns and Banquet Halls and Club Houses having domestic effluent generation more than 10m³/day shall provide Sewage Treatment Plant (STP) of adequate capacity and achieve the standard as prescribed in Notification No. GSR 1265(E) dated 13.10.2017 of the Ministry of Environment, Forest & Climate Change.
- 2) Ceremonial Houses/lawns, Banquet Halls and Club Houses having domestic effluent generation less than 10m³/day shall provide Septic Tank and Soak Pit of adequate capacity. The soak pit shall be got cleaned periodically.
- 3) In order to save water resources and minimize water generation, effective water saving devices should be installed and appropriate water saving and/or water/recycle programmes should be implemented.

❖ Noise pollution control measures:

- 1) Use of loudspeakers/sound system, including D J, in Ceremonial House and Banquet Halls shall require prior permission of the competent Authority so as to avoid nuisance in nearby/surrounding area of the Ceremonial House and Banquet Hall. The Ceremonial House and Banquet Hall should not generate or allow to generate any noise level which may be responsible for violation of the ambient noise level as fixed up under the Environment Protection Act, 1986.
- 2) No loudspeaker/microphone/sound blowing system without sound limiter will be fitted in any uncovered area and/or outside the area of the premises.
- 3) No fireworks of any kind except Green Crackers will be used within the covered or uncovered area or outside the premises. Fire Crackers should not be used before 5 p.m. and after 10 p.m. Use of noise making fireworks is totally prohibited.
- 4) Noise Pollution (Regulation and Control) Rules, 2000 and amendments thereof shall be strictly followed.

❖ Air pollution control measures;

- 1) Properly designed exhaust system shall be provided in kitchens. There should be no free passage in the premises through which cooking fumes and odor could escape to the neighboring areas.
- 2) Appropriate air pollution control equipment with adequate stack height should be



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installed such that there are no visible fumes or emission from the kitchen exhaust and the emission should not cause any odor nuisance to nearby sensitive receptors such as residential premises, school, hospitals etc.

- 3) Diesel Generator sets should comply with the prescribed norms as per Ministry of Environment, Forest and Climate Change Notification No. GSR 371(E) dated 17.5.2002 and its subsequent amendments.

❖ **Solid and Plastic waste management measures:**

- 1) The waste materials shall be accumulated in an environmentally safe manner within the boundary of the premises concerned and shall be disposed of properly within twelve hours after completion of the ceremony.
- 2) Solid Waste Management Rules, 2016 and its amendments thereof shall be strictly followed.
- 3) Gazette Notification vide no. EN/1209 /3C-22/2019 dated 27/06/2022 issued by Environment Department, Government of West Bengal regarding ban on use of Single Use Plastic and below 120 micron Plastic Carry Bag, should be strictly followed.

❖ **Local authority shall consider the following before granting trade license :**

- 1) Locational aspect of the Ceremonial Houses/lawns and Banquet Halls and Club Houses i.e., the distance from residential area, educational institutes, health care units, religious institutions.

For the existing Ceremonial Houses/lawns and banquet Halls and Club Houses, if such residential area, educational institutes, health care units, religious institutions exist in vicinity proper measures should be adopted so that there is no adverse impact on the environment of the area.

- 2) The availability of adequate potable water and resources.
- 3) The necessary car parking arrangement.



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Steps to be taken by the appropriate authority in case of non-compliance of the provisions of the circular

❖ **Pollution Control Board :-**

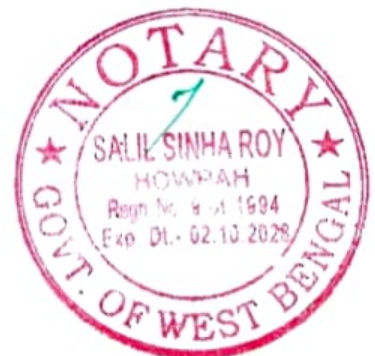
Immediate action should be taken as per provisions of the Water (Prevention and Control of Pollution) Act, 1974, The Air (Prevention and Control of Pollution) Act, 1981 and the Environment (Protection) Act, 1986.

❖ **Local Authority :**

- i) The local authorities shall withdraw the trade licence of Ceremonial Houses/lawns and Banquet Halls and Club Houses should not be allowed to hold any further social functions till necessary measures are taken to comply with this guidelines.
- ii) Urgent steps should be taken as per the provisions of the prevailing laws.
- iii) Matters should be intimated to the West Bengal Pollution Control Board for taking immediate steps as per provisions of the Water (Prevention and Control of Pollution) Act, 1974, The Air (Prevention and Control of Pollution) Act, 1981 and the Environment (Protection) Act, 1986.

❖ **Police Authority :**

- i) The police authority shall file a case of u/s 188 of Indian Penal Code for violation of Government order.
- ii) In case of noise pollution, the provisions of the Noise Pollution (Regulation and Control) Rules, 2000 and its amendments should be followed.
- iii) In case of use of "Black DG" (Diesel Generator Set without Air Pollution Control System or Acoustic Measures) the directions/Order of the Hon'ble National Green Tribunal, Eastern Zone passed in the Original Application No.-158/2016/EZ (Subhas Datta -Vs- State of WB & Ors.), should be strictly followed.



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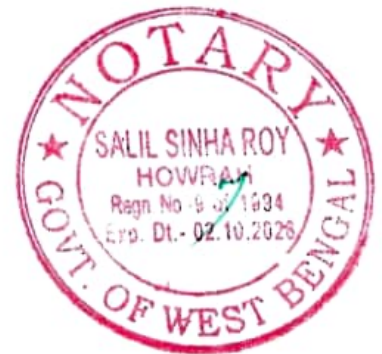
29

Memo No. 23()/4A-10/2012

Dated : 11.04. 2023

Copy forwarded to:-

- 1 The Principal Secretary, Department of Environment, GoWB
- 2 Principal Secretary, Department of Urban Development & Municipal Affairs, GoWB Nagarayan, DF-8, Sector-I, Salt Lake, Kolkata – 700064
- 3 The Principal Secretary, Department of Micro, Small & Medium Enterprises and Textiles (MSME&T), GoWB, Shilpa Sadan, Camac Street, 7th Floor, Kolkata - 700016
- 4 The Commissioner of Police :- Asansol – Durgapur / Barrackpore / Bidhannagar / Chandannagar / Howrah / Siliguri Police Commissionerate
- 5 The Superintendent of Police :- Alipurduar / Bankura / Barasat / Baruipur / Bashirhat / Birbhum / Bongaon / Cooch Behar / Dakshin Dinajpur / Darjeeling / Diamond Harbour / Hooghly (Rural) / Howrah (Rural) / Jalpaiguri / Jhargram / Jangipur / Kalimpong / Malda / Murshidabad / Krishnanagar / Ranaghat / Purba Bardhaman / Paschim Medinipur / Purba Medinipur / Purulia / Sundarban / Raiganj / Islampur Police District
- 6 Chief Engineer (O&E / Planning & EIM), WBPCB
- 7 Chief Technical Advisor, WBPCB
- 8 Chief Scientist, WBPCB
- 9 Director, State Urban Development Agency, GoWB, HB-305, AB Rd, HC Block, Sector III, Bidhannagar, Kolkata, West Bengal 700106 :- with a request to communicate all Corporations / Municipalities.
- 10 Senior Personnel Manager, WBPCB
- 11 Joint Director (Durgapur Zone), Micro, Small & Medium Enterprise (MSME), N.S.Building, Kolkata-700001
- 12 Senior Environmental Engineer, WBPCB – BMW Cell / Malda RO / Alipore RO / Kolkata RO / Salt Lake RO
- 13 Environmental Engineer, WBPCB – O&E Cell / Asansol RO / Hooghly RO / Howrah RO / Durgapur RO / EIM Cell / Barrackpur RO / Siliguri RO
- 14 Senior Scientist, WBPCB - D. Gupta / Dr. D. Chakraborty
- 15 Senior Law Officer, WBPCB
- 16 Law Officer, WBPCB
- 17 Finance & Accounts Manager, WBPCB
- 18 Assistant Environmental Engineer, WBPCB – Haldia RO
- 19 Environment Officer (Communication) - for circulation in float file
- 20 TA to Member Secretary, WBPCB
- 21 PA to Chairman, WBPCB



Salil Sinha Roy
11/04/2023

Chief Engineer (Planning)
West Bengal Pollution Control Board

12 FEB 2025

Item No. 01

Court No. 1

**BEFORE THE NATIONAL GREEN TRIBUNAL
PRINCIPAL BENCH, NEW DELHI**

Original Application No. 400/2017

Westend Green Farms Society

Applicant(s)

Versus

Union of India & Ors.

Respondent(s)

Date of hearing: 19.09.2019

CORAM: HON'BLE MR. JUSTICE ADARSH KUMAR GOEL, CHAIRPERSON
HON'BLE MR. JUSTICE S.P WANGDI, JUDICIAL MEMBER
HON'BLE MR. JUSTICE K. RAMAKRISHNAN, JUDICIAL MEMBER
HON'BLE DR. NAGIN NANDA, EXPERT MEMBER

For Applicant(s): Mr. Abhishek Bhardwaj, Advocate

For Respondent(s): Mr. Kush Sharma, Advocate for DDA
Mr. Divya Prakash Pandey, Advocate, Mr. Jigmet Takpa, Joint Secretary for MoEF&CC
Mr. Narender pal Singh, Mr. Kush Sharma, Mr. Dinesh Jindal, L.O for DPCC
Ms. Jyoti Mendivatta, Advocate for GNCTD
Ms. Sakshi Popli, Advocate for DJB
Mr. Satish Kumar, Advocate for CPCB
Ms. Pooja Kalra, Advocate for SDMC and NDMC

ORDER

1. The issue for consideration is the enforcement of environment norms against running of restaurants/hotels/motels/banquets where large congregations take place.

2. This Tribunal on consideration of material on record, vide order dated 02.11.2018, recorded a finding of violation of law on the subjects of waste management, discharge of effluents, illegal ground water extraction, ground water contamination, emission by illegally operating diesel generators, absence of statutory consents under the Water (Prevention and Control of Pollution) Act, 1974 ('Water Act'),



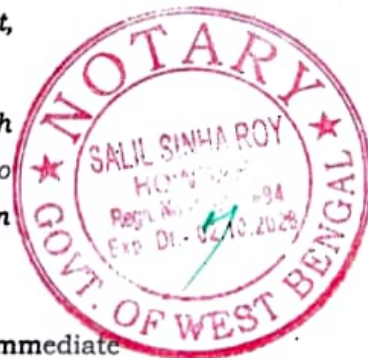
12 FEB 2025

the Air (Prevention and Control of Pollution) Act, 1981 ('Air Act') and violation of conditions of consents where such consents had been granted, by the restaurants/hotels/motels/banquets in Mahipalpur, Rajokri areas in Delhi. The Tribunal also considered the issue of absence of rain water harvesting, ground water recharge system, excess noise pollution, illegal parking and encroachments.

3. The findings of the Tribunal are under the following heads:

- (i) *Unauthorized constructions in violation of Delhi Municipal Act, 1957 and the Master Plan of Delhi.*
- (ii) *Noise Pollution in violation of Noise Pollution (Regulation & Control) Rules, 2000.*
- (iii) *Violation of Solid Waste Management Rules, 2016.*
- (iv) *Violation of Water (Prevention & Control of Pollution) Act, 1974 by unscientific disposal of Sewage waste.*
- (v) *Violation of Plastic Waste Management Rules, 2016.*
- (vi) *Extraction of ground water in violation of Central Ground Water Authority guidelines, 2012.*
- (vii) *Absence of water harvesting system in violation of Municipal Bye Laws, 2011 as well as CGWA guidelines requiring mandatory water harvesting for ground water recharge, as a condition for drawl of ground water.*
- (viii) *Violation of Air (Prevention & Control of Pollution) Act, 1981.*
- (ix) *Violation of principle of sustainable development, which requires carrying capacity assessment or adherence to laid down or inherently necessary norms for protection of Environment."*

4. The Tribunal directed the concerned authorities to take immediate steps to remedy the situation by preparing an appropriate action plan. A joint committee with representatives from the concerned departments was directed to be constituted. The action was to deal



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with regulation of sewage disposal, extraction of groundwater, rain-water harvesting, air pollution on account of traffic congestion, use of DJ sets, management of solid waste and noise pollution which required addressing of following issues:

- (i) *Compilation of data of all such places where marriages and functions take place which should be published and appropriately regulated.*
- (ii) *Regulate noise level at above places as per laid down norms. This includes regulation of DJ sets, loudspeakers and crackers etc.*
- (iii) *Compliance of Solid Waste Management Rules, 2016, and sewage discharge including decentralized waste processing facilities, installation of CCTV camera, GPS system in garbage collection vans etc.*
- (iv) *Regulation of extraction of groundwater as per applicable guidelines, sealing of tube wells including those installed for swimming pools in violation of law, need for reuse of water for flushing, Plantation or gardening.*
- (v) *Rain Water Harvesting by installing roof-top harvesting systems.*
- (vi) *Regulating size of gatherings on the concept of sustainable development in the light of carrying capacity of the area.*
- (vii) *Prohibiting such activities in overcrowded places not having adequate parking or other facilities.*
- (viii) *Action against unauthorized construction or unauthorized use without statutory clearances prohibiting and stopping any existing or future activities non-complying with above norms and also taking penal action where ever necessary.*
- (ix) *Environment restoration and compensating victims of violation of law in relation to Noise Pollution, Air Pollution, Water Pollution, Master Plan etc. The action*

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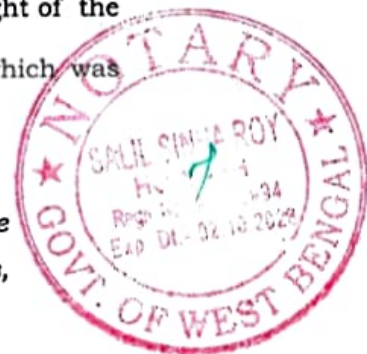
plan must involve all stakeholders, particularly the students and senior citizens. The Joint Committee will have authority to close polluting activity and remove every illegal structure. The Committee will also look into the allegations whether members of the applicant are running swimming pools by illegally drawing groundwater without requisite valid sanctions and drawl of ground water from critical or overexploited areas, without any mechanism for ground water harvesting and recharge. If so, remedial action must be taken forthwith."

5. The working of the Joint Committee was to be reviewed by Justice S.P Garg, former judge of the High Court and a report was to be submitted to this Tribunal with a copy to the CPCB and MoEF&CC. The MoEF&CC was to draw an action plan on pan-India basis.

6. Vide order dated 08.03.2019, the Tribunal considered the status report filed by the Delhi government on 07.03.2019 and found that the said report did not meet the mandate of the order of this Tribunal. Accordingly, Delhi Government was to furnish performance guarantee and file further compliance report which was to be cross-checked by Justice S.P. Garg. MoEF&CC was also required to file its report.

7. Again, on 08.07.2019 the Tribunal reviewed the matter in light of the report dated 01.06.2019 filed by the Delhi Government which was found to be deficient with regard to following specific points:

- "
- i) *The data furnished is not exhaustive and appropriate regulations, in respect of the specified establishments, are not mentioned.*



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- ii) Noise regulatory mechanism is not mentioned except to state that 21 cases have been reported and a helpline has been established.
- iii) Direction with regard to installation of CCTV cameras at appropriate locations to ensure compliance of the Solid Waste Management Rules, 2016² and sewage discharge is not shown to have been complied. There is also no comprehensive report about compliance of waste management rules. It is pertinent to note that the problem of solid waste management in Delhi is assuming serious proportions due to increasing population, urbanisation, changing lifestyles and consumption patterns. The garbage from unauthorised developments, slums, JJ settlements, etc. is not collected which further adds to the environmental degradation. The projected average garbage generation upto the year 2021 is @ 0.68 kg per capita per day and total quantum of solid waste is 15750 tons/day.
- iv) No compensation is shown to have been assessed for the illegal drawal of ground water for swimming pools except saying that the unlicensed swimming pools were closed or that a report about illegal borewells was sent. Needless to say the compensation assessed must take into account the value of the water extracted as well as element of deterrence.² Further reference may also be made to other articles on the subject.³
- v) As regards rain water harvesting, it is stated that such system was established in some of the properties but no action is shown to have been taken against those where it was not established. The matter as regard to rainwater harvesting has also been dealt in O.A. No. 307/2016 Society for Protection of Culture Heritage,

¹ https://dda.org.in/tendernotices_docs/may1/MPD-2021_31.03.2017260417.pdf

² See order of NGT dated 30.11.2018 in O.A. No. 546/2016 Harinder Singh & Ors. Vs. M/s Prateek Buidtech (India) Pvt.Ltd. & Ors. Para 10 and 11 which relies upon Assessment of Water resources consumption in building construction in India, Dr. S. Bardhan, Dept. of Architecture, Jadavpur University, India. Part of research study published in Ecosystems and Sustainable Development VIII. Edited by Y. Villacampa & C.A. Brebbia. Published by WIT press

³ <http://documents.worldbank.org/curated/en/804831468331771041/pdf/628030WPOMetho00Box0361494B0PUBLIC>



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Environment, Traditions & Promotions of National Awareness (CHETNA) Vs. Union of India & Ors. vide order dated 04.10.2018 and directions have been issued for taking steps to enforce such requirement which is to be overseen by a committee headed by Justice S.P. Garg.

vi) With regard to regulating the size of gathering, it is stated that a draft policy is under submission in the light of direction of Hon'ble Supreme Court in Writ Petition (C) 4677/1985, M.C Mehta vs. Union of India & Ors. vide order dated 11.12.2018. We may only add that such policy must consider suitability of the location for the purpose having regard to sufficient space to parking extent of traffic in area and compliance of air and water norms. Such location must have adequate distance from the highways and it must be ensured that as a result of permitting such activities, the highway traffic is not affected so as to add to the air pollution. In this connection we may also refer to the order of this Tribunal vide order dated 03.10.2018 in Execution Application No. 29/2018 (M.A. No.1391/2018) in O.A. No. 386/2016, Society for Protection of Culture Heritage, Environment, Traditions & Promotion of National Awareness vs. NHAI & Ors.

vii) With regard to prohibiting such activities in overcrowded places without having parking facilities, it is stated that a draft policy is under submission. We may note that survey of hotspots of traffic is possible with reference to Google Maps.⁶ We may also add that best practices to control parking at public places need to be adopted.⁴

viii) With regard to action against unauthorized constructions without statutory clearance, a reference is made to certain reports of the local bodies which does not show how environmental norms will be complied



⁴ https://dda.org.in/tendernotices_docs/may1/MPD-2021_31.03.2017260417.pdf; Paid on on-street and off-street parking to be developed for long term and short term parking provisions.

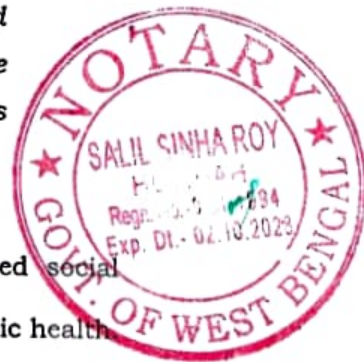
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with and how activities which are non-compliant will be stopped.

ix) With regard to restoration of environment and recovery of compensation, only report is that a Committee has been constituted. There is nothing to show that any assessment has been made of the damage to the environment and such assessed amount has been recovered. The Committee is not shown to have persons competent in law to levy and assess compensation. They hardly have qualifications required for the purpose.

x) Policy for holding social functions provides for grant of license for holding of such functions in authorized space subject to certain general conditions. With regard to enforcement of the conditions, violators are liable to pay penalties of Rs. 5 Lakhs for first offence, 10 Lakhs for second offence and Rs. 15 Lakhs for third and every further offence and cancellation of license for one year. While compensation on 'Polluter Pays' principle can be recovered by a regulator with reference to statutory regulatory scheme, we are unable to understand how without any reference to such statutory scheme, a provision for 'penalty' can be made and how an ad-hoc amount can be provided without reference to the assessment of the loss caused, cost of restoration being assessed and the amount being deterrent having regard to financial capacity of the persons violating the environmental norms. On this aspect, the policy does not seem to have any clarity."

8. This Tribunal noticed the challenge posed by unregulated social gatherings resulting in damage to the environment and public health. It was observed that expert studies are required to be undertaken to mitigate the adverse impact on environment and public health and a mechanism is required to be developed to remedy the situation. The



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matter was deferred to 19.09.2019 with an expectation that requisite initiative will be taken by the Delhi Government and the MoEF&CC.

9. We have perused the affidavit filed on behalf of the MoEF&CC on 17.09.2019. Referring to the statutory provisions on the subject and order of the Western Bench of this Tribunal dated 03.07.2017 in O.A No. 08/2015, *Sujal Sahakari Gruha Rachana Sanstha Maryadit v. The Commissioner, Pune Municipal Corporation & Ors.*, it is stated that the Maharashtra PCB has issued notice dated 29.07.2017 requiring all marriage halls/lawns to apply for consent under the Water Act and the Air Act. An action plan has been suggested as follows:

S.No	Action Point	Time Limit for completion of the action
1.	<p>Compilation of information regarding the current mechanism</p> <p>CPCB shall co-ordinate with all the SPCBs and PCCs to compile information on the current mechanism in States/ UTs for regulating banquet halls and other such places. The information may include but not limited to, the following:</p> <p>a. Whether any guideline has been formulated by the SPCBs/PCCs or any other State/UT authorities for regulating banquet halls and other such places where marriages and functions take place.</p> <p>b. If so, whether such guidelines was formulated in compliance with the orders of any court of law.</p> <p>c. Whether banquet halls and other such places are presently covered under the consent mechanism.</p> <p>d. Whether a grievance redress mechanism is in place for receiving complaints related to violation of environmental norms by banquet halls and other such places.</p>	1 month



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2.	<p>Actions by Central Pollution Control Board in respect of State/UTs having guidelines:</p> <p>In case of those States/UTs having defined guidelines for regulating banquet halls and other such places, Central Pollution Control Board shall co-ordinate with SPCBs and PCCs concerned to:</p> <p>(a) Review the guidelines of each State/UT to ensure addressing of all non-compliances/violations highlighted by the Hon'ble Tribunal in the instant matter (i.e., Original Application No. No. 400/2017).</p> <p>(b) Suggest amendments, if required, in the guidelines, also ensuring that the same does not violate or is at variance with (i) any other direction issued by a court of law and applicable to the State/UT (ii) any rules/ legislations/ orders issued by the State/ UT.</p>	2 months
3.	<p>Action by SPCB/PCC concerned of State/UTs having guidelines:</p> <p>In case of those States/UTs having defined guidelines for regulating banquet halls and other such places, the SPCB/PCC concerned shall:</p> <p>(a) Compile data of all such places where marriages and functions take place and publish the same in the website of the SPCB/PCC and local authorities.</p> <p>(b) Tabulate and submit to Central Pollution Control Board the status of compliance of the above complied banquet halls and other such places with various environmental rules guidelines along with the action taken by the SPCB/PCC for ensuring compliance.</p>	6-9 months
4.	<p>Action by Central Pollution Control Board in respect of State/UTs having no guidelines:</p>	



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In case of those States/UTs having no defined guidelines for regulation banquet hall and other such places, Central Pollution Control Board shall co-ordinate with SPCBs and PCCs concerned for formulating guidelines and action plan for regulating banquet halls and other such places and to ensure adherence to the action plan. An indicative action plan may be as below:

(a) SPCBs/PCCs concerned shall ensure that all the banquet halls and other such places under their jurisdiction are brought under the consent mechanism. In order to ensure this, SPCBs/PCCs may issue a public notice, through websites, advertisements in leading newspapers and or other such mechanisms mandating all banquet halls, restaurants, hotels, lawns and other such places where marriages and other functions take place, to apply for consent under the provisions of the Water (Prevention and Control of Pollution) Act, 1974 and the Air (Prevention and Control of Pollution) Act, 1981 within a period of one (01) month from the date of communication of guidelines/action plan by Central Pollution Control Board.

(b) SPCBs/PCCs concerned shall complete the issuance of consent to banquet halls and all such places, under their jurisdiction, within a period of three (03) months from the date of communication of guidelines/action plan by Central Pollution Control Board. The terms and conditions on which consent is issued shall mandatorily include such conditions as to ensure compliance of banquet halls and such places with the various environmental rules and guidelines, and in particular those detailed in the order dated 02.11.2019 of the Hon'ble Tribunal in the instant matter.

(c) SPCBs/PCCs concerned, in co-ordination with the local authorities concerned, as required, shall carry out inspections to identify the illegal/non complying banquet halls and other such places. The list of banquet halls and other such places



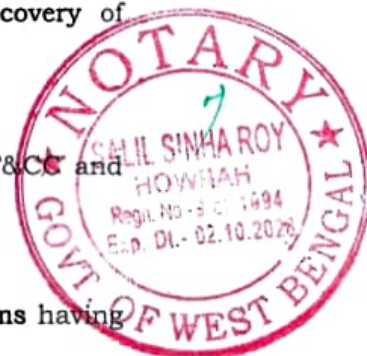
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	<p>along with their legal/compliance status shall be published in the websites of the SPCB and local authorities.</p> <p>(d) SPCBs /PCCs concerned shall take all necessary steps for closure of non-complying banquet halls, restaurants, hotels, etc. and such actions shall be completed within a period of six (06) months from the date of communication of guidelines/action plan by Central Pollution Control Board.</p>	
5.	<p>Periodic reporting of the progress in implementation of action plan</p> <p>Central Pollution Control Board shall periodically assess the progress made by the SPCBs/PCCs in the implementation of the action plan and Ministry of Environment, Forest and Climate Change & CC.</p>	<p>During 1st week of every month till desired compliance level is achieved.</p>

10. On behalf of the Delhi Government, a format of inspection with an action plan been filed. Referring to the gaps pointed out in order dated 08.07.2019, reproduced in para 7 above, it is stated that data has been compiled, noise regulatory mechanism has been evolved, norms for waste disposal and installation of CCTV cameras and GPS have been laid down, sewage management and air pollution control measures plan. The Action Plan also covers regulation of extraction of groundwater, rainwater harvesting, regulation of size of gatherings and action against unauthorized establishments and recovery of environmental compensation.

11. We have also interacted with the Joint Secretary of MoEF&CC and the learned counsel for the Delhi Government.

12. There can be no dispute that violation of environment norms having adverse impact on environment and public health cannot be ignored.

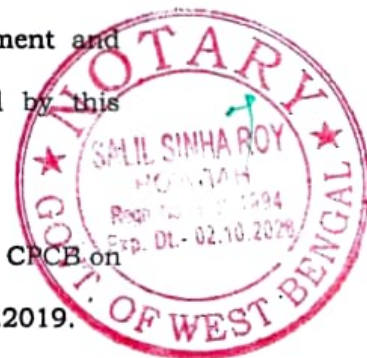


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Apart from formalizing and enforcing the action plan reproduced above, the MoEF&CC may evolve appropriate siting guidelines as well as mechanism for undertaking impact assessment either of individual establishments or of the area/cluster to ensure that activities beyond carrying capacity of the area are duly regulated to enforce the 'Precautionary' principle as well as 'sustainable development'. The MoEF&CC may also review the reports which may be furnished by the CPCB in respect of progress made by the SPCBs/PCCs. We direct the MoEF&CC to entrust the responsibility of evolving mechanism for mitigation to the CPCB which is a statutory body under the Air (Prevention and Control of Pollution) Act, 1981 and the Water (Prevention and Control of Pollution) Act, 1974 and/or any other expert/institution. It will be appreciated if the CPCB can lay down suitable guidelines for the regulation of such entities, within the framework of law. The guidelines must provide for coercive measures in case of violations and also a monitoring mechanism.

13. The Delhi Government may take steps as per its action plan. The Delhi Government may also have consultation with the CPCB and within a broad framework of pan India Guidelines, the Delhi Government can have its own guidelines to suit the local requirements to mitigate the adverse impact on environment and public health in the light of the orders already passed by this Tribunal.

14. Further report may be filed jointly by the MoEF&CC and the CPCB on their part and by the Delhi Government on its part by 30.11.2019.



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15. It is made clear that this Tribunal is not concerned with the individual cases involved which may be dealt with as per the guidelines and mechanism to be laid down by the CPCB.

List for further consideration 17.12.2019.

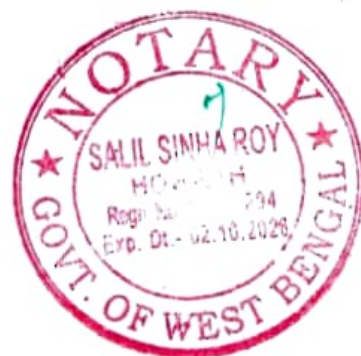
Adarsh Kumar Goel, CP

S.P Wangdi, JM

K. Ramakrishnan, JM

Dr. Nagin Nanda, EM

September 19, 2019
Original Application No. 400/2017
AK



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Item No. 01

Court No. 1

**BEFORE THE NATIONAL GREEN TRIBUNAL
PRINCIPAL BENCH, NEW DELHI**

Original Application No. 400/2017

(With report dated 02.02.2021)

Westend Green Farms Society

Applicant

Versus

Union of India & Ors.

Respondent(s)

Date of hearing: 04.02.2021

**CORAM: HON'BLE MR. JUSTICE ADARSH KUMAR GOEL, CHAIRPERSON
HON'BLE MR. JUSTICE SHEO KUMAR SINGH, JUDICIAL MEMBER
HON'BLE DR. NAGIN NANDA, EXPERT MEMBER**

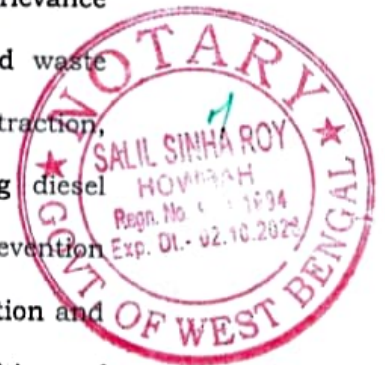
Applicant: Mr. Sumit Gahlawat, Advocate

Respondent: Mr. Anuj Bhandari, Advocate for CPCB

ORDER

1. This order is being passed in continuation of order dated 20.12.2019 on the subject of compliance of environmental norms by restaurants/hotels/motels/banquets etc. in terms of earlier orders of this Tribunal.

2. Vide order dated 02.11.2018, the Tribunal considered grievance against the violation of environmental norms, including solid waste management, discharge of effluents, illegal ground water extraction, ground water contamination, emission by illegally operating diesel generators, absence of statutory consents under the Water (Prevention and Control of Pollution) Act, 1974 ('Water Act'), the Air (Prevention and Control of Pollution) Act, 1981 ('Air Act') and violation of conditions of consents where such consents are granted, **by the restaurants/hotels**

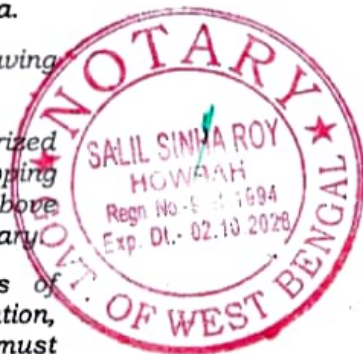


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/motels/banquets in Mahipalpur, Rajokri areas in Delhi. The Tribunal also considered the issue of absence of rain water harvesting, ground water recharge system, excess noise pollution, illegal parking and encroachments.

3. The Tribunal found violations on the basis of material on record and directed remedial action. Directions of the Tribunal *inter-alia* included:

- (i) *Compilation of data of all such places where marriages and functions take place which should be published and appropriately regulated.*
- (ii) *Regulate noise level at above places as per laid down norms. This includes regulation of DJ sets, loudspeakers and crackers etc.*
- (iii) *Compliance of Solid Waste Management Rules, 2016, and sewage discharge including decentralized waste processing facilities, installation of CCTV camera, GPS system in garbage collection vans etc.*
- (iv) *Regulation of extraction of groundwater as per applicable guidelines, sealing of tube wells including those installed for swimming pools in violation of law, need for reuse of water for flushing, Plantation or gardening.*
- (v) *Rain Water Harvesting by installing roof top harvesting systems.*
- (vi) *Regulating size of gatherings on the concept of sustainable development in the light of carrying capacity of the area.*
- (vii) *Prohibiting such activities in overcrowded places not having adequate parking or other facilities.*
- (viii) *Action against unauthorized construction or unauthorized use without statutory clearances prohibiting and stopping any existing or future activities non-complying with above norms and also taking penal action where ever necessary.*
- (ix) *Environment restoration and compensating victims of violation of law in relation to Noise Pollution, Air Pollution, Water Pollution, Master Plan etc. The action plan must involve all stakeholders, particularly the students and senior citizens. The Joint Committee will have authority to close polluting activity and remove every illegal structure. The Committee will also look into the allegations whether members of the applicant are running swimming pools by illegally drawing groundwater without requisite valid sanctions and drawl of ground water from critical or overexploited areas, without any mechanism for ground*



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water harvesting and recharge. If so, remedial action must be taken forthwith."

4. Further orders were passed on 08.03.2019, 08.07.2019, 19.09.2019. Thereafter, comprehensive review of the matter was undertaken on 20.12.2019 in the light of action taken report filed by the Delhi Government on 17.12.2019 and affidavit filed by the MoEF&CC on 16.12.2019. **The Tribunal directed framing of guidelines by the CPCB as indicative minimum norms for being followed throughout India in the interest of protection of environment and public health.** The said order is extracted below:

"13. We may now refer to the affidavit filed by the MoEF&CC which in turn refers to the guidelines prepared by the CPCB in respect of (a) Monitoring mechanism (b) Coercive measures in case of violations (c) Siting guidelines and (d) Mitigation measures as guided by NGT in para 12 of the order dated 19.09.2019 read with action in para 9 of the order dated 19.09.2019. It is further stated that the Ministry is yet to finalize the mechanism after further consultations. Without obstructing further study, we are of the view that the mechanism needs to be acted upon in light of Water Act, Air Act and EP Act and rules framed thereunder and further observations in this order, till the same is revised in the light of further study. The mechanism suggested is as follows:

"3.0 Mechanism/Guidelines/Mitigation measures

The mechanism for control of control of pollution and enforcement of environmental laws based on the various environmental issued identified in section 2.0 is enumerated in this section.

3.1 Water Pollution-

(i) Effluent Treatment Plant

- a. *The unit shall furnish a copy of agreement made with the water supplier while applying for consent to operate. The outsourcing water supplier should have permission from the competent authority to draw ground water.*
- b. *The units shall provide effluent/sewage treatment plant as proposed and maximize reuse of treated sewage in toilet flushing, cooling water makeup, boiler, floor washing, gardening and other non-potable purposes.*
- c. *Most of the bigger ceremonial halls and star hotels are treating only waste water generated from kitchen and*



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laundry. Untreated domestic sewage is discharged directly into sewer without treatment. Entire waste water generated from kitchen, laundry and domestic sewage should be treated in ETP in case of such bigger units.

- d. Treated effluent water from ETP installed should meet Environmental Standard notified by the MoEF&CC vide GSR794(E) dated 04.11.2009 and reproduced as under.

Hotel type	Parameters	Effluent Standards (Limiting concentration in mg/l, except pH)	
		Inland surface water	On land irrigation
Hotel with at least 20 bedrooms	pH	5.5-9.0	5.5-9.0
	BOD ₃ days, 27°C	30	100
	Total Suspended Solids	50	100
	Oil & Grease	10	10
	Phosphate as P	1.0	-
Hotel with less than 20 bedrooms or a banquet hall with minimum floor area of 100 m ² or a restaurant with minimum seating capacity of 36	pH	5.5-9.0	5.5-9.0
	BOD ₃ days, 27°C	100	100
	Total Suspended Solids	100	100
	Oil & Grease	10	10

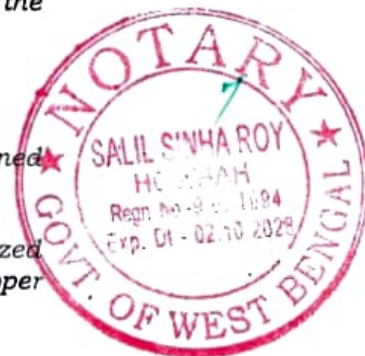
- e) The quality of treated sewage and trade effluent should be analyzed regularly once in a month and report shall be furnished to SPCB/PCC.
- f) The unit shall install water meters to record the daily consumption of water and separate electromagnetic flow meter at the inlet and outlet of effluent treatment plant to record actual flows on a daily basis.
- g) The unit shall install separate energy meters also to record the daily energy consumption of the effluent treatment plant on daily basis prior to completion of the project.
- h) The units should mandatorily obtain all consents, permissions and approvals required for ETP from the local Agencies.

(ii) Ground water extraction:

- a) Necessary permission should be obtained from concerned Authorities for extraction of groundwater.
- b) SPCB/ PCC to take action against units for unauthorized or illegal ground water extraction without proper permission from considered Authorities.

(iii) Water Conservation Measures

- (a) Maximize reuse of treated water for non-potable purpose.



- (b) All the units to furnish monthly report return showing the quantity of water consumed and its reuse in different purpose to the concerned SPCB/PCC.
- (c) Installation of Rain water harvesting systems must be installed in consultation with the Experts.
- (d) Using water-efficient fixture such as low flow shower heads, bath, sink faucet aerators, low flow toilets etc.

3.2 Air Pollution-

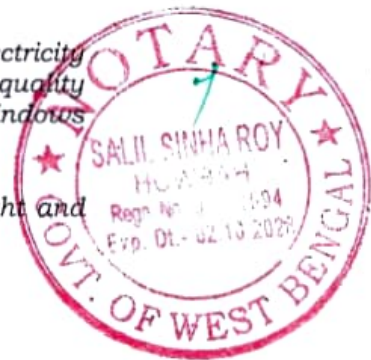
(i) Gensets and Fuel

- a) The unit shall provide stack for the emissions from the generator sets so as to ensure that the emissions satisfy the standards prescribed by the Board. The unit shall also provide acoustic measures for the Gensets to meet the noise level standards prescribed for residential area.
- b) Banquets halls shall use approved fuel (e.g. LPG, PNG, Charcoal for tandoor etc.). Preference be given to gas based hot water generator and boiler over oil fired/coal fired boiler. Hybrid type hot water generator by using solar water heater be encouraged.
- c) Conventional water heating systems be replaced in a phased manner and solar water heating system be installed.
- d) The units shall properly channelize the fugitive emissions including emissions from cooking & kitchen operations by providing proper ducting /hood arrangement and proper exhaust system and emissions shall be discharged at least 2 meter above the roof of the building.

Energy Conservation Measures

- a) Application of solar energy should be incorporated for illumination of common areas, lighting for gardens and street lighting in addition to provision for solar water heating. A hybrids system or fully solar system for a portion of the unit shall be provided.
- b) Use of inverters instead of Diesel Generation Sets be preferred.
- c) Use of glass may be reduced to reduce the electricity consumption and load on air conditioning. High quality double glass with special reflecting coating in windows shall be used.
- d) Bulbs will be replaced by low-watt fluorescent light and fluorescent lighting be used as much as possible.

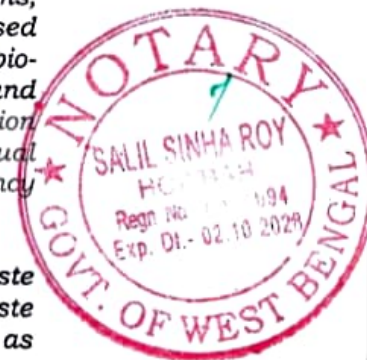
Consent to establish and Consent to operate



- a) As per the Water Act 1974 and Air Act 1981, it is mandatory to obtain Consent to Establish (NOC) before commencement of the construction activities and Consent to Operate (CTO) before starting operation of the Units (individual establishments and the area/ cluster of restaurants/ hotels/ motels/ banquets etc.) from the concerned SPCB/PCC.
- b) Further, the SPCB/PCC may direct the defaulting units for paying environmental compensation for damaging the environment considering their operations despite being non-compliant.
- c) The SPCB/PCC may workout and fix the amount of environmental compensation in-line with the mechanism for charging environmental compensation as evolved by the CPCB.

3.3 Solid Waste Management

- (a) The units shall properly handle, manage and dispose the solid waste generated and comply with the provisions of the Solid Waste Management Rules.
- (b) As per clause 3 (8) of the Solid Waste Management Rules, 2016, marriage halls generating waste of more than 100 kg/day fall under the category of 'Bulk Waste Generator' and should ensure compliance with the provisions of the Rules, and in specific the following:
- 13(1)(d) Store horticulture waste and garden waste generated from such premises separately in within the own premises and
 - 13 (2) No waste generator shall throw, burn or bury the solid waste generated by him, on streets, open public spaces outside his premises or in the drain or water bodies.
 - 13 (8) All hotels and restaurants shall, within one year from the date of notification of these rules and in partnership with the local body ensure segregation of waste at source as prescribed in these rules, facilitate collection of segregated waste in separate streams, handover recyclable material to either the authorised waste pickers or the authorised recyclers. The bio-degradable waste shall be processed, treated and disposed off through composting or bio methanation within the premises as far as possible. The residual waste shall be given to the waste collectors or agency as directed by the local body.
- (c) The segregated food waste from the solid waste generated in the unit shall be treated in organic waste converter and the treated compost shall be used as manure.
- (d) The unit shall ensure that the hazardous waste (used oil, used batteries) generated in the premises are collected



property and disposed only to authorized recyclers registered with MoEF&CC/CPCB and valid operating license of SPCB/PCC.

- (e) The unit shall minimize use of disposable plastic on its premises and ensure its disposal through recyclers registered with SPCB/PCC for recycling plastic waste.

3.4 Noise pollution

- (a) The unit shall obtain permission from designated authorities as per provisions of Noise Rules 2000.
- (b) The unit shall comply with provision of Noise Rules specifically Rule 5 and Rule 6 of the Noise Rules.

3.5 Infrastructure issues/Parking Problems & Other Requirements

Project Area/Building Plan

The units have to pay conversion charges to Local Authorities for running banquets and have to come up in a cluster leading to severe stress on basic infrastructure including traffic management, parking as well as pose a fire hazard etc. Accordingly, the following to be complied with:

- (a) Building plans to be approved by concerned authorities. Local Authorities be directed to review the adequacy of infrastructure for existing units for which approval has already been granted and to ensure adequacy of infrastructure facilities like traffic, parking, fire safety etc. before granting any fresh approval of banquet halls in the area. Adequate infrastructure arrangements may be made for them in the area by municipal corporations.
- (b) Local Authorities to ensure that these units are operating in compliance with approved building plans and without any parking & traffic issues. In case it is not possible to provide basic infrastructure required -traffic, parking, etc. -such banquet halls may be shifted out of the area.
- (c) The units to make adequate arrangements for fire safety and obtain fire safety certificate from the respective State Government agencies.
- (d) To create buffer zone, the unit shall develop green belt on its premises which shall consist of trees with thick canopy cover and ornamental shrubs in between them. The unit shall furnish the green belt development plan, which includes the number and type of species to be planted and topo sketch for plantation while applying for consent to operate. The STP sludge and manure coming from the bio-composted organic waste shall be used for green belt development.



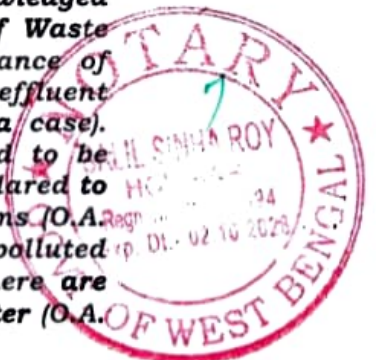
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4.0 Conclusion

- a) *The units to take necessary Consents from SPCBs/PCC as per provisions of EP (Act) 1986 and the Rules framed thereunder.*
- b) *All the units may be asked to submit an environmental statement for the unit for the financial year ending 31st March on or before the 30th April of every year before the Local Authority and Administration.*
- c) *The Banquet halls to take measure to conserve water and minimize generation of waste on the premises.*
- d) *Beside consents, the establishments should mandatorily obtain permissions/clearances like permission for ground water extraction, approval of building plan, fire safety clearance, etc and comply with all other requirements as mandated by the State Authorities from time-to-time.*
- e) *Most of the banquet halls come up in a cluster leading to severe stress on basic infrastructure including traffic management, parking as well as pose a fire hazard etc. Local authorities to review the adequacy of infrastructure for existing banquet halls for which approval has already been granted and to ensure adequacy of infrastructure facilities like traffic, parking, fire safety etc. before granting any fresh approval of banquet halls in the area.*
- f) *Municipal corporations may be directed to ensure that these banquet halls are operating in compliance with approved building plans and without any parking & traffic issues. In case it is not possible to provide basic infrastructure required - traffic, parking, etc.- such banquet halls may be shifted out of the area."*

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18. ... Thus, adequate statutory framework is available. Still, challenge is posed by polluting activities in **absence of proper enforcement and monitoring** which need review from time to time. It may be noted that this Tribunal is faced with **acknowledged serious violations in the form of non-compliance of Waste Management Rules (O.A. No. 606/2018), non-compliance of requirement of sewage treatment as well as effluent treatment (O.A. No. 593/2017, Paryavaran Suraksha case). The result is that 351 river stretches are declared to be polluted (O.A. No. 673/2018), 122 major cities are declared to be non-attainment cities in terms of air quality norms (O.A. No. 681/2018)¹, 100 industrial clusters are declared polluted based on CEPI assessment (O.A. No. 1038/2018). There are issues with regard to illegal extraction of groundwater (O.A.**



¹ https://cpcb.nic.in/uploads/Non-Attainment_Cities.pdf and <https://economictimes.indiatimes.com/news/environment/pollution/20-more-cities-added-to-cpcbs-polluted-list/articleshow/70721767.cms?from=mdr>

No. 176/2015), absence of rain water harvesting systems (O.A. No. 496/2016), noise pollution (O.A. No. 519/2016), protection of water bodies (O.A. No. 325/2015), reuse of treated water (O.A. No. 148/2018), regulating operation of national highways to avoid traffic congestion (O.A. No. 386/2016), controlling number of vehicles consistent with carrying capacity to deal with the problems of parking and congestion leading to damage to the environment (O.A. No. 568/2016). The issue in the present case has surfaced in the context of operation of establishments where large congregations take place for marriages or other functions. In absence of clear strategies, compliance of environmental norms remains a challenge as pointed out in the earlier orders. This necessitates well thought out strategies within the existing statutory framework.

19. Needless to say that compliance of environmental norms cannot be wished away as such norms are overarching requirement for any activity having potential for generation of liquid effluents, gaseous emissions or otherwise affecting the environment. Apart from the licensing provisions for fire safety, building safety, etc. which may be dealt with by a Development Authority and/or a Local Body, the Regulatory Bodies under the Water Act, the Air Act and the EP Act must enforce the environmental norms to ensure that water and air pollution are prevented and environment is not degraded. Apart from statutory regulators under the Water, Air and EP Acts, several other statutes including municipal laws provide for enforcement of statutory norms by local and other authorities. By way of an example, local bodies grant clearance to buildings even with reference to environment norms in terms of applicable statutory provisions. Article 243W read with Schedule XII (Entry 8) to the Constitution specifically provide for dealing with certain environmental issues by the local bodies. For successful functioning of such authorities, it is necessary that an environment cell comprising qualified person for the purpose of enforcement and vigilance is set up by every such authority. There is no reason why municipal corporations should not have such cells wherever such 'cells' do not exists so far. This may be ensured within next three months and such information may be compiled by PCBs/PCCs and furnish to CPCB. As already observed in the earlier orders, any place where social gatherings take place having such potential needs regulatory mechanism which has to continuously evolve and needs to be enforced. The existing mechanism has to be reviewed periodically. Whenever any violations are alleged, the same need to be looked into.

20. In this background, guidelines prepared by CPCB cover the requirement of monitoring mechanism by providing enforcement of consent requirement and laying down suitable conditions for such statutory consents which can take care of necessary mitigation measures including siting guidelines and coercive measures for enforcement. The guidelines have been quoted above in para 13. Apart from the said guidelines, the Urban Development Department of Delhi has suggested action plans for compiling data for such functions are held, constituting monitoring teams, installation of CCTV cameras, GPS system in garbage



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collection vans, regulating size of gatherings as per capacity of the area, restricting number of persons, fire safety devices, steps to control traffic congestion, regulating quality and quantity of food. Additional measures have been suggested by DPCC in connected matters listed today being O.A. No. 1008/2018, Deepak Datta vs. Govt. of NCT of Delhi and O.A. No. 515/2019, President Bhudhela Welfare Associations Vs. Govt. of NCT of Delhi, referred to in Para 14 above. CPCB may consider the said suggestions and incorporate the same in its draft guidelines to the extent not already included but found relevant for application pan India.

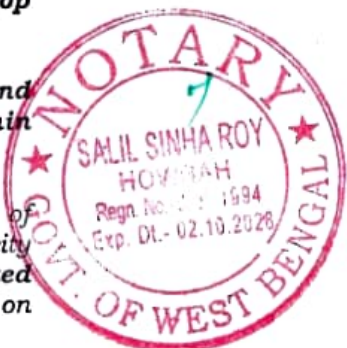
21. We are of the view that enforcing the requirement of Consent to Establish should be the starting point for commission of the project rather than the last in the governance chain meaning thereby that **no project should commence its establishment without such consent from PCB/PCC.** Needless to say, in the process of granting such consent, all relevant and suitable conditions must be imposed after evaluation of **carrying capacity of the area to take such additional project, siting norms, inter se distance of such projects, adequacy of parking facility, mode of disposal of solid waste, mode for disposal of liquid waste including sewage, adequacy of mitigation with respect to noise pollution, adherence to norms for DG Sets, permission of Central Ground Water Authority or designated authority for ground water drawal.** Such norms must be applied to all existing establishments and those found not meeting the norms must be closed till the norms are complied. The project proponent must file their Annual Environment Statements in terms of Rule 14 of the EP Rules. The State Board must have robust monitoring mechanism to evaluate compliance to norms atleast twice a year especially during and after the marriage/festive season during which such entities operate to maximum capacity.

Apart from this, the consent conditions must require the owner/manager of establishment informing the organizer/user in writing in advance about the conditions applicable for ensuring compliance. Conduct of functions must not disturb other citizens right to peaceful and clean environment.

Stringent norms need to be worked out for controlling and regulating parking of vehicles, used by the organizers and guests in functions as well as parking of vehicles generally on roads and public places adding to the air pollution. This includes regulation of pick and drop activities.

Use of DJ systems must be fitted with noise limiters and data loggers and be operated within sound proof halls within prescribed noise limits without its effect being felt outside.

Environment protection measures require that number of vehicles in any city/area must be limited to the available capacity for parking. All public places and roads cannot be converted into parking places without any regulatory measures. Planning on



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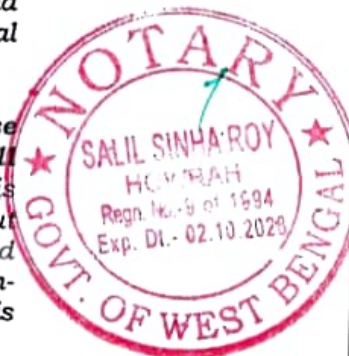
this aspect is a condition precedent for compliance of environmental norms. Parking can be allowed only at designated places. Stringent measures must be taken by statutory authorities including the Traffic Police against any such parking. In this regard, vide order dated 19.01.2015 in O.A. No. 21, 2014, Vardhaman Kaushik Vs. Union of India, it was observed:

".....It will be ensured that stagnation of vehicle and traffic congestion are avoided particularly by prohibiting parking on the main roads or any parking area on the metalled roads. We direct all the SHOs concerned, the Traffic Police and the concerned Corporation to ensure compliance of these directions without any default. There will be complete prohibition of parking of any cars on the metalled roads and the corporation would take strict action against the persons who violates it. This shall include payment of Rs. 1000/- per car on account of compensation for degradation of environment and its restoration. This would also be charged on the cars, which are parked on the metalled roads."

The above direction must be enforced not only for Delhi but atleast for 122 non-attainment cities in the country. The Transport Departments of all the States/UTs may assess the available parking capacities in the said 122 cities and determine the number of vehicles which can be accommodated in terms of parking space available in the said cities. In case the number of vehicles exceed the capacity, there should be action plans for providing adequate additional parking space. **If it is not possible, the number of vehicles to be registered must be curtailed by using appropriate economic disincentives or otherwise and alternative provided to the citizens in the form of public transport system.** If these steps (declaring the capacity of number of vehicles and designating parking spaces, prohibiting unregulated parking at public places) are not taken, this Tribunal may have to take coercive measures for protection of environment including direction for limiting registration of any new vehicles in the said cities.

The establishments where social functions are held must notify the designated places where vehicles are to be parked and number of vehicles are allowed. The organizer of a function must ensure and give an advance undertaking that the number of guests invited have been informed about the extent of parking facility available. **In any case, no vehicle be allowed to be parked at public places. The owner of the property will be liable for any default.** These regulatory measures are necessary to avoid inconvenience to general public and compliance of environmental norms which are part of right to life.

CPCB may finalize guidelines after considering these observations within one month and circulate the same to all the States/UTs to serve as indicative minimum norms. It is open to all the States/UTs to further add to such norms without diluting the same. The States/UTs may implement the same and furnish a compliance report to CPCB within three months. Any non-compliance may result in coercive measures being adopted by this



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Tribunal. CPCB may compile the information received from the States/UTs and furnish a consolidated report to this Tribunal before the next date. As far as Delhi is concerned, as directed in O.A. No. 1008/2018, Deepak Datta vs. Govt. of NCT of Delhi and O.A. No. 515/2019, President Bhudhela Welfare Associations Vs. Govt. of NCT of Delhi, DPCC may lay down and enforce the suggested norms immediately pending further revision in the light of comprehensive guidelines of CPCB."

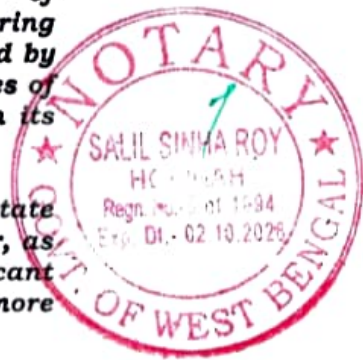
5. Finally, the matter was considered on 23.07.2020 in light of the earlier proceedings as follows:-

"7. In view of above, let all the States/UTs take further steps in the matter of adopting and enforcing the CPCB guidelines to ensure sustainable use of water, solid and liquid waste management and compliance with the statutory environmental norms under the Water Act, 1974, the Air Act, 1981, the Environment (Protection) Act, 1986 ('EP Act, 1986') including the Noise Pollution (R&C) Rules, 2000, providing for adequate parking facilities and having adequate stack heights for the DG Sets. Compliance of such norms must be overseen by the statutory regulatory authorities, including the Local Bodies, the State PCBs/PCCs and, wherever there is violation, stringent action must be taken by way of stopping the non-compliant activities, initiating prosecution and recovering compensation on "Polluter Pays" principle. This is necessary to enforce the right of citizens to clean environment, which is part of right to life.

8. We have also perused compliance report filed by the Delhi Government which mentions steps taken so far. The report mentions that the Delhi Government has adopted the CPCB guidelines and started its implementation by way of recovering environmental compensation and stopping the non-compliant activities.

9. **Let all the concerned authorities in all the States/UTs and the State PCBs/PCCs take further action and give their quarterly report to the CPCB. The same may thereafter be further followed up and compiled by the CPCB. It is made clear that if there is non-compliance by the States/UTs, PCBs/PCCs, the Tribunal may have to make the concerned authorities accountable by requiring payment of compensation as well as action against defaulting and erring officers. A further status report as on 30.11.2020 be filed by the CPCB on or before 31.12.2020 by email, making copies of report available to all relevant parties by webhosting on its website or otherwise.**

The CPCB may hold a video conferencing with all the State PCBs/PCCs within one month from today which may cover, as far as possible not only the present but other significant environmental issues also. If one sitting is not enough, more



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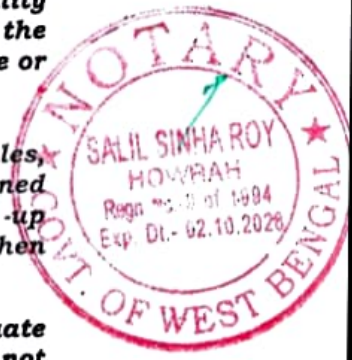
such sittings be held at suitable intervals so as to avoid delay in compiling relevant information."

6. Accordingly, the CPCB has filed its consolidated report dated 02.02.2021 to the effect that information was sought from all the State PCBs/PCCs vide letter dated 11.08.2020. A video conference was held on 24.08.2020 but only eight States have furnished the information which is also not complete. The issue of compliance status in different States, to the extent of information available, has been filed. Followings conclusions/remarks have been given:

"4.0 Conclusion/Remarks

As most of the SPCBs & PCCs could not submit the Quarterly Report to CPCB in compliance with Hon'ble Tribunal's Order; it is difficult to interpret the status of the enforcement of the Environment Norms for such type of establishment for entire country. However, after reviewing the data received from above 08 no. SPCBs, following recommendations have been made:

- **All the States/UTs should have/develop proper Mechanism/Guidelines for control of pollution and enforcement of Environmental Norms in marriage halls, banquet halls, party venues etc. along with consent management system.**
- **ETP must immediately be installed at all big units which are not connected with the sewer lines and should meet compliance and rainwater harvesting systems be widely adapted for sustainable use of water.**
- **All the units having kitchen should have proper ducting arrangement. The units using DG sets must have the proper stack height.**
- **Units having kitchen, installation of composting facility should obviously get priority for proper management of the solid waste and fruitful use of resources so that manure or energy may be obtained and utilized suitably.**
- **As per provisions of the Noise Pollution (R & C) Rules, 2000, permission may be obtained from concerned Authorities by the units; but, SPCBs/PCCs should follow up to keep the information with them also as to strengthen control of noise pollution at/from the units.**
- **It is also observed that, huge no of units have no adequate space at their parking site and even most of them do not possess own parking facilities. The existing units should**



find out the alternate facility and same be mandatory for the new units.

- *All SPCBs/PCCs should expedite for development of aforesaid Mechanism/Guidelines and update the information as per prescribed format."*

7. As noted in the order of this Tribunal dated 23.07.2020², all the State/UTs have to take further steps for enforcing the CPCB guidelines with a view to ensure compliance of the Water (Prevention and Control of Pollution) Act, 1974, the Air (Prevention and Control of Pollution) Act, 1981 and the Environment (Protection) Act, 1986. The operative part of the guidelines is quoted below for ready reference:

Mechanism/Guidelines for Control of Pollution and Enforcement of Environment Norms at Individual Establishments and the Area/ Cluster of Restaurants/ Hotels/ Motels/ Banquets etc.

1.0 Background

xx xx xx

2.0 Major Environmental Issues related to marriage halls, banquet halls, party venues

xx xx xx

2.1 Water Pollution

xx xx xx

2.2 Air Pollution

xx xx xx

2.3 Solid Waste Management

xx xx xx

2.4 Noise pollution

xx xx xx

2.5 Infrastructure issues related to parking etc.

xx xx xx

3.0 Mechanism/Guidelines/Mitigation measures

xx xx xx

3.1 Water Pollution



² Para 7 of order dated 23.07.2020

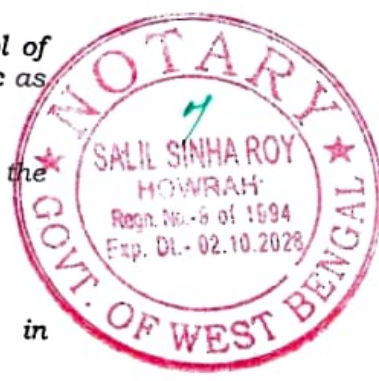
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(i)	Effluent Treatment Plant	xx	xx
(A)	Eateries/ restaurants along roadside having minimum seating capacity of 36 numbers.	xx	xx
(B)	Effluent discharge norms for hotels	xx	xx
(ii)	Ground water extraction	xx	xx
(iii)	Water Conservation Measures	xx	xx
3.2 Air Pollution			
(i)	Gensets and Fuel	xx	xx
(ii)	Energy Conservation Measures	xx	xx
(iii)	Consent to establish and Consent to operate	xx	xx
3.3 Solid Waste Management			
3.4 Noise pollution			
3.5 Infrastructure issues & Other Requirements			

5.0 Conclusion

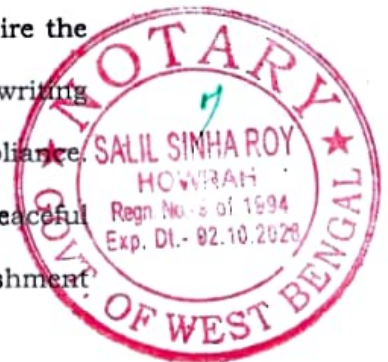
- a) Individual units to provide necessary facilities for control of air, water & noise pollution, solid waste management, etc as enumerated in the previous sections.
- b) Individual units to take necessary approvals from the concerned authorities as listed below:
 - Consent to Establish under Air/ Water Act
 - Consent to operate under Air/ Water Act
 - Permission for concerned Authorities in accordance with provisions of Noise Rules



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- *Permission for Ground Water Extraction from concerned Authorities , if required*
 - *Building Plan Approval from concerned Authorities*
 - *Fire Safety Certificate/NoC from concerned Authorities*
- c) *Local Authorities to ensure provision of adequate common facilities for water pollution, solid waste management, parking etc*
- d) *The State Board to have robust monitoring mechanism to evaluate compliance with norms of such units atleast twice a year. As per NGT Directions, SPCBs/PCCs are required to submit compliance report to CPCB as per the enclosed format (Annexure I)."*

8. In view of above, the recommendations in the report of the CPCB need to be duly implemented by all the States/UTs by adopting the guidelines for control of pollution in marriage halls, banquet halls, party venues etc. along with consent management system, as already directed. Further, as recommended by the CPCB in the above report, ETPs needs to be installed by all the big units, not connected to the sewer lines, apart from ensuring compliance of rain water harvesting systems, adequate safeguards in operating the kitchen need to be adopted, composting facilities, control of noise levels and providing parking space. Without such safeguards, no consent should be given or renewed even in respect of the establishments already setup. This may be strictly ensured by the State PCBs/PCCs and further overseen by the CPCB by laying down a compensation regime against the violating establishments as well as for erring State PCBs/PCCs. As already directed in the order dated 20.12.2019³ quoted above that the consent conditions must require the owner/manager of establishment informing the organizer/user in writing in advance about the conditions applicable for ensuring compliance. Conduct of functions must not disturb other citizens right to peaceful and clean environment. Information as to any particular establishment



³ Para 21 of the order

has been given consent and is compliant or not should be placed on the website of the PCB/PCC as well as the establishment concerned for information of the concerned public. Placing such information in public domain will be one of the conditions while granting consent and failure of placing such information in public domain may render the consent granted to any establishment being withdrawn.

9. Since we have considered the consolidated report of the CPCB in terms of earlier directions, it is not necessary to refer to the reports filed by some individual States/PCBs/PCCs.

The application stands disposed of

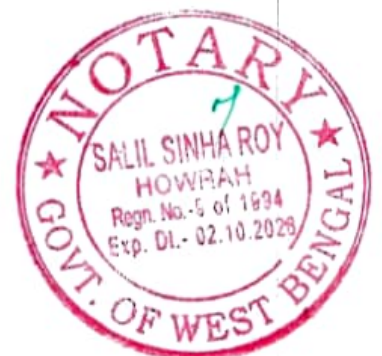
A copy of this order be forwarded to the CPCB, Chief Secretaries of all States/UTs and all PCBs/PCCs by e-mail for compliance.

Adarsh Kumar Goel, CP

S.K. Singh, JM

Dr. Nagin Nanda, EM

February 04, 2021
Original Application No. 400/2017
SN



12 FEB 2025

Subhas Datta
Chartered Accountant
Environmental Activist

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Annexure - P/5

Resi: 25/1, Guitendal Lane, Howrah-711 101
55/2, Panchanantala Road, Howrah-711 101
Office: S. R. Dutt Associates
17, Sagar Dutta Lane, Calcutta-700 073

Contact: (033) 2638 3526, 9830752752 (M)
Email: subhasdatta@rediffmail.com

To
The Chief Secretary,
Govt. of West Bengal,
Nabanna, 325, Sarat Chatterjee Road,
Shibpur, Howrah - 711102

05.02.2025

Sir, Sub:- Giving effect to the circular issued by State Pollution Control Board for Ceremonial Houses/Lawns, Banquet Halls and Club Houses in the State

1. That I beg to draw your kind attention to the position that as per the CIRCULAR issued by the West Bengal Pollution Control Board, vide Memo No. 23-4A-10/2012, dated 11th April 2023, all the Ceremonial Houses/Lawns, Banquet Halls, Club Houses in the State have been brought under the Regulatory Regime of the Board by which they have to obtain Consent to Establish/ Consent to Operate from the Board. The State Board has framed a detailed Guidelines. The briefs of the said Guidelines on major environmental aspects are as follows:-

- a. Prescribed measures must be followed for controlling the water pollution.
- b. Restricted uses of microphones/loudspeakers with proper sound limiter should be ensured having prior permission from the competent authority.
- c. Sufficient and required air-pollution control measures must be provided.
- d. Adequate solid and plastic wastes management should be taken up as per the Solid Waste Management Rules 2016.
- e. Local authorities must take into account certain relevant aspects before granting the trade license to the establishments
- f. The said Guidelines have also prescribed for certain steps to be taken by the appropriate authority in case of non-compliance of the provisions of the circular/guidelines.

2. That there are lakhs of Ceremonial Houses, Banquet Halls, Club Houses, Lawns spread all over the State but these establishments are totally oblivious about the compliances of the prescribed Environmental Guidelines, which have now become the paradise of environmental disorders/hazards.

3. That in this context it is pertinent to mention that there is/was a previous CIRCULAR of State Pollution Control Board, vide Memo No. 314/383L/WPB/2017, dated 5th October 2021 which has given the reference of the Order of Hon'ble National Green Tribunal, Eastern Zone Bench, OA 57 of 2015, dated 31.08.2016 of the same Tribunal and also order in OA 71 of 2017, dated 24.04.2018 by which the compliance requirements of the Ceremonial Houses/Lawns and Banquets of different categories had been prescribed.



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4. That it is amply clear from the earlier paragraphs that the issue of bringing the Ceremonial Houses, Lawns, Club Houses, Banquets etc., under environmental surveillances had been conceived by the Hon'ble National Green Tribunal as back as in the year 2016. Nine years time has elapsed but it appears that there is hardly any compliance of the environmental norms. The controlling as well as the enforcement authorities are silent on this aspect for which I place the earnest request to you for immediate and appropriate application of the prescribed guidelines set out under the Water (Preservation and Control of Pollution) Act 1974, Air (Preservation and Control of Pollution) Act 1981.

Hope that necessary steps would be initiated by the concerned authorities at the earliest.

Thanking You,
Yours faithfully,

Subhas Datta
(Subhas Datta)

C.c. To,

- a) **The Principal Secretary,
Urban Development & Municipal
Affairs Department
Govt. of West Bengal
Nagarayan, DF-8, Sec-I,
Salt Lake City, Calcutta -700064**
- b) **The Principal Secretary,
Department of Environment,
Govt. of West Bengal,
5th Floor, Pranisampad Bhawan,
Block LB-II, Salt Lake, Sec - III,
Bidhannagar, Calcutta - 700106**
- c) **The Member Secretary,
West Bengal Pollution Control Board,
Paribesh Bhawan, 10A, Block LA, Sec-III,
Salt Lake, Bidhannagar, Calcutta - 700106**
- d) **The Director General of Police,
West Bengal, Bhabani Bhavan,
31, Belvedere Road, Calcutta - 700027**



12 FEB 2025

EW169505451IN IVR:6987169505451
 SP HOWRAH BPC (711101)
 Counter No:4.05/02/2025.13
 To:THE CHIEF SEC.NABANNA SHIBPUR
 PIN:711102, Sibpur SD
 From:SUBHAS DATTA,HOWRAH
 Wt:20gms
 Amt:17.70,Tax:2.70,Amt.Paid:16.00(Cash)
 (Track on www.indiapost.gov.in)
 (Dial 18002666868) (Wear Masks, Stay Safe)



EW169505448IN IVR:6987169505448
 SP HOWRAH BPC (711101)
 Counter No:4.05/02/2025.13
 To:THE DIRECTOR ,KOLKATA
 PIN:700027, Alipore HO
 From:SUBHAS DATTA,HOWRAH
 Wt:20gms
 Amt:41.30,Tax:6.30,Amt.Paid:41.00(Cash)
 (Track on www.indiapost.gov.in)
 (Dial 18002666868) (Wear Masks, Stay Safe)



EW169505434IN IVR:6987169505434
 SP HOWRAH BPC (711101)
 Counter No:4.05/02/2025.13
 To:THE PRINCIPAL,SALT LAKE SELU
 PIN:700106, Bidhan Nagar IB Market SO
 From:SUBHAS DATTA,HOWRAH
 Wt:20gms
 Amt:41.30,Tax:6.30,Amt.Paid:41.00(Cash)
 (Track on www.indiapost.gov.in)
 (Dial 18002666868) (Wear Masks, Stay Safe)



EW169505465IN IVR:6987169505465
 SP HOWRAH BPC (711101)
 Counter No:4.05/02/2025.13
 To:THE MEMBER SE,BIDHANNAGAR
 PIN:700106, Bidhan Nagar IB Market SO
 From:SUBHAS DATTA,HOWRAH
 Wt:20gms
 Amt:41.30,Tax:6.30,Amt.Paid:41.00(Cash)
 (Track on www.indiapost.gov.in)
 (Dial 18002666868) (Wear Masks, Stay Safe)



EW169505479IN IVR:6987169505479
 SP HOWRAH BPC (711101)
 Counter No:4.05/02/2025.13
 To:THE PRINCIPAL,BIDHANNAGAR
 PIN:700064, Bidhannagar CC Block SO
 From:SUBHAS DATTA,HOWRAH
 Wt:20gms
 Amt:41.30,Tax:6.30,Amt.Paid:41.00(Cash)
 (Track on www.indiapost.gov.in)
 (Dial 18002666868) (Wear Masks, Stay Safe)

