

In the National Green Tribunal  
Eastern Zone Bench  
Kolkata

O.A. No. 75 of 2025

In the matter of  
Dipankar Bakshi

.... Petitioner

Versus

The State of West Bengal and  
Others

..... Respondents



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Dipankar Bakshi  
.... Petitioner  
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The State of West Bengal and  
Others

..... Respondents



Synopsis of Facts

On 23<sup>rd</sup> December, 2019 the Applicant submitted a written representation to the District Magistrate North 24 Parganas, the Chairman, Barasat Municipality and the Police Authority regarding pollution causing by the Respondent Nos. (11) and (12). On 29<sup>th</sup> November, 2021 the Applicant submitted another written Representation to the Member Secretary through e mail to the West Bengal Pollution Control Board and also submitted a written complaint to the District Magistrate, North 24 Parganas.

On 7<sup>th</sup> April, 2022 the Applicant lodged complaint to the Chairman, Barasat Municipality and to the Councillor Ward No. 28, of the Barasat Municipality ventilating the said grievance.

On 23<sup>rd</sup> June, 2022 the West Bengal Pollution Control Board convened a hearing and as such issued notice upon the Respondent No. (11) and (12) and on 7<sup>th</sup> July, 2022 The Public Grievance Cell of the West Bengal Pollution Control Board was pleased to direct the M/S

27 FEB 2025

Biswakarma Associates being the Respondent No. (11) to avoid to create nuisance cause by noise by taking adequate noise control measures

Further on 27<sup>th</sup> May, 2024 the West Bengal Pollution Control Board issued notice under memo No. 1894-5L/WPB-2024/B-4894 dated 27-05-2024 to the Biswakarma Enterprise and Ramesh Enterprise for hearing before the Hearing Officer of the Cell and on 6<sup>th</sup> June, 2024 the hearing held before the Grievance Officer of the West Bengal Pollution Control Board. But no results thereof.

Hence this Application



## List of Dates

- 23<sup>rd</sup> December, 2019 Applicant submitted written representation to the District Magistrate North 24 Parganas, the Chairman, Barasat Municipality and the Police Authority stating the pollution caused by the Respondent Nos. (11) and (12).
- 29<sup>th</sup> November, 2021 The Applicant submitted another written Representation to the Member Secretary through e mail to the West Bengal Pollution Control Board and also submitted a written complaint to the District Magistrate, North 24 Parganas.
- 7<sup>th</sup> April, 2022 The Applicant lodged complaint to the Chairman, Barasat Municipality and to the Councillor Ward No. 28, of the Barasat Municipality
- 23<sup>rd</sup> June, 2022 The West Bengal Pollution Control Board being the Respondent No. (10) convened a hearing and as such issued notice upon the Respondent No. (11) and (12)
- 7<sup>th</sup> July, 2022 The Public Grievance Cell of the West Bengal Pollution Control Board was pleased to direct the M/S Biswakarma Associates being the Respondent No. (11) to avoid to create nuisance cause by noise by taking adequate noise control measures
- 27<sup>th</sup> May, 2024 The West Bengal Pollution Control Board issued notice under memo No. 1894-5L/WPB-2024/B-4894 dated 27-05-2024 to the Biswakarma Enterprise and Ramesh Enterprise for hearing before the Hearing Officer of the Cell.



6<sup>th</sup> June, 2024

Hearing held before the Grievance Officer of the West Bengal Pollution Control Board but no results thereof.



In the National Green Tribunal  
Eastern Zone Bench  
Kolkata

O.A. No. of 2025 (EZ)

In the matter of  
An Application under Sections 14,  
15, 18 and 20 of the National Green  
Tribunal Act, 2010

And

In the matter of  
Air, Sound and Environmental  
Pollution

And

In the matter of  
The Environment (Protection) Act,  
1986

And

In the matter of  
The Air (Prevention and Control of  
Pollution) Act, 1981

And

In the matter of  
Sound Pollution

And



In the matter of  
The Land Pollution

And

In the matter of  
Dipankar Bakshi, son of Pradyot  
Kumar Bakshi, residing at 5/4  
Mukherjee Para Road, Post Office  
and Police Station - Barasat,  
District - North 24 Parganas, Pin  
700124,

The Applicant above named is  
represented by -

Sagarmay Ghosh,

Advocate,

Bar Association, Room No. 6, The  
High Court at Calcutta, Kolkata -  
700001,

Email - sagarmayadv@gmail.com

.... Applicants

Versus

1. The State of West Bengal  
represented by the Additional Chief  
Secretary, The Department of  
Environment, Government of West  
Bengal, having Office at  
Pranisampad Bhavan, 5<sup>th</sup> Floor, LB-  
2, Sector - III, Salt Lake, Kolkata -  
700098,

Email - psecy.env-wb@gov.in



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2. The Principal Secretary, Department of Urban Development and Municipal Affairs, Government of West Bengal, "Nagarayan", DF - 8, Sector - I, Salt Lake, Kolkata : 700064,  
Email - secy[dot]ma-wb[at]gov[dot]in
3. The District Magistrate, North 24 Parganas, having Office at Office of the District Magistrate and Collector, North 24 Parganas, Post Office and Police Station - Barasat, District - North 24 PArganas, Pin - 700124,  
Email - dm-bar-wb@nic.in
4. The Barasat Municipality, represented by its Executive Officer, having Office at Rishi Bankim Chandra Road, Milanpally, Gupta Colony, Barasat, Kolkata - 700124, West Bengal  
Email - info@barasatmunicipality.org
5. The Chairman, The Barasat Municipality, having Office at Rishi Bankim Chandra Road, Milanpally, Gupta Colony, Barasat, Kolkata - 700124, West Bengal  
Email - info@barasatmunicipality.org
6. The Executive Officer, The Barasat Municipality, having Office at Rishi Bankim Chandra Road, Milanpally,

Gupta Colony, Barasat, Kolkata -  
700124, West Bengal

Email - info@barasatmunicipality.org

7. The Councillor, Ward No. 28,  
Barasat Municipality, having Office  
at Rishi Bankim Chandra Road,  
Milanpally, Gupta Colony, Barasat,  
Kolkata - 700124, West Bengal,  
Email - info@barasatmunicipality.org
8. The Officer In Charge, Barasat  
Police Station, K.N.C. Road, near  
Barasat Stadium, District - North  
24 Parganas, Pin - 700124,  
Email - barasatpolicestation@gmail.com
9. The Central Pollution Control Board,  
represented by its Member  
Secretary, having Office at Parivesh  
Bhawan, East Arjun Nagar, Delhi,  
Pin 110032,  
Email - mscb.cpcb@nic.in
10. The West Bengal Pollution Control  
Board, represented by its Member  
Secretary, having Office at Paribesh  
Bhavan, 10A, Block - LA, Sector -  
III, Bidhannagar, Kolkata - 700106,  
West Bengal,  
Email - net.wbpcb-wb@bangla.gov.in
11. Subrata Dutta, son of Late Ashoke  
Dutta, Proprietor of M/S  
Biswakarma Associates, 5/1,

Mukherjee Para Road, Post Office  
and Police Station – Barasat, North  
24 Parganas, Pin – 700124,

12. Ramesh Shaw, proprietor M/S  
Ramesh Enterprise, 5/B, Mukherjee  
Para Road, Post Office and Police  
Station – Barasat, North 24  
Parganas, Pin – 700124,



..... Respondents

To,

The Hon'ble Chairperson, National Green Tribunal, Eastern Zone  
Bench at Kolkata and His Companion Members of the said Hon'ble  
Tribunal

The humble petition of the  
Applicants above named

Most Respectfully Showeth

1. The address of the Applicant given herein above is for service of Notices of the instant Application.
2. The respective address of the Respondents are given herein above for the service of Notices of the instant Application.
3. The instant Application has been filed under Sections 14, 15, 18 and 20 of the National Green Tribunal Act, 2010 to challenge the significant issue of unwarranted Air Pollution, Sound Pollution, Land Pollution and Environmental Pollution causing by illegal and unauthorized business and commercial activities by the Respondent No. (11) and (12) herein above in association and connivance with other Respondents specifically whereby the dust particle of old gunny bags



spreading through the air and accumulation of said gunny bags, its wastes etc. kept idle on roadsides blocking the roads and/or footpaths as well as drains by the Respondent No. (12) and the illegal fabrication, continuous hammering, scrapping of the iron rods, bars, sheets etc. along with indiscriminate use of air compressors for painting of the said iron gates, grills and other products by the Respondent No. (11) causing Air, Land and Sound pollution and indiscriminate and rampant transportation of those materials and finished products through various carrier and pollution causing thereby.

4. The Applicant above named are peace loving, law abiding citizens of India having his permanent residential addresses as given in the cause title hereinabove and grievances of the Applicant against the Respondents are amenable to the jurisdiction of this Hon'ble Tribunal.

5. The Respondent Nos. (1) to (10) are the state as defined under Article 12 of the Constitution of India, hence the remedy can be invoked by the Applicants against above named Respondents under the National Green Tribunal Act, 2010.

6. The Applicant is espousing not only the cause of himself but also espousing the cause of local hundreds of inhabitants of the 5/4 Mukherjee Para Road, Post Office and Police Station – Barasat, District – North 24 Parganas, Pin 700124 and the adjacent areas in the state of West Bengal, India who are like the Applicant, being an individual as well as a members of a group and/or large number of such concerned and affected people, seriously affected by the Environment, Air, sound and Land Pollutions due to illegal, unauthorized, haphazard and unplanned business and commercial activities in the said area by the said Respondent Nos. (11) and (12) in association and/or in connivance with the other Respondents.

7. The Applicant states that on 23<sup>rd</sup> December, 2019 he by way of a written representation to the District Magistrate being the Respondent No. (3), the Chairman, Barasat Municipality being the Respondent No. (5) and the Police Authority inter alia ventilated his grievance regarding the

Pollution causing by the Respondent No. (11) and (12) within a rented residential premises and praying for his early intervention and redressal of the said problem.

Photocopies of the said Representation dated 23<sup>rd</sup> December, 2019 are annexed hereto and collectively marked with the letter "A-1".

8. The Applicant states that having no results thereof, he once again submitted one written Representation to the Member Secretary through e mail to the West Bengal Pollution Control Board, being the Respondent No. (10) herein ventilating his grievance regarding the Air, Environment, Water, Land and Sound Pollution and also submitted a written complaint to the District Magistrate, North 24 Parganas being the Respondent No. (3) on 29<sup>th</sup> November, 2021.

Photocopy of those representations are annexed hereto and collectively marked with the letter "A-2".

9. The Applicant states that further to the above on 7<sup>th</sup> April, 2022 he submitted another complaint to the Chairman, Barasat Municipality being the Respondent No. (5) and to the Councillor Ward No. 28, of the Barasat Municipality being the Respondent No. (7) inter alia describing the facts and seek relief from sound pollution and Foul smell/ odour and dust pollution against the said Respondent Nos (11) and (12) above named.

Photocopy of those written complaint are annexed hereto and collectively marked with the letter "A-3".

10. That pursuant to a complaint lodged by the Applicant, the West Bengal Pollution Control Board being the Respondent No. (10) convened a hearing and as such issued notice upon the Respondent No. (11) and (12) under Office Memo No. 0487-5L/WBP-2021-P-2920 dated 23<sup>rd</sup> June, 2022 fixing hearing on 7<sup>th</sup> July, 2022.





Photocopy of the said Notice dated 23<sup>rd</sup> June, 2022 is annexed hereto and marked with the letter "A-4".

11. The Applicant states that, during hearing on said 7<sup>th</sup> July, 2022 the Public Grievance Cell of the West Bengal Pollution Control Board being the Respondent No (10) was pleased to direct the M/S Biswakarma Associates being the Respondent No. (11) to avoid to create nuisance cause by noise by taking adequate noise control measures which may include, but not limited to, measures like installation of acoustic insulation panels, use of rubber pads, shifting of noise producing equipment etc, so that sound does not travel outside the respondent unit beyond the permissible limits. Manufacturing/ repairing activities shall not under any circumstances be undertaken either in the open or on the municipal roadway.

12. The Applicant states that, during hearing on said 7<sup>th</sup> July, 2022 the Public Grievance Cell of the West Bengal Pollution Control Board being the Respondent No (10) was pleased to further direct the M/S Ramesh Enterprise being the Respondent No. (12) to operate only after obtaining valid trade license of the local Authority and further directed to take effective measures for controlling the dispersion of dust in the neighborhood.

13. The Applicant states that the said Public Grievance Cell of the West Bengal Pollution Control Board being the Respondent No (10) also made it clear that these Respondent Nos. (11) and (12) units shall maintain environmental norms strictly and take all necessary measures so that the people living in the neighborhood may not suffer due to its activities in any way whatsoever.

Photocopy of the said Record of proceeding dated 7<sup>th</sup> July, 2022 is annexed hereto and marked with the letter "A-5".

14. The Applicant states that pursuant to another complaint of the Applicant above named, the West Bengal Pollution Control Board being the Respondent No. (10) issued notice under memo No. 1894-5L/WPB-

2024/B-4894 dated 27-05-2024 to the Biswakarma Enterprise and Ramesh Enterprise being Respondent Nos. (11) and (12) respectively fixing 6<sup>th</sup> June, 2024 for hearing before the Hearing Officer of the Cell.

Photocopy of the said Notice dated 27<sup>th</sup> May, 2024 is annexed hereto and marked with the letter "A-6".

15. The Applicant states that at the time of hearing on 6<sup>th</sup> June, 2024 the Grievance Officer of the Board was pleased to observe regarding M/S Biswakarma Enterprise being the Respondent No. (11), that there is a public complaint regarding noise pollution against the unit. This is a small unit located in a predominantly residential area under the Barasat Municipality being the Respondent No.(4), this unit is involved in manufacturing of different grill items e.g. grill window, fences, doors, etc. from M/S Bars steel sheets etc., The unit utilizes one drilling machine, one small grinding mechine, one cutting machine and one welding machine apart from these the unit uses a hammer. As per information provided by the unit representative, the unit operates only between 9.00 A.M to 5.00 P.M. he added that during hammering, cutting and other activities, which caused considerable noise the door of the unit remains closed.

During inspection, it was observed that –

- i) There is a gap nearly 12 feet between the unit and the complainant's house. There is another house in between the unit and the complainant 's house.
- ii) The unit has installed a sliding door which remain closed during heavy hammering and MS Bar cutting activities.
- iii) The unit and the complainant's house are located within a few meters from the Jessore Road, on which vehicles are plying regularly.
- iv) Noise monitoring was done three times,



- a) Once from just outside the unit on the Municipal Road, while the activities of the unit were not operational, the noise level was found to be 73.89 dBA.
- b) Once from inside the unit while the activities of the unit were operational, the noise level was found to be 82.56 dBA, and
- c) Once from the complainant's house while the activities of the unit were operational, the noise level was found to be 73.18 dBA.

16. The Applicant states that at the time of hearing on 6<sup>th</sup> June, 2024 the Grievance Officer of the Board was pleased to record such other information regarding said M/S Biswakarma Associates, being the Respondent No. (11) and also pleased to pass an Order that the doors of the unit should remain closed during heavy hammering and MS Bar cutting activities and no activity of the unit should be carried out in the open or on the Municipal Road.

17. The Applicant states that the said Respondent No. (11) by flouting all the directions of the said West Bengal Pollution Control Board Continuously and deliberately doing and performing such acts and activities and manufacturing process and moreover some times using Air compressor for painting the manufactured products in open air and on the open road side of the Municipal road, which not only polluting the environment at a whole but also harmful to the health of the inhabitants of the locality at large.

18. The Applicant states that the said Respondent No. (12) is operating in a predominantly residential area under the Barasat Municipality being the Respondent No. (4). The said Respondent No. (12) is mainly engaged in godown activities involving used gunny bags made from jute and woven plastics.



19. The Applicant states that the said West Bengal Pollution Control Board being the Respondent No. (10) further noticed that there is a gap of nearly eight feet between the unit and the house of the Applicant herein and also noticed that the house of both the Applicant and Respondent No. (11) and (12) herein are located within a few meters from the Jessore Road, on which vehicles were plying regularly.

20. The Applicant states that the said West Bengal Pollution Control Board being the Respondent No. (10) also remarked that the said unit being the Respondent No. (12) should not operate in the early morning to avoid any nuisance in the locality.

21. The Applicant states that during hearing and from the report the Public Grievance Cell came to a conclusion that, the Respondent No. (12) herein is need to adhere to curbe probable pollution, taking measure to that effect whereas the noise level as found during inspection during operation of the unit exceeding the statutory limit as the unit is situate at residential area.

22. The Applicant states that however, the Grievance Cell of the Respondent No (10) found fit to pass the regulatory order to control the noise and air pollution by the said Respondent No. (11) in following words –

- a) Avoid nuisance as caused by generating noise, taking adequate noise control measures which may include, but not limited to, measures like installation of acoustic insulation panels, use of rubber pads, shifting of noise producing equipment like cutting machine so that sound does not travel outside the unit of the Respondent No. (11) beyond the permissible limit,
- b) Always the doors of the unit of the Respondent No. (11) remain closed during heavy hammering and MS bar cutting activities and no activity of the unit should be carried out in the open or on the Municipal road,





- c) Limit the manufacturing activities from 9.00 AM to 7 PM, only with proper recess time in between.

23. The Applicant states that the said Grievance Cell of the Respondent No. (10) also directed that the Respondent No. (12) to the time of handling the loading and unloading of gunny bag, so that the dust arising out of it may not cause inconvenience to the neighboring residents.

Photocopy of the said Record of Proceeding under Memo No. 5L/WPB-2024/B-4849 dated -2024 is annexed hereto and marked with the letter "A-7".

24. The Applicant states that the acts and activities of the said Respondent Nos. (11) and (12) remain unchanged, they are continuously causing pollution through their uncontrolled acts and activities and causing nuisance to the inhabitants thereby regularly, uninterruptedly, recklessly and continuously and having no other alternatives the Applicant constrained to approach the Hon'ble Tribunal to save his life, property and environment.

Photographs corroborating the issued stated herein above are attached herewith and collectively marked as Annexure "A-8".

25. The Applicants raised objections and made several representations in respect of such illegal and unauthorized activities, but such illegal and unauthorized acts and activities have been going on affecting the entire area and/or locality and adjacent locality thereby gravely affecting the people, their lives and environment of the vast area.

26. The Applicant states that as the instant original Application is being filed under Sections 14, 15, 18 and 20 of the National Green Tribunal Act, 2010 to challenge the significant issue of unwarranted Air pollution due to dust, sound pollution due to continuous manufacturing process, hammering, grinding etc., caused by the Respondent Nos. (11) and (12) apart from that pollution caused due to dusting of gunny bags



at the packing of those bags, plastic particles arising out and missing with the dusts. The Pollution primarily stems from the unregulated manufacturing activities as well as packing and loading and unloading activities leading to adverse environmental impacts and suffocating the nearby areas with such Air Pollution beyond tolerable level.

27. The Applicant is hailing from the local areas which are worst affected by such acts of indiscriminate use of such manufacturing and other activities of the Respondent Nos. (11) and (12) and the Applicant and other inhabitants of the said area and adjoining area are suffering from such pollution and indirectly affected by the said Pollution.

28. The Applicant states that it is noteworthy to mention here that because of leakage of dust from the said gunny bags handling loading and unloading a large quantity of dust including plastic dusts lies on sides of the roads and subsequently, such accumulated dust becomes major cause of pollution of the area concerned specifically causing Air and Land Pollution, not only it contaminated the Air quality but it is a cause of health hazards and the applicant and the inhabitants of the locality mostly affected thereby.

29. The Applicant states that because of such high amount of Air and sound pollution most of the people including children and aged persons residing in the vicinity have started developing air borne disease and pulmonary diseases, and the conditioning is worsening day by day.

30. The Applicant states that the State Respondents virtually did nothing to reduce the pollution and has not brought any changes in the ground therefore, the scenario on the ground and the pollution is still very high. Moreover, it is also a matter of concern that the Respondent Nos. (11) and (12) did not use proper pollution control devices and due to this most of the dust easily accumulated in the air.

31. The Applicant states that as per National Clean Air Programme (NACP) an air quality management cell have to be formed for monitoring and/or controlling the air quality with an aim to keep check in the



pollution, but in practical sense nothing in that score is visible to the Applicant and no such activities of such cell is existing in the said area.

32. The Applicant states that taking into consideration the dire pollution condition in the said area the Central Pollution Control Board and the West Bengal Pollution Control Board being the Respondent Nos. (9) and (10) have neither conducted any study nor prepared any report with an aim to take any immediate preventive steps to stop such pollution and/or to reduce the pollution level when conditions become dire and uncontrollable. There is no such pollution Emergency plan existing in and for the area in question.

33. The Applicant states that despite all such requirements nothing has been done in practical sense to reduce and/or to curb the menace of pollution, the condition of Air, Land, Sound and Environment of the area in question is extremely critical because of such pollution.

34. The Applicant states that the above actions of the Respondents Authorities is nothing but colourable exercise of their power and the said Respondents are remaining silent which will take toll on ecosystem and cause irreparable loss to the environment as well as local people of the said area, negatively affects their lives who are mostly dependent on the natural resources of the said area.

35. The Applicant states that the aforesaid action and non-action of the Respondents give rise to substantial questions relating to environment as there is direct violation of specific statutory environmental obligations, the community at large along with the individuals, group of individuals, the Applicant herein are highly affected by environmental consequences, the gravity of damage to the environment and property is highly substantial, the damage to the health and hygiene, community health and hygiene is broadly miserable, the environmental consequences relates to specific and point source of pollution as has been enumerated in Section 2(m) of the National Green Tribunal Act, 2010.

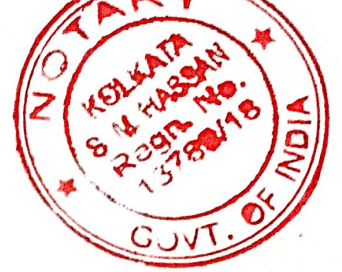


36. The Applicant submits that the instant Application has been filed under Sections 14, 15, 18 and 20 of the National Green Tribunal Act, 2010 to challenge the significant issue of unwarranted Air Pollution, Sound Pollution, Land Pollution and Environmental Pollution causing by illegal and unauthorized business and commercial activities by the Respondent No. (11) and (12) in association and connivance with other Respondents.

37. The Applicant submits that the dust particle of old gunny bags spreading through the air and accumulation of said gunny bags, its wastes etc. kept idle on roadsides blocking the roads and/or footpaths as well as drains by the Respondent No. (12) and the illegal fabrication, continuous hammering, scrapping of the iron rods, bars, sheets etc. along with indiscriminate use of air compressors for painting of the said iron gates, grills and other products by the Respondent No. (11) causing Air, Land and Sound pollution and indiscriminate and rampant transportation of those materials and finished products through various carrier and pollution causing thereby.

38. The Applicant submits that he is espousing not only the cause of himself but also espousing the cause of local hundreds of inhabitants of the 5/4 Mukherjee Para Road, Post Office and Police Station – Barasat, District – North 24 Parganas, Pin 700124 and the adjacent areas in the state of West Bengal, India who are like the Applicants, being an individual as well as a members of a group and/or large number of such concerned and affected people, seriously affected by the Environment, Air, sound and Land Pollutions due to illegal, unauthorized, haphazard and unplanned business and commercial activities in the said area by the said Respondent Nos. (11) and (12) in association and/or in connivance with the other Respondents.

39. The Applicant submits that on 23<sup>rd</sup> December, 2019 he by way of a written representation to the District Magistrate being the Respondent No. (3), the Chairman, Barasat Municipality being the Respondent No. (5) and the Police Authority inter alia ventilated his grievance regarding the Pollution causing by the Respondent No. (11) and (12) within a rented



residential promises and praying for his early intervention and redressal of the said problem.

40. The Applicant submits that he once again submitted one written Representation to the Member Secretary through e mail to the West Bengal Pollution Control Board, being the Respondent No. (10) herein ventilating his grievance regarding the Air, Environment, Water, Land and Sound Pollution and also submitted a written complaint to the District Magistrate, North 24 Parganas being the Respondent No. (3) on 29<sup>th</sup> November, 2021.

41. The Applicant submits that on 7<sup>th</sup> April, 2022 he submitted another complaint to the Chairman, Barasat Municipality being the Respondent No. (5) and to the Councillor Ward No. 28, of the Barasat Municipality being the Respondent No. (7) inter alia describing the facts and seek relief from sound pollution and Foul smell/ odour and dust pollution against the said Respondent Nos (11) and (12).

42. The Applicant submits that pursuant to a complaint lodged by the Applicant, the West Bengal Pollution Control Board being the Respondent No. (10) convened a hearing and as such issued notice upon the Respondent No. (11) and (12) under Office Memo No. 0487-5L/WBP-2021-P-2920 dated 23<sup>rd</sup> June, 2022 fixing hearing on 7<sup>th</sup> July, 2022.

43. The Applicant submits that during hearing on said 7<sup>th</sup> July, 2022 the Public Grievance Cell of the West Bengal Pollution Control Board being the Respondent No (10) was pleased to direct the M/S Biswakarma Associates being the Respondent No. (11) to avoid to create nuisance cause by noise by taking adequate noise control measures which may include, but not limited to, measures like installation of acoustic insulation panels, use of rubber pads, shifting of noise producing equipment etc, so that sound does not travel outside the respondent unit beyond the permissible limits. Manufacturing/ repairing activities shall not under any circumstances be undertaken either in the open or on the municipal roadway.



44. The Applicant submits that during hearing on said 7<sup>th</sup> July, 2022 the Public Grievance Cell of the West Bengal Pollution Control Board being the Respondent No (10) was pleased to further direct the M/S Ramesh Enterprise being the Respondent No. (12) to operate only after obtaining valid trade license of the local Authority and further directed to take effective measures for controlling the dispersion of dust in the neighborhood.

45. The Applicant submits that the Public Grievance Cell of the West Bengal Pollution Control Board being the Respondent No (10) also made it clear that these Respondent Nos. (11) and (12) units shall maintain environmental norms strictly and take all necessary measures so that the people living in the neighborhood may not suffer due to its activities in any way whatsoever.

46. The Applicant submits that pursuant to another complaint of the Applicant above named, the West Bengal Pollution Control Board being the Respondent No. (10) issued notice under memo No. 1894-5L/WPB-2024/B-4894 dated 27-05-2024 to the Biswakarma Enterprise and Ramesh Enterprise being Respondent Nos. (11) and (12) respectively fixing 6<sup>th</sup> June, 2024 for hearing before the Hearing Officer of the Cell.

47. The Applicant submits that at the time of hearing on 6<sup>th</sup> June, 2024 the Grievance Officer of the Board was pleased to observe regarding M/S Biswakarma Enterprise being the Respondent No. (11), that there is a public complaint regarding noise pollution against the unit. This is a small unit located in a predominantly residential area under the Barasat Municipality being the Respondent No.(4), this unit is involved in manufacturing of different grill items e.g. grill window, fences, doors, etc. from M/S Bars steel sheets etc., The unit utilizes one drilling machine, one small grinding machine, one cutting machine and one welding machine apart from these the unit uses a hammer. As per information provided by the unit representative, the unit operates only between 9.00 A.M to 5.00 P.M. he added that during hammering, cutting and other activities, which caused considerable noise the door of the unit remains closed.



48. The Applicant submits that during inspection, it was observed that there is a gap nearly 12 feet between the unit and the complainant's house. There is another house in between the unit and the complainant's house.

49. The Applicant submits that during inspection, it was also observed that the unit has installed a sliding door which remain closed during heavy hammering and MS Bar cutting activities.

50. The Applicant submits that during inspection, it was observed that the unit and the complainant's house are located within a few meters from the Jessore Road, on which vehicles are plying regularly.

51. The Applicant submits that during inspection noise monitoring was done three times once from just outside the unit on the Municipal Road, while the activities of the unit were not operational, the noise level was found to be 73.89 dBA and once from inside the unit while the activities of the unit were operational, the noise level was found to be 82.56 dBA, and lastly once from the complainant's house while the activities of the unit were operational, the noise level was found to be 73.18 dBA.

52. The Applicant submits that on 6<sup>th</sup> June, 2024 the Grievance Officer of the Board was pleased to record such other information regarding said M/S Biswakarma Associates, being the Respondent No. (11) and also pleased to pass an Order that the doors of the unit should remain closed during heavy hammering and MS Bar cutting activities and no activity of the unit should be carried out in the open or on the Municipal Road.

53. The Applicant submits that the said Respondent No. (11) by flouting all the directions of the said West Bengal Pollution Control Board Continuously and deliberately doing and performing such acts and activities and manufacturing process and moreover some times using Air compressor for painting the manufactured products in open air and on the open road side of the Municipal road, which not only polluting the



environment at a whole but also harmful to the health of the inhabitants of the locality at large.

54. The Applicant submits that the said Respondent No. (12) is operating in a predominantly residential area under the Barasat Municipality being the Respondent No. (4). The said Respondent No. (12) is mainly engaged in godown activities involving used gunny bags made from jute and woven plastics.

55. The Applicant submits that during inspection, it was observed that the said West Bengal Pollution Control Board being the Respondent No. (10) further noticed that there is a gap of nearly eight feet between the unit and the house of the Applicant herein and also noticed that the house of both the Applicant and Respondent No. (11) and (12) herein are located within a few meters from the Jessore Road, on which vehicles were plying regularly.

56. The Applicant submits that the said West Bengal Pollution Control Board being the Respondent No. (10) also remarked that the said unit being the Respondent No. (12) should not operate in the early morning to avoid any nuisance in the locality.

57. The Applicant submits that during hearing and from the report the Public Grievance Cell came to a conclusion that, the Respondent No. (12) herein is need to adhere to curbe probable pollution, taking measure to that effect whereas the noise level as found during inspection during operation of the unit exceeding the statutory limit as the unit is situate at residential area.

58. The Applicant submits that the Grievance Cell of the Respondent No (10) found fit to pass the regulatory order to control the noise and air pollution by the said Respondent No. (11) to avoid nuisance as caused by generating noise, taking adequate noise control measures which may include, but not limited to, measures like installation of acoustic insulation panels, use of rubber pads, shifting of noise producing



equipment like cutting machine so that sound does not travel outside the unit of the Respondent No. (11) beyond the permissible limit,

59. The Applicant submits that the Grievance Cell of the Respondent No (10) found fit to pass the regulatory order to control the noise and air pollution by the said Respondent No. (11) and observed that the doors of the unit of the Respondent No. (11) remain closed during heavy hammering and MS bar cutting activities and no activity of the unit should be carried out in the open or on the Municipal road,

60. The Applicant submits that the Respondent No (10) found fit to pass the regulatory order to control the noise and air pollution by the said Respondent No. (11) Limit the manufacturing activities from 9.00 AM to 7 PM, only with proper recess time in between.

61. The Applicant submits that the said Grievance Cell of the Respondent No. (10) also directed that the Respondent No. (12) to the time of handling the loading and unloading of gunny bag, so that the dust arising out of it may not cause inconvenience to the neighboring residents.

62. The Applicant submits that the said Respondent No. (11) the acts and activities of the said Respondent Nos. (11) and (12) remain unchanged, they are continuously causing pollution through their uncontrolled acts and activities and causing nuisance to the inhabitants thereby regularly, uninterruptedly, recklessly and continuously.

63. The Applicants raised objections and made several representations in respect of such illegal and unauthorized activities, but such illegal and unauthorized acts and activities have been going on affecting the entire area and/or locality and adjacent locality thereby gravely affecting the people, their lives and environment of the vast area.

64. The Applicant submits that that as the instant original Application is being filed under Sections 14, 15, 18 and 20 of the National Green Tribunal Act, 2010 to challenge the significant issue of unwarranted Air



pollution due to dust, sound pollution due to continuous manufacturing process, hammering, grinding etc., caused by the Respondent Nos. (11) and (12) apart from that pollution caused due to dusting of gunny bags at the packing of those bags, plastic particles arising out and missing with the dusts. The Pollution primarily stems from the unregulated manufacturing activities as well as packing and loading and unloading activities leading to adverse environmental impacts and suffocating the nearby areas with such Air Pollution beyond tolerable level.

65. The Applicant submits that he is hailing from the local areas which are worst affected by such acts of indiscriminate use of such manufacturing and other activities of the Respondent Nos. (11) and (12) and the Applicant and other inhabitants of the said area and adjoining area are suffering from such pollution and indirectly affected by the said Pollution.

66. The Applicant submits that it is noteworthy to mention here that because of leakage of dust from the said gunny bags handling loading and unloading a large quantity of dust including plastic dusts lies on sides of the roads and subsequently, such accumulated dust becomes major cause of pollution of the area concerned specifically causing Air and Land Pollution, not only it contaminated the Air quality but it is a cause of health hazards and the applicant and the inhabitants of the locality mostly affected thereby.

67. The Applicant submits that because of such high amount of Air and sound pollution most of the people including children and aged persons residing in the vicinity have started developing air borne disease and pulmonary diseases, and the conditioning is worsening day by day.

68. The Applicant submits that the State Respondents virtually did nothing to reduce the pollution and has not brought any changes in the ground therefore, the scenario on the ground and the pollution is still very high. Moreover, it is also a matter of concern that the Respondent Nos. (11) and (12) did not use proper pollution control devices and due to this most of the dust easily accumulated in the air.



69. The Applicant submits that as per National Clean Air Programme (NACP) an air quality management cell have to be formed for monitoring and/or controlling the air quality with an aim to keep check in the pollution, but in practical sense nothing in that score is visible to the Applicant and no such activities of such cell is existing in the said area.

70. The Applicant submits that taking into consideration the dire pollution condition in the said area the Central Pollution Control Board and the West Bengal Pollution Control Board being the Respondent Nos. (9) and (10) have neither conducted any study not prepared any report with an aim to take any immediate preventive steps to stop such pollution and/or to reduce the pollution level when conditions becomes dire and uncontrollable.

71. The Applicant submits that despite all such requirements nothing has been done in practical sense to reduce and/or to curve the menace of pollution, the condition of Air, Land, Sound and Environment of the area in question is extremely critical because of such pollution.

72. The Applicant submits that the above actions of the Respondents Authorities is nothing but colourable exercise of their power and the said Respondents are remaining silent which will take toll on ecosystem and cause irreparable loss to the environment as well as local people of the said area, negatively affects their lives who are mostly dependent on the natural resources of the said area.

73. The Applicant submits that the aforesaid action and non-action of the Respondents give rise to substantial questions relating to environment as there is direct violation of specific statutory environmental obligations, the community at large along with the individuals, group of individuals, the Applicant herein are highly affected by environmental consequences, the gravity of damage to the environment and property is highly substantial, the damage to the health and hygiene, community health and hygiene is broadly miserable, the environmental consequences relates to specific and point source of

pollution as has been enumerated in Section 2(m) of the National Green Tribunal Act, 2010.

74. The Applicant submits that the Respondent Authorities refused and/or rejected to act in accordance with law.

75. The Applicant submits that the Respondent Authorities failed and/or unable to act in accordance with the Law rather acted arbitrarily and thereby violated the Fundamental Rights of the Applicant as Guaranteed by the Constitution of India.

76. The Applicant submits that being common people and unfortunate inhabitants of the said village they may be feel cheated when finds that they are not getting justice due to the acts and approach of some the instrumentalities of the state actually who are entrusted with the duty to do the justice.

77. The Applicant submits that that the Respondent Authorities refused and/or rejected to act in accordance with law.

78. The Applicant submits that the Respondent Authorities failed and/or unable to act in accordance with the Law rather acted arbitrarily and thereby violated the Fundamental Rights of the Applicant as Guaranteed by the Constitution of India.

79. The Applicant submits that the acts and actions of the Respondent Authorities are neither bonafide nor lawful.

80. The Applicant submits that the actions of the Respondent Authorities are ex-facie bad on facts as well as in law.

81. The Applicant submits that the said action and/or non-action of the Respondent Authorities is otherwise bad, illegal, perverse and cannot be countenanced both in law as well on facts.



82. The Applicant submits that the actions and/or non-actions of the Respondents complained of herein suffer from the vice of illegality, irrationality and/or procedural impropriety warranting interdiction by this Hon'ble Tribunal in exercise of jurisdiction vested upon it by the Constitution of India.

83. The Applicant submits that the acts and/or actions including non-actions of the Respondent Authorities are in flagrant violation of law, the principles of natural justice and as such is depictive of highhandedness and mechanical action and as such amount to sheer miscarriage of justice.

84. Being aggrieved by and dissatisfied with the acts of discrimination meted out to the Applicant, by the Respondents the Applicant begs to move this Hon'ble Tribunal on the following amongst other

#### Grounds

- I. For that the instant Application has been filed to challenge the significant issue of unwarranted Air Pollution, Sound Pollution, Land Pollution and Environmental Pollution causing by illegal and unauthorized business and commercial activities by the Respondent No. (11) and (12) in association and connivance with other Respondents.
- II. For that the dust particle of old gunny bags spreading through the air and accumulation of said gunny bags, its wastes etc. kept idle on roadsides blocking the roads and/or footpaths as well as drains by the Respondent No. (12) and the illegal fabrication, continuous hammering, scrapping of the iron rods, bars, sheets etc. along with indiscriminate use of air compressors for painting of the said iron gates, grills and other products by the Respondent No. (11) causing Air, Land and Sound pollution and indiscriminate and rampant transportation



of those materials and finished products through various carrier and pollution causing thereby.

III. For that the Applicant is espousing not only the cause of himself but also espousing the cause of local hundreds of inhabitants of the 5/4 Mukherjee Para Road, Post Office and Police Station - Barasat, District - North 24 Parganas, Pin 700124 and the adjacent areas in the state of West Bengal, India who are like the Applicants, being an individual as well as a members of a group and/or large number of such concerned and affected people, seriously affected by the Environment, Air, sound and Land Pollutions due to illegal, unauthorized, haphazard and unplanned business and commercial activities in the said area by the said Respondent Nos. (11) and (12) in association and/or in connivance with the other Respondents.

IV. For that the Public Grievance Cell of the West Bengal Pollution Control Board being the Respondent No (10) was pleased to direct the M/S Biswakarma Associates being the Respondent No. (11) to avoid to create nuisance cause by noise by taking adequate noise control measures which may include, but not limited to, measures like installation of acoustic insulation panels, use of rubber pads, shifting of noise producing equipment etc, so that sound does not travel outside the respondent unit beyond the permissible limits. Manufacturing/ repairing activities shall not under any circumstances be undertaken either in the open or on the municipal roadway.

V. For that during hearing on said 7<sup>th</sup> July, 2022 the Public Grievance Cell of the West Bengal Pollution Control Board being the Respondent No (10) was pleased to further direct the M/S Ramesh Enterprise being the Respondent No. (12) to operate only after obtaining valid trade license



of the local Authority and further directed to take effective measures for controlling the dispersion of dust in the neighborhood.

VI. For that the Public Grievance Cell of the West Bengal Pollution Control Board being the Respondent No (10) also made it clear that these Respondent Nos. (11) and (12) units shall maintain environmental norms strictly and take all necessary measures so that the people living in the neighborhood may not suffer due to its activities in any way whatsoever.

VII. For that the Grievance Officer of the Board was pleased to observe regarding M/S Biswakarma Enterprise being the Respondent No. (11), that there is a public complaint regarding noise pollution against the unit. This is a small unit located in a predominantly residential area under the Barasat Municipality being the Respondent No.(4), this unit is involved in manufacturing of different grill items e.g. grill window, fences, doors, etc. from M/S Bars steel sheets etc., The unit utilizes one drilling machine, one small grinding mechine, one cutting machine and one welding machine apart from these the unit uses a hammer. As per information provided by the unit representative, the unit operates only between 9.00 A.M to 5.00 P.M. he added that during hammering, cutting and other activities, which caused considerable noise the door of the unit remains closed.

VIII. For that there is a gap nearly 12 feet between the unit and the complainant's house. There is another house in between the unit and the complainant's house.

IX. For that the unit and the complainant's house are located within a few meters from the Jessore Road, on which vehicles are plying regularly.



- X. For that noise monitoring was done three times once from just outside the unit on the Municipal Road, while the activities of the unit were not operational, the noise level was found to be 73.89 dBA and once from inside the unit while the activities of the unit were operational, the noise level was found to be 82.56 dBA, and lastly once from the complainant's house while the activities of the unit were operational, the noise level was found to be 73.18 dBA.
- XI. For that the Grievance Officer of the Board was pleased to record such other information regarding said M/S Biswakarma Associates, being the Respondent No. (11) and also pleased to pass an Order that the doors of the unit should remain closed during heavy hammering and MS Bar cutting activities and no activity of the unit should be carried out in the open or on the Municipal Road.
- XII. For that the said Respondent No. (11) by flouting all the directions of the said West Bengal Pollution Control Board Continuously and deliberately doing and performing such acts and activities and manufacturing process and moreover some times using Air compressor for painting the manufactured products in open air and on the open road side of the Municipal road, which not only polluting the environment at a whole but also harmful to the health of the inhabitants of the locality at large.
- XIII. For that the said Respondent No. (12) is operating in a predominantly residential area under the Barasat Municipality being the Respondent No. (4). The said Respondent No. (12) is mainly engaged in godown activities involving used gunny bags made from jute and woven plastics.





activity of the unit should be carried out in the open or on the Municipal road,

- XIX. For that the Respondent No (10) found fit to pass the regulatory order to control the noise and air pollution by the said Respondent No. (11) Limit the manufacturing activities from 9.00 AM to 7 PM, only with proper recess time in between.
- XX. For that said Grievance Cell of the Respondent No. (10) also directed that the Respondent No. (12) to the time of handling the loading and unloading of gunny bag, so that the dust arising out of it may not cause inconvenience to the neighboring residents.
- XXI. For that the said Respondent No. (11) the acts and activities of the said Respondent Nos. (11) and (12) remain unchanged, they are continuously causing pollution through their uncontrolled acts and activities and causing nuisance to the inhabitants thereby regularly, uninterruptedly, recklessly and continuously.
- XXII. For that those illegal and unauthorized acts and activities have been going on affecting the entire area and/or locality and adjacent locality thereby gravely affecting the people, their lives and environment of the vast area.
- XXIII. For that as the instant original Application is being filed under Sections 14, 15, 18 and 20 of the National Green Tribunal Act, 2010 to challenge the significant issue of unwarranted Air pollution due to dust, sound pollution due to continuous manufacturing process, hammering, grinding etc., caused by the Respondent Nos. (11) and (12) apart from that pollution caused due to dusting of gunny bags at the packing of those bags, plastic particles arising out and missing with the dusts. The Pollution



primarily stems from the unregulated manufacturing activities as well as packing and loading and unloading activities leading to adverse environmental impacts and suffocating the nearby areas with such Air Pollution beyond tolerable level.

XXIV. For that because of leakage of dust from the said gunny bags handling loading and unloading a large quantity of dust including plastic dusts lies on sides of the roads and subsequently, such accumulated dust becomes major cause of pollution of the area concerned specifically causing Air and Land Pollution, not only it contaminated the Air quality but it is a cause of health hazards and the applicant and the inhabitants of the locality mostly affected thereby.

XXV. For that because of such high amount of Air and sound pollution most of the people including children and aged persons residing in the vicinity have started developing air borne disease and pulmonary diseases, and the conditioning is worsening day by day.

XXVI. For that the State Respondents virtually did nothing to reduce the pollution and has not brought any changes in the ground therefore, the scenario on the ground and the pollution is still very high. Moreover, it is also a matter of concern that the Respondent Nos. (11) and (12) did not use proper pollution control devices and due to this most of the dust easily accumulated in the air.

XXVII. For that the Central Pollution Control Board and the West Bengal Pollution Control Board being the Respondent Nos. (9) and (10) have neither conducted any study nor prepared any report with an aim to take any immediate preventive steps to stop such pollution and/or to reduce



the pollution level when conditions becomes dire and uncontrollable.

- XXVIII. For that despite all such requirements nothing has been done in practical sense to reduce and/or to curb the menace of pollution, the condition of Air, Land, Sound and Environment of the area in question is extremely critical because of such pollution.
- XXIX. For that the Respondents Authorities are remaining silent which will take toll on ecosystem and cause irreparable loss to the environment as well as local people of the said area, negatively affects their lives who are mostly dependent on the natural resources of the said area.
- XXX. For that the aforesaid action and non-action of the Respondents give rise to substantial questions relating to environment as there is direct violation of specific statutory environmental obligations, the community at large along with the individuals, group of individuals, the Applicant herein are highly affected by environmental consequences, the gravity of damage to the environment and property is highly substantial, the damage to the health and hygiene, community health and hygiene is broadly miserable, the environmental consequences relates to specific and point source of pollution as has been enumerated in Section 2(m) of the National Green Tribunal Act, 2010.
- XXXI. For that the Respondent Authorities refused and/or rejected to act in accordance with law.
- XXXII. For that the Respondent Authorities failed and/or unable to act in accordance with the Law rather acted arbitrarily and thereby violated the Fundamental Rights of the Applicant as Guaranteed by the Constitution of India.



- XXXII. For that the Respondent Authorities refused and/or rejected to act in accordance with law.
- XXXIII. For that the Respondent Authorities failed and/or unable to act in accordance with the Law rather acted arbitrarily and thereby violated the Fundamental Rights of the Applicant as Guaranteed by the Constitution of India.
- XXXIV. For that the acts and actions of the Respondent Authorities are neither bonafide nor lawful.
- XXXV. For that the actions of the Respondent Authorities are ex-facie bad on facts as well as in law.
- XXXVI. For that the said action and/or non-action of the Respondent Authorities is otherwise bad, illegal, perverse and cannot be countenanced both in law as well on facts.
- XXXVII. For that the actions and/or non-actions of the Respondents complained of herein suffer from the vice of illegality, irrationality and/or procedural impropriety warranting interdiction by this Hon'ble Tribunal in exercise of jurisdiction vested upon it by the Constitution of India.
- XXXVIII. For that the acts and/or actions including non- actions of the Respondent Authorities are in flagrant violation of law, the principles of natural justice and as such is depictive of highhandedness and mechanical action.

85. The Applicant has no other effective remedy for redressal of his grievances and the reliefs as prayed for if granted will be full and complete.



86. The records of this case are laying within the jurisdiction of this Hon'ble Tribunal and as such this Hon'ble Tribunal is empowered to try and entertain it.

87. The instant application is bonafide and made for ends of justice.

88. Limitation :

The Applicant states that as the matter involved herein is arising out with the illegal activities fabrication and other production activities of the Respondent No. 11 and cleaning, washing, drying and storing activities of Respondent No. 12 causing pollution in Air, Water, Land, Sound and Environment in the said 5/4 Mukherjee Para Road, Post Office and Police Station – Barasat, District – North 24 Parganas, Pin 700124 and the adjacent areas in the state of West Bangal, India without following any law and/or violating all the existing law and directions of the Authorities concerned and the problem is still continuing hence, therefore, the cause of action is continuing since the inception of such activities till date and/or no question of limitation is existing thereon.

89. Prayers:

Under the Circumstances the Applicant most humbly prays that Your Lordship may be graciously pleased to

- a) Grant leave for moving the instant Application as extreme urgent one by dispensing with Rule relating to service of copies upon the Respondents , and
- b) Pass a mandatory order or orders and/or direction or directions commanding the Respondent authorities, their men, agents, assigns, employees and/or subordinates whereby and wherein the said Respondent Nos. 11 and 12 be directed to stop all the

illegal activities in the vicinity of the 5/4 Mukherjee Para Road, Post Office and Police Station – Barasat, District – North 24 Parganas, Pin 700124 and the adjacent areas in the state of West Bangal, India being the area in question and to ensure the pollution free Air, Water, Land, Sound and Environment in the said vicinity of the 5/4 Mukherjee Para Road, Post Office and Police Station – Barasat, District – North 24 Parganas, Pin 700124 and the adjacent areas in the state of West Bangal, India forthwith, and

- c) Pass a Prohibitory order in the nature of permanent Prohibition prohibiting the Respondent Nos. 11 and 12 and/or their men, agents, assigns, employees and/or subordinates from using the said vicinity of the 5/4 Mukherjee Para Road, Post Office and Police Station – Barasat, District – North 24 Parganas, Pin 700124 and the adjacent areas for using the site for illegal activities and not to pollute and/or contaminate the Air, Water, Land, Sound and Environment in the said vicinity lying and existing in the vicinity of 5/4 Mukherjee Para Road, Post Office and Police Station – Barasat, District – North 24 Parganas, Pin 700124 and the adjacent areas and not to use the Public roads, including the High Way in and around of 5/4 Mukherjee Para Road, Post Office and Police Station – Barasat, District – North 24 Parganas, Pin 700124 and the adjacent

areas in the state of West Bengal, India for carrying the materials of the said business and business activities and causing pollution whatsoever thereby, and

- d) Pass a mandatory order or orders and/or direction or directions commanding the Respondent authority Nos. (9) and (10) their men, agents, assigns, employees and/or subordinates whereby and wherein the said Respondent Authorities be directed to conduct extensive study and to prepare and submit a comprehensive report with an aim to take any immediate preventive steps to stop such pollution and/or to reduce the pollution level when conditions becomes dire and uncontrollable and also order and/or direct the Respondent Nos. (9) and (10) to frame and finalise a pollution Emergency plan for the area in question in a time bound manner and further to direct them to furnish the Report in this Hon'ble Tribunal in a time bound manner, and as per guidelines and norms framed by National Clean Air Programme (NACP) also an Air quality management cell to be formed for monitoring and/or controlling the air quality of the concerned area with an aim to keep check in the pollution in the area in question in future, and



- e) Pass and order or orders and/or direction or directions directing the Respondents to certify and transmit the records of this case to this Hon'ble Tribunal, so that

conscionable justice may be administered thereby, and

- f) Issue a Rule NISI in terms of prayers (b) (c) (d) and (e) above, and
- g) Make the said Rule absolute on hearing the causes shown or if no cause is shown and/or to pass such other or further order or orders as to Your Lordship may seem fit and proper, and

90. Interim Relief

- h) Grant an interim order directing the Respondents<sup>11 & 12</sup> *st* their men, agents, assigns, employees and/or subordinates from using the said vicinity of the 5/4 Mukherjee Para Road, Post Office and Police Station – Barasat, District – North 24 Parganas, Pin 700124 and the adjacent areas in the state of West Bengal, India for using the site for illegal business and business activities and not to pollute the Air, Water, Land, Sound and Environment in the said vicinity of area lying and existing in the vicinity of 5/4 Mukherjee Para Road, Post Office and Police Station – Barasat, District – North 24 Parganas, Pin 700124 and the adjacent areas in the state of West Bengal, India and not to use the Public roads, including the High Way in and around of 5/4 Mukherjee Para Road, Post Office and Police Station – Barasat, District – North 24 Parganas, Pin



700124 and the adjacent areas in the state of West Bengal, India for carrying the materials for said business and/or business activities of the said Respondents and causing pollution whatsoever forthwith till disposal of the instant Application, and

- i) Grant costs.

And the Applicant, as in duty bound, shall ever pray.

#### Verification

I Dipankar Bakshi, son of Pradyot Kumar Bakshi, by Nationality – Indian, by faith – Hindu, by occupation – Business, residing at 5/4 Mukherjee Para Road, Post Office and Police Station – Barasat, District – North 24 Parganas, Pin 700124, being the Applicant duly verify that the statements made in paragraph Nos. 1, 2, 4, 6, 7,8, 9, 10, 11, 12, 13, 14, 15, 18, 19, 21, 22, 23, 24, 25 and 27 of the foregoing application are true to my knowledge and those made in paragraph Nos. 3, 5, 16, 17, 20, 26, 28, 29, 30, 31, 32, 33, 34 and 35 are derived from my information which I verily believe to be true and the rests are my humble submission before this Hon'ble Tribunal and I sign this verification today *ss* the 27<sup>th</sup> day of February, 2025.

Dipankar Bakshi



## Affidavit

I Dipankar Bakshi, aged about \_\_\_\_\_ years, son of Pradyot Kumar Bakshi, by Nationality - Indian, by faith - Hindu, by occupation - Business, residing at 5/4 Mukherjee Para Road, Post Office and Police Station - Barasat, District - North 24 Parganas, Pin 700124 do hereby solemnly affirm and declare as follows -

1. That I am the Applicant to this Application and as such well conversant with the facts and circumstances out of which this petition arises and sui juris to affirm this affidavit.
2. That the statements made in paragraph Nos. 1, 2, 4, 6, 7,8, 9, 10, 11, 12, 13, 14, 15, 18, 19, 21, 22, 23, 24, 25 and 27 of the foregoing application are true to my knowledge and those made in paragraph Nos. 3, 5, 16, 17, 20, 26, 28, 29, 30, 31, 32, 33, 34 and 35 are derived from my information which I verily believe to be true and the rests are my humble submission before this Hon'ble Tribunal.

Prepared in my office

*Sagar May Adv*  
Advocate

*Dipankar Bakshi*  
Deponent is known to me

Enrolment No. WB/921/2009  
Mob : 9433746410 / 9051010095  
Email ID : sagarmayadv@gmail.com

Solemnly affirmed before me

*B* This the 27<sup>th</sup> day of February, 2025

I certify that all

Annexures are legible.

*Sagar May Adv*  
Advocate



SOLEMNLY AFFIRMED AND DECLARED  
BEFORE ME ON IDENTIFICATION

27 FEB 2025

*S. M. Hassan*  
S. M. HASSAN  
NOTARY



To

The Chairman

Barasat Municipality through councilor ward no – 28

**Subject :- Seeking relief from sound pollution and bad smell and dust pollution from grill factory and old gunny bag godown within residential premises.**

Sir,

I the undersigned, a permanent resident of 5/4 Mukherjee Para Road under ward no – 28, Barasat, Dist. 24 Parganas, bring the following facts for your kind perusal and taking necessary lawful action.

That just beside my house premises one Pappu started a grill cum welding shop which creates unbearable drastic sound from morning to evening causing sound pollution disturbing the local residents. The shop owner paid no attention on repeated requests and showed red eyes with rough gesture and postures. The land lord Bishu Sadhukhan also paid no attention for removal of the shop from the residential premises.

That similarly one Bakun Shaw started a godown of old gunny bags just adjacent to my house. He along with his fellow men repairs old gunny bags by the side of my windows which creates severe environmental pollution by bad and rotten smell and dust causing unhealthy environment to the locality.

Under the above circumstances I request you for your lawful intervention so that all these hazards are removed immediately and we can live peacefully.

An early action will be highly appreciated.

Thanking You  
Yours Faithfully

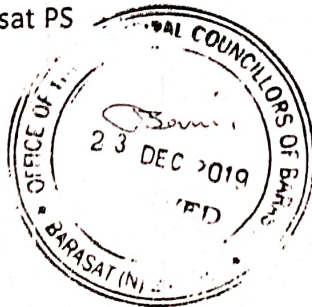
Pradyot Kumar Bata  
S/o L. Kaliprasanna Bata  
5/4 Mukherjee Para Road  
Barasat, North 24 Parganas  
Ward No 28

Mob. no. 9432673931

Samir Talukdar  
Councilor, Ward no. 28  
Barasat Municipality

Copy sent to :-

- I) Pollution control board.
- II) C.M. West Bengal.
- III) D.M north 24 parganas.
- IV) S.P. north 24 parganas.
- V) I.C. Barasat PS



To  
The Inspector in Charge  
Barasat Police Station

**Subject :- Seeking relief from sound pollution and bad smell and dust pollution from grill factory and old gunny bag godown within residential premises.**

Sir,

I the undersigned, a permanent resident of 5/4 Mukherjee Para Road under word no – 28, Barasat, Dist. 24 Parganas, bring the following facts for your kind perusal and taking necessary lawful action.

That just beside my house premises one Pappu started a grill cum welding shop which creates unbearable drastic sound from morning to evening causing sound pollution disturbing the local residents. The shop owner paid no attention on repeated requests and showed red eyes with rough gesture and postures. The land lord Bishu Sadhukhan also paid no attention for removal of the shop from the residential premises.

That similarly one Bakun Shaw started a godown of old gunny bags just adjacent to my house. He along with his fellow men repairs old gunny bags by the side of my windows which creates severe environmental pollution by bad and rotten smell and dust causing unhealthy environment to the locality.

Under the above circumstances I request you for your lawful intervention so that all these hazards are removed immediately and we can live peacefully.

An early action will be highly appreciated.

Thanking You  
Yours Faithfully

Copy sent to :-

- I) Pollution control board.
- II) C.M. West Bengal.
- III) D.M north 24 parganas.
- IV) S.P. north 24 parganas.
- V) Chairman Barasat Municipality.

Pradyot Kumar Bakshi  
S/o. Kalijrasunne Bakshi  
5/4 Mukherjee Para Road  
Barasat, north 24 Pgs.

Mob no . 9432673931

Received  
Barasat Police Station  
North 24 Parganas  
23/12/19



- Outlook
- New messages
- ▼ Folders
  - Inbox 1021
  - Junk Email 38
  - Drafts
  - Sent Items
  - Scheduled
  - Deleted Items 1
  - Archive
  - Notes
  - Conversation History
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  - New folder
- ▼ Groups
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← Grievance against sound and air pollution



Dipankar Bakshi  
Mon 11/29/2021 12:40 PM

To: netwbpcb-wb@bangla.gov.in

To  
The Member Secretary  
West Bengal Pollution Control  
Board  
Paribesh Bhawan 10-LA, Sector -  
III, Salt Lake City,

Subject - : Re complaint for seeking relief from sound pollution and Foul Smell/Odour and dust pollution from grill factory and old gunny bag shop cum godown within residential premises. We have lodged complaint to all the departments on 23/12/2019, but till date no disciplinary action has been taken from the authorities concerned.

Sir,  
We the undersigned, a permanent resident of 5/4 Mukherjee Para Road under Ward no - 29, Barasat, Dist. 24 Parganas, bring the following facts for your kind perusal and taking necessary lawful action.

My father late Pradyot Kumar Bakshi has submitted a complaint on 23/12/2019 to your good department for the above problem, when he made the complaint our father had just expired and my father



(Typed Copy)

Grivance against sound and  
air pollution

Dipankar Bakshi  
Mon 11/29/2021 12:40p.m.  
To : net.wbpcb.wb@bengla.gov.in

To,  
The Member Secretary,  
West Bengal Pollution Control  
Board,  
Paribesh Bhawan,  
10-1A, Sector - III, Salt Lake City

Subject : Re. Complaint for  
seeking relief from sound pollution  
and foul smell /odour and dust  
pollution from grill factory and old  
gunny bag shop cum godown  
within residential premises. We  
have lodged complaint to all the  
departments on 23/12/2019 but  
till date no disciplinary action has  
been taken from the authorities  
concerned.

Sir,

We the undersigned a  
permanent resident of /4,  
Mukherjee Para Road, under ward  
No. 23, Barasat, District - North 24  
parganas bring the following facts  
for your kind perusal and taking  
necessary lawful action.

My father Late Pradyut  
Kumar Bakshi has submitted a  
complaint on 23/12/2019 to your  
good department for the same  
problem when he made the  
complaint our mother has just  
expired and my father.....

3/2/3948 / 29/11/21  
H.S.M./LP

The District Magistrate,  
North 24 Parganas,

Subject :- Re complaint for seeking relief from sound pollution and Foul Smell/Odour and dust pollution from grill factory and old gunny bag shop cum godown within residential premises. We have lodged complaint to all the departments on 23/12/2019, but till date no disciplinary action has been taken from the authorities concerned.

20  
12/12/21

We the undersigned, a permanent resident of 5/4 Mukherjee Para Road North 24 Parganas - 28, Barasat, Dist. 24 Parganas, bring the following facts to your kind perusal and taking necessary lawful action.

My father late Pradyot Kumar Bakshi has submitted a complaint on 23/12/2019 to your good department for the above problem, when he made the complaint our mother had just expired and my father was also seriously ill and he also died on 10/05/2021, in such circumstances we couldn't pursue the application properly. Now the concerned departments have an application, so please help us to resolve our problem.

There is a shop cum godown beside our house premises one Pappu started a Uses to run a grill factory causing unbearable & repeated shrill sound throughout the whole of the daytime disturbing the local residents. The shop owner paid no attention on repeated requests and showed red eyes with rough gesture and postures. The land lord Bishu Sadhukhan also paid no attention for removal of shop from the residential premises. The shop was constructed after my house was build.

That similarly one Bakun Shaw started a shop cum godown of old gunny bags just adjacent to our house. He along with his fellow men keep the old gunny bags by the side of our windows which creates severe environmental pollution by bad and rotten smell and dust causing unhealthy environment to the locality and also their inaudible slang languages, and also nobody of them wear a mask, on these lockdown they also do their business as well. In every evening they started liquor hall, and also gambling hall inside their shop.

When we construct our house there was a residential premises, after some years the owner sold the land to sum other person and leave the place. The new owner rent the place to a gunny bag shop owner. Both of them not their rents and we are suffering for near about 2 years. Also there is an open toilet opposite to my door, all of them and also who live in the place use the toilet. When we try to stop them using the toilet they started scolds us with their slang languages.

Under the above circumstances we request you for your lawful intervention so that all these hazards are removed immediately and we can live peacefully.

An early action will be highly appreciated.

Dipankar Bakshi  
Sunita Bakshi  
Thanking You  
Yours Faithfully  
DIPANKAR BAKSHI  
SUSMITA BAKSHI

5/4 Mukherjee Para  
Road, Barasat, Kolkata  
M - 09830028861

9965  
20/12/21  
SPLD  
12  
01/2024

- Copy sent to:-
- 1. Photocopy of old application.
  - 2. Chairman through councilor.
  - 3. North 24 pgs.
  - 4. Barasat P.S.
  - 5. Barasat Assembly.
  - 6. West Bengal.
  - 7. District control board.

Received  
Content not verified  
A.M. 6/12/21 29/11/21  
D.M. General Section  
North 24 Parganas, Barasat



(Typed Copy)

The District Magistrate,  
North 24 Parganas

Subject:- Re. complaint for seeking relief from sound pollution and Foul smell/ odour and dust pollution from grill factory and old gunny bag shop cum godown within residential premises. We have lodged complaint to all the departments on 23/12/2019, but till date no disciplinary action has been taken from the Authorities concerned.  
Sir,

We the undersigned, a permanent resident of 5/4, Mukherjee Para Road, Ward No. – 28, Barasat, District – 24 Parganas, bring the following facts for your kind perusal and taking necessary lawful action.

My father Late Pradyut Kumar Bakshi, has submitted a complaint on 23/12/2019 to your good department for the above problem, when he made the complaint our mother had just expired and my father was also seriously ill and he also died on 10/05/2021, in such circumstances we couldn't pursue the application properly. Now the concerned departments (Illegible) application, so please help us to resolve our problem.

(Illegible) beside our house premises one Pappu started a uses to run a (Illegible) factory causing unbearable and repeated shrill sound throughout the (Illegible) of the daytime disturbing the local residents. The shop owner paid (Illegible) on repeated requests and showed red eyes with rough gesture and postures. The landlord Bishu Sadhukhan also paid no attention fro removal of shop from the residential premises. The shop was constructed after my house was build.

That similarly one Bakun Shaw started a shop cum godown of old (Illegible) bags at the adjacent to our house. He along with his fellow men (Illegible) gunny bags by the side of our windows which creates sever (Illegible) pollution by bad and rotten smell and dust causing (illegal) environment to the locality and also their inaudible slang languages and also nobody of them wear a musk on these lockdown they (Illegible) their business as well. In every evening they started liquor (Illegible) and also gambling hall inside their shop.

When we construct our house there was a residential premises after (Illegible) the owner sold the land to some other person and leave the (illegible). The new owner rent the place to a gunny bag shop owner. Both of (illegible) their rents and we are suffering for near about 2 years. Also (Illegible) open toilet opposite to my door, all of them and also who (Illegible) place use the toilet. When we try to stop them using the (Illegible) they started scolds us with their slang languages.

Under the above circumstances we request for your lawful intervention so that all these hazards are removed immediately and we can (Illegible) peacefully.

An early action will be highly appreciated.

(S/D Dipankar Bakshi)

(S/D Susmita Bakshi)

Thanking you

Yours Faithfully,

Dipankar Bakshi

Susmita Bakshi

5/4, Mukherjee Para Road,

Barasat, Kol – 700124.

(M) 9830028861

To  
The Chairman,  
Barasat Municipality,

**Subject :- Re complaint for seeking relief from sound pollution and Foul Smell/Odour and dust pollution from grill factory and old gunny bag shop cum godown within residential premises. We have lodged complaint to all the departments on 23/12/2019, but till date no disciplinary action has been taken from the authorities concerned.**

Respected <sup>Sib,</sup> ~~Madam,~~

We the undersigned, a permanent resident of 5/4 Mukherjee Para Road under Word no - 28, Barasat, Dist. 24 Parganas, bring the following facts for your kind perusal and taking necessary lawful action.

My father late Pradyot Kumar Bakshi has submitted a complaint on 23/12/2019 to your good department for the above problem, when he made the complaint our mother had just expired and my father was also seriously ill and he also died on 10/05/2021, So please help us to resolve our problem.

That just beside our house premises one Pappu started a Uses to run a Welding factory causing unbearable & repeated shrill sound throughout the whole of the daytime disturbing the local residents. The shop owner paid no attention on repeated requests and showed red eyes with rough gesture and postures. The land lord Bishu Sadhukhan also paid no attention for removal of shop from the residential premises. The shop was constructed after my house was build.

That similarly one Bakun Shaw started a shop cum godown of old gunny bags just adjacent to our house. He along with his fellow men repairs old gunny bags by the side of our windows which creates server environmental pollution by bad and rotten smell and dust causing unhealthy environment to the locality and also their inaudible slang languages, and also nobody of them wear a mask, on these lockdown they also do their business as well. In every evening they started liquor hall, and also gambling hall inside their shop.

When we construct our house there was a residential premises, after some years the owner sold the land to sum other person and leave the place. The new owner rent the place to a gunny bag shop owner. Both of them got their rents and we are suffering over 2 years. Also there is an open toilet opposite to my door, all of them and also who come to the place use the toilet. When we try to stop them using the toilet they started scolds us with their slang languages.

On the day 04/02/2022 at 10 P.M. night some of those drunk fellows are shouting with their slang languages besides of my house, when we are trying to stop them, one them try to hit us with brick and all of them scold us with slang language, we lodged a G.D.E to Barasat police station. The G.D.E. copy also attached with it.

Under the above circumstances we request you for your lawful intervention so that all these hazards are removed immediately and we can live peacefully.

An early action will be highly appreciated.

D-07/04/2022



Thanking You  
Yours Faithfully  
DIPANKAR BAKSHI  
Dipankar Bakshi  
SUSMITA BAKSHI  
*Susmita Bakshi*  
Mobile : - 9830028861

Enclosures :-

1. Photocopy of application submitted to chairman through councillor.
2. Photocopy of reapplication submitted to Councillor.
3. Photocopy of application submitted to D.M. north 24 pgs.
4. Photocopy of application submitted to S.P. north 24 pgs.
5. Photocopy of application submitted to Inspector in Charge Barasat P.S.
6. Photocopy of application submitted to MLA Barasat Assembly.



(Typed Copy)

The Chairman,  
Barasat Municipality,

Subject:- Re. complaint for seeking relief from sound pollution and Foul smell/ odour and dust pollution from grill factory and old gunny bag shop cum godown within residential premises. We have lodged complaint to all the departments on 23/12/2019, but till date no disciplinary action has been taken from the Authorities concerned.

Respected Sir,

We the undersigned, a permanent resident of 5/4, Mukherjee Para Road, Ward No. – 28, Barasat, District – 24 Parganas, bring the following facts for your kind perusal and taking necessary lawful action.

My father Late Pradyut Kumar Bakshi, has submitted a complaint on 23/12/2019 to your good department for the above problem, when he made the complaint our mother had just expired and my father was also seriously ill and he also died on 10/05/2021, so please help us to resolve our problem.

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When we construct our house there was a residential premises after some years the owner sold the land to some other person and leave the place. The new owner rent the place to a gunny bag shop owner. Both of them got their rents and we are suffering for near about 2 years. Also there is an open toilet opposite to my door, all of them and also who (Illegible) place use the toilet. When we try to stop them using the (Illegible) they started scolds us with their slang languages.

On the day 04/02/2022 at 10 P.M. night some those drunk (Illegible) are shouting with their slang language besides of my house when we are trying to stop them one them try to hit us with (Illegible) and all of them scold us with slang language, we lodged a G.D.E. to Barasat Police Station. The G.D.E. copy also attached with it.

Under the above circumstances we request for your lawful intervention so that all these hazards are removed immediately and we can live peacefully.

An early action will be highly appreciated.

D- 07/04/2022

Thanking You  
Yours faithfully  
(S/D Dipankar Bakshi)  
(S/D Susmita Bakshi)  
(M) 9830028861

To  
The Councillor,  
Ward No - 28,

Subject :- Ra complaint for seeking relief from sound pollution and Foul Smell/Odour and dust pollution from grill factory and old gunny bag shop cum godown within residential premises. We have lodged complaint to all the departments on 23/12/2019, but till date no disciplinary action has been taken from the authorities concerned.

Respected Madam,

We the undersigned, a permanent resident of 5/4 Mukherjee Para Road under Ward no - 28, Barasat, Dist. 24 Parganas, bring the following facts for your kind perusal and taking necessary lawful action.

My father late Pradyot Kumar Bakshi has submitted a complaint on 23/12/2019 to your good department for the above problem, when he made the complaint our mother had just expired and my father was also seriously ill and he also died on 10/05/2021, So please help us to resolve our problem.

That just beside our house premises one Pappu started a unit to run a welding factory causing unbearable & repeated shrill sound throughout the whole of the daytime disturbing the local residents. The shop owner paid no attention on repeated requests and showed red eyes with rough gesture and postures. The land lord Bishu Sadhukhan also paid no attention for removal of shop from the residential premises. The shop was constructed after my house was build.

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When we construct our house there was a residential premises, after some years the owner sold the land to some other person and leave the place. The new owner rent the place to a gunny bag shop owner. Both of them got their rents and we are suffering over 2 years. Also there is an open toilet opposite to my door, all of them and also who come to the place use the toilet. When we try to stop them using the toilet they started scolds us with their slang languages.

On the day 04/02/2022 at 10 P.M. night some of these people fellows are shouting with their slang languages besides of my house. When we are trying to stop them, one then try to hit us with brick and all of them scold us with slang language, we lodged a G.D.R to Barasat police station. The G.D.R. copy also attached with it.

Under the above circumstances we request you for your lawful intervention so that all those hazards are removed immediately and we can live peacefully.

An early action will be highly appreciated.

D-07/04/2022.

Thanking you  
Yours Faithfully  
DIPANKAR BAKSHI  
DIPANKAR BAKSHI  
SUSHITA BAKSHI  
Sushita Bakshi  
Mobile :- 9830028861

Enclosures :-

1. Photocopy of application submitted to chairman through councillor.
2. Photocopy of application submitted to D.M. north 24 pgs.
3. Photocopy of application submitted to S.P. north 24 pgs.
4. Photocopy of application submitted to Inspector in Charge Barasat P.S.
5. Photocopy of application submitted to MLA Barasat Assembly.
6. Printout of application submitted to Pollution Control Board.
7. Printout of application submitted to C.M.
8. Photocopy of G.D.R. submitted to Barasat P.S.

Councillor  
Ward No 28  
Barasat Municipality



(Typed Copy)  
The Councillor,  
Ward No. (Illegible),

Subject:- Re. complaint for seeking relief from sound pollution and Foul smell/ odour and dust pollution from grill factory and old gunny bag shop cum godown within residential premises. We have lodged complaint to all the departments on 23/12/2019, but till date no disciplinary action has been taken from the Authorities concerned.

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We the undersigned, a permanent resident of 5/4, Mukherjee Para Road, Ward No. – 28, Barasat, District – 24 Parganas, bring the following facts for your kind perusal and taking necessary lawful action.

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An early action will be highly appreciated.

D- 07/04/2022

Thanking You  
Yours faithfully  
(S/D Dipankar Bakshi)  
(S/D Susmita Bakshi)  
(M) 9830028861

All communication to  
State Board should be  
addressed  
with Envelope Date  
and 2018/19.



WEST BENGAL POLLUTION CONTROL BOARD  
(Department of Environment, Government of West Bengal)  
Paribesh Bhawan, 10A, Block LA, Sector III, Bidhannagar, Kolkata 700106 (Near  
Beliaghata & E.M. BY PASS Crossing).  
Ph.: (033)2335 9088 - 8212. Fax: (033)2335-5272  
Internet: www.wbpcb.gov.in, Email: wbpcbnet@cal3.vsnl.net.in

Complain Docket No. PCB5045  
Memo No. 0487-5L/WPB-2021/P-2920

Dated: 23-06-2022

To  
Pappa and Bakun Shaw  
5/4 Mukherjee Para Road,  
PS: Barasat,  
Dist: North 24 Parganas, Pin: 700124  
West Bengal

**Sub:** Complaint related to Environmental Pollution .

Sr. Madam,

Please notice that a complaint has been lodged against you/your unit/establishment for causing environmental problems.

Therefore, you are hereby informed to appear before the hearing officer of State Board on 07-07-2022 at 12:45 PM at Manik  
square, Block/Space-8 IT on Western Side of 8th Floor, 164/1 Manicktala Main Road, Kolkata-700054, with all  
necessary licenses including consent of the State Board, if any and status of Pollution Control System.

In case of non-appearance, the State Board may issue necessary regulatory order and take legal step against you/your  
unit/establishment considering the records kept and maintained by the State Board without any further notice.

Sd/-

Sr. Scientist  
In-Charge - Public Grievance Cell

Memo No. 0487-5L/WPB-2021/P-2920

Dated: 23-06-2022

Copy forwarded to:  
1. Dipankar Bakshi & Ors., 5/4, Mukherjee Para Road, PS: Barasat, Dist: North 24 Parganas, Pin: 700124, West  
Bengal.

He/She/They is/are requested to remain in the hearing on the date and time mentioned above or send an authorized  
representative for the purpose.

2. The Special Secretary, Department of Environment, Govt. of W.B., 5th Floor, Pranisampad Bhawan, 5th Floor,  
Block-LB-2, Sec-III, Bidhannagar, Kolkata- 700 106. This is in reference to his Memo No.963-EN/IP-01/2021(Pt-III)  
dt.26.05.2022

Sr. Scientist  
In-Charge - Public Grievance Cell

N.B

In view of the Covid-19 Pandemic, only two persons per party is permitted. Complainants and respondents shall wear masks, gloves, face shields  
and other protective equipments in keeping with the guidelines of the Govt. of West Bengal regarding prevention of spread of Covid-19.



50 A.

(Typed Copy)

Complain Docket No. PCB5045  
Memo No. (048Illegible)/ WPB-2021/P-2920

Dated : 23.06.2022

To,  
Pappu and Bakun Shaw,  
5/4, Mukherjee Para Road,  
PS Barasat  
Dist. North 24 Parganas, Pin – 700124,  
West Bengal

Sub : Complaint related to Environmental Pollution

Sir/ Madam,

Take notice that a complaint has been lodged against you/ your establishment for causing environmental problems.

Therefore, you are hereby informed to appear before the hearing Officer of State Board on 07-07-2023 at 12-45 PM at Mani Square, Block/ Space – 8 IT on Western Side of 8<sup>th</sup> Floor, 164/1, Maniktala Main Road, Kolkata – 700054 with all (Illegible) of the State Board, if any and status of Pollution Control System.

(Illegible) non appearance the State Board may issue necessary Regulatory Order and legal steps against you/ your establishment considering the records kept and maintained by the State Board without any further Notice.

Sd/-  
Sr. Scientist  
In Charge – Public Grievance Cell



**WEST BENGAL POLLUTION CONTROL BOARD**  
 (Department of Environment, Government of West Bengal)  
 Mani Square, Block/Space-8/IT  
 8th Floor, 164/1, Maniktala Main Road, Kolkata - 700 054  
 website: www.wbpcb.gov.in. Tel No. (033) 2320-0042  
 e-mail: net.wbpcb-wb@bangla.gov.in

Memo No. 5L/WPB-2021/B-2920

Dated: -2022

**PUBLIC GRIEVANCE CELL**

Complainant (s)	Respondent (s)
Dipankar Bakshi & Others	1. M/s Biswakarma Associates- Prop: Subrata Dutta 2. M/s Ramesh Enterprise-Prop: Ramesh Shaw
Date: 07-07-2022	Time: 12:45 PM.

**RECORD OF PROCEEDINGS**

Mr. Dipankar Bakshi, complainant, appeared on behalf of the complainants. Mr. Subrata Dutta, proprietor of M/s Biswakarma Associates, appeared in person. Mr. Ramesh Shaw, proprietor of M/s Ramesh Enterprise, also appeared.

This is a complaint against a gate- grill manufacturing unit and an old gunny bag repairing shop allegedly causing air and noise pollution in the surrounding area during their operations.

Complainant submitted that they are suffering tremendously from noise arising due to metal cutting, welding etc. activities carried out by M/s Biswakarma Associates and dust etc. generated from gunny bag repairing activities done by M/s Ramesh Enterprise.

The representative of M/s Biswakarma Associates, submitted a copy of trade license of Barasat Municipality for the year 2022-2023 for the trade of "Manufacturing of Grill Gate" and a copy of old trade license of Barasat Municipality for the year 1988. The representative of M/s Ramesh Enterprise submitted a copy of trade license which expired on 31/03/22.

Considering the overall scenario and the submissions of the complainant and respondent, we hereby note that *M/s Biswakarma Associates* will not be required to obtain consent to operate of the State Board as *Almirah, grill manufacturing (Dry mechanical process and without painting operation)* fall under "White" industrial categorization of WBPCB. We, however, direct the respondent unit to avoid nuisance cause by noise by taking adequate noise control measures which may include, but not limited to, measures like installation of acoustic insulation panels, use of rubber pads, shifting of noise producing equipment's etc., so that sound does not travel outside the respondent unit beyond the permissible limit. Manufacturing/repairing activities shall not under any circumstances be undertaken either in the open or on the municipal roadway.

Further, *M/s Ramesh Enterprise* is hereby directed to operate only after obtaining valid trade license of the local authority. He is further directed to take effective measures for controlling the dispersion of dust in the neighbourhood.



-2-

We make it clear that the respondent units shall maintain environmental norms strictly and take all necessary measures so that the people living in the neighbourhood may not suffer due to its activities in any way, whatsoever.

The Executive Officer, Barasat Municipality is requested to kindly advise his good office to look into the matter of nuisance from M/s Ramesh Enterprise and consider resolving the issue as per relevant Municipal Acts & Rules (Section 350 of the West Bengal Municipal Act, 1993 etc) so that the people living in the neighbourhood are not inconvenienced due to the operation of the old gunny bag repair shop.

The Officer in Charge, Barasat Police Station is requested to oversee the compliance of this order and also see that *M/s Ramesh Enterprise* does not operate without obtaining valid trade license of the local authority. In case of any violation of this order, he is at liberty to take necessary action in accordance with law.

Sd/-  
( Dr. D. Chakraborty )  
Sr. Scientist & Incharge, P.G. Cell

Sd/-  
( B. Majumdar )  
Environmental Engineer


Sd/-  
( M. Bandyopadhyay, WBSJ )  
Dist. Judge (Retd.)

Memo No. 866 (3) 5L/WPB-2021/B-2920

Dated: 14-07-2022

Copy forwarded to:-

1. M/s Biswakarma Associates- Prop: Subrata Dutta, 5/1, Mukherjee Para Road, P.S.: Barasat, Dist: North 24 Parganas, Pin: 700124, West Bengal.
2. M/s Ramesh Enterprise-Prop: Ramesh Shaw, 5/B, Mukherjee Para Road, P.S.: Barasat, Dist: North 24 Parganas, Pin: 700124, West Bengal.
3. Mr. Dipankar Bakshi & Others, 5/4, Mukherjee Para Road, Ward No:28, P.S.: Barasat, Dist: North 24 Parganas, Pin: 700124, West Bengal
4. The Special Secretary, Department of Environment, Govt. of W.B., 5th Floor, Pranisampad Bhawan, Block-LB-2, Sec-III, Bidhannagar, Kolkata- 700 106. This is in reference to his Memo No. 963-EN/1P-01/2021(Pt-III) dt. 26.05.2022.
5. The Executive Officer, Barasat Municipality, Rishi Bankim Chandra Road, Milanpally, Gupta Colony, Barasat, Kolkata, West Bengal, Pin: 700124.
6. The Officer in Charge, Barasat Police Station, KNC Road, Near Barasat Govt College, North 24 Parganas, Pin: 700124.
7. The General Manager, District Industries Centre-North 24 Parganas, Hatipukur Road, Office of the District Magistrate, P.O.+ P.S: Barasat, North 24 Parganas, Pin - 700124.
8. Chief Engineer (O & E Cell), WBPCB.
9. The Environmental Engineer & In charge, Barrackpore Regional Office, WBPCB.
10. The P.A. to the Member-Secretary, WBPCB.
11. Guard File.

  
Environmental Engineer, P.G. Cell,  
W. B. Pollution Control Board



All Communication to  
State Board should be addressed  
with Number Date and Subject.



WEST BENGAL POLLUTION CONTROL BOARD  
(Department of Environment, Government of West Bengal)  
Paribesh Bhawan, 10A, Block LA, Sector III, Bidhannagar  
Kolkata 106 (Near Beliaghata & E.M. BY PASS Crossing),  
Ph.: (033)2335 9088 / 8212, Fax: (033)2335-5272  
Internet: www.wbpcb.gov.in, Email:wbpcbnet@cal3.vsnl.net.in

Complain Docket No. PCB8894  
Memo No. 1894 - 5L/WPB-2024/B-4894

Dated: 27-05-2024

To

1. Biswakarma Associates  
2. Ramesh Enterprise  
5/1, Mukherjee Para Road, Barasat,  
PS: Barasat, Dist: North 24 Parganas,  
Pin: 700124, West Bengal.

Sub: Complaint related to Environmental Pollution

Sir/Madam,

Take notice that a complaint has been lodged against you/your unit/establishment for causing environmental problems.

Therefore, you are hereby informed to appear before the **Hearing Officer** of the Public Grievance Cell of State Board on 06-06-2024 at 12:45 PM at **Mani Square, Block/Space-8 IT on Western Side of 8th Floor, 164/1 Manicktala Main Road, Kolkata-700054**, with a copy of all statutory licenses including consent of the State Board, if any and status of Pollution Control System.

In case of non-appearance, the State Board may issue necessary regulatory order and take legal step against you/your unit/establishment considering the records kept and maintained by the State Board without any further notice.

Sd/-  
Sr. Scientist  
In-Charge - Public Grievance Cell

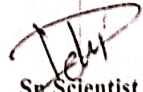
Memo No. 1894 - 5L/WPB-2024/B-4894

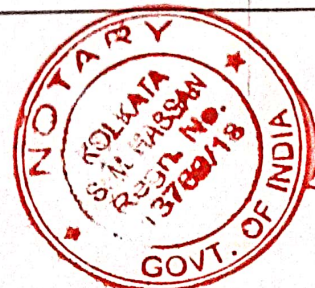
Dated:27-05-2024

Copy forwarded to:

1. Dipankar Bakshi  
5/4, Mukherjee Para Road, Barasat,  
PS: Barasat,  
Dist: North 24 Parganas,  
West Bengal

He/She/They is/are requested to remain in the hearing on the date and time mentioned above or send an authorized representative for the purpose.

  
Sr. Scientist  
In-Charge - Public Grievance Cell



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Annexure A-7



**LIFE**  
Lifestyle For  
Environment

**WEST BENGAL POLLUTION CONTROL BOARD**  
(Department of Environment, Govt. of West Bengal)

Mani Square, 8<sup>th</sup> floor  
Block / Space-8IT on Western Side,  
164 / 1, Maniktala Main Road, Kolkata-700054.  
Ph- 033-2202 3130, Website : [www.wbpcb.gov.in](http://www.wbpcb.gov.in)  
e-mail: [net.wbpcb-wb@bangla.gov.in](mailto:net.wbpcb-wb@bangla.gov.in)

Memo No. 5L/WPB-2024/B-4894

Dated: -2024

**PUBLIC GRIEVANCE CELL**

Complainant (s)	Respondent (s)
Dipankar Bakshi	1. M/s Biswakarma Associates- Prop: Subrata Dutta 2. M/s Ramesh Enterprise-Prop: Ramesh Shaw
Date: 06-06-2024	Time: 12:45 PM.

**RECORD OF PROCEEDINGS**

This proceeding has been initiated over a complaint registered on Grievance Redressal Monitoring Cell at the office of the Hon'ble Chief Minister on 15-04-2024 against almirah, grill manufacturing unit and one old gunny bag repairing shop, situated at 5/1, Mukherjee Para Road, Barasat, P.S.: Barasat, Dist: North 24 Parganas, Pin: 700124, West Bengal, allegedly causing noise and environmental pollution in the surrounding area during their operations.

Similar nature of complaints were previously dealt by this Public Grievance Cell of the State Board on 07/07/2022. Appropriate orders upon hearing of the parties passed earlier.

Since the complainant hammered similar nature of allegation against the respondents, and to deal it, the officials of Barrackpore Regional Office, WBPCB was asked to cause an inspection afresh and thereby on 07/05/2024 a report they submitted.

Excerpts from the inspection report are given below under head of their:

*For M/s Biswakarma Associates:*

**Observation:**

*There is a public complaint regarding noise pollution against the unit. This is a small unit located in a predominantly residential area under the Barasat Municipality. The unit is involved in manufacturing of different grill items e.g. grill window, fences, doors etc. from MS bars, steel sheets etc.*

*The unit utilizes one drilling machine, one small grinding machine, one cutting machine and one welding machine. Apart from these the unit uses a hammer.*

*As per the information provided by the unit representative, the unit operates only between 9 AM to 5 PM. He added that during hammering, cutting and other activities which cause considerable noise, the door of the unit remains closed.*

*Followings were observed during inspection-*

- 1. There is a gap of nearly 12 feet between the unit and the complainant's house. There is another house in between the unit and the complainant's house.*



2. The unit has installed a sliding door which remained closed during heavy hammering and MS bar cutting activities.
3. The unit and the complainant's house are located within a few meters from the Jessore Road, on which vehicles were plying regularly.
4. Noise monitoring was done three times-
  - i. once from just outside the unit on the municipal road while the activities of the unit were not operational, the noise level was found to be 73.89 dBA,
  - ii. once from inside the unit while the activities of the unit were operational, the noise level was found to be 82.56 dBA, and
  - iii. once from the complainant's house while the activities of the unit were operational, the noise level was found to be 73.18 dBA.

**Other Relevant Information:**

1. The same complaint was previously heard by the PG Cell, WBPCB, on 07.07.2022 and Record of Proceedings were released vide Memo No. 866-5L/WPB- 2021/B-2920 dated 14.07.2022.
2. The unit has installed a sliding door for reducing sound transmission and it was observed during inspection that no activity of the unit was being carried out in the open or on the municipal road.

**Remarks:**

1. The door of the unit should remain closed during heavy hammering and MS bar cutting activities and no activity of the unit should be carried out in the open or on the municipal road.

**For M/s Ramesh Enterprise:**

**Observation:**

There is a public complaint regarding dust pollution against the unit. This is a small unit located in a predominantly residential area under the Barasat Municipality. The unit is involved in godown activities involving used gunny bags made from jute and woven plastic.

The complainant alleged that the unit undertakes loading and unloading activity in the early morning and causes nuisance and disturbs sleep of the residents. He also alleged that the unit undertakes dusting of gunny bags and this causes considerable dust pollution in the area.

At the time of inspection, no activity of the unit was going on. The unit representative informed that only loading and unloading activity takes place at the unit. He added that earlier dusting and stitching of gunny bags used to be carried out in the unit but they stopped these activities after a direction was issued by the State Board.

**Followings were observed during inspection-**

1. There is a gap of nearly 8 feet between the unit and the complainant's house.
2. The unit and the complainant's house are located within a few meters from the Jessore Road, on which vehicles were plying regularly.

**Other Relevant Information they furnished:**

1. The same complaint was previously heard by the PG Cell, WBPCB, on 07.07.2022 and Record of Proceedings were released vide Memo No. 866-5L/WPB-2021/B-2920 dated 14.07.2022

2. At the time of inspection, no gunny bag repairing activity could be observed in the unit. No equipment or machinery required for such activity was found in the unit.

**Remarks they put as:**

1. The unit should not operate in the early morning to avoid any nuisance in the area.



Therefore, notice has been issued upon the parties above to hear out them this day, over the issue. Then one, Mr. Dipankar Bakshi, complainant and Mr. Subrata Dutta, proprietor of M/s Biswakarma Associate and Mr. Ramesh Shaw, proprietor of M/s Ramesh Enterprise, appeared in person.

During hearing the complainant submitted that they are suffering tremendously from noise and environmental pollution carried out by the respondent's unit. He alleged that the respondent unit is in a residential area and they do not take any measures given by the Public Grievance Cell of the State Board, previously.

During hearing respondent/M/s Biswakarma Associates submitted that there are so many small factories are situating beside his factory but the complainant out of jealousy lodging repeated complaint to harass him. He during hearing furnished a copy of their valid trade license, issued to them by the Barasat Municipality for the profession/trade of "Manufacturing of Grill." He also submitted a copy of old trade license of Barasat Municipality for the year 1987.

The respondent /M/s Ramesh Enterprise furnished a copy of their valid trade license, issued to them by the Barasat Municipality for the profession/trade of "Gunny Bag Sale" and explain the complaint as bogus and harassing in nature.

From the report we understand that the activity of Almirah, grill Manufacturing (Dry mechanical process and without painting operation) falls under "White" industrial categorization of WBPCB that the unit will not be required to obtain consent to establish/consent to operate of the State Board. But it does not mean that owner of M/s Biswakarma Associates need not adhere to curb probable pollution, taking measures to that effect. The noise level as found during inspection, due to operation of the unit exceeding the statutory limit as the unit situates in the residential area.

Considering the overall scenario, the contents of the inspection report and the submission of the complainant and respondent, we hereby note However, we found fit pass regulatory order to control the alleged noise and air pollution.

Accordingly, we direct the respondent/M/s Biswakarma Associates to:

1. *Avoid nuisance, as caused by generating noise, taking adequate noise control measures which may include, but not limited to, measures like installation of acoustic insulation panels, use of rubber pads, shifting of noise producing equipment's, ie. Cutting machine, so that sound does not travel outside the respondent unit beyond the permissible limit;*
2. *Always the door of the unit should remain closed during heavy hammering and MS bar cutting activities and no activity of the unit should be carried out in the open or on the municipal road;*
3. *Limit their manufacturing activities from 9AM to 7PM only with a proper recess time in between.*

The respondent is in liberty to take advice/ technical guidance to curb the noise pollution from our Regional Office at Barrackpore, if any.

There are no remarkable materials we find in the report against the respondent M/s Ramesh Enterprise to pass any regulatory direction. However, M/s Ramesh Enterprise shall put their effort at the time of handling the loading and unloading of gunny bag, so that dust arising out of it may not cause inconvenience to the neighbouring resident.



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-4-

The Executive Officer, Barasat Municipality, may be kept informed of this order passed by the State Board today.

The Officer in Charge, Barasat Police Station is requested to oversee the compliance of this order. In case of any violation of this order, he is at liberty to take necessary action in accordance with law.

Sd/-  
( Dr. D. Chakraborty )  
Sr. Scientist & Incharge, P.G. Cell

Sd/-  
[A. K. Choudhury, WBJS (Rtd.)]  
Hearing Officer

Sd/-  
( S. Barua )  
Asst. Environmental Engineer


Sd/-  
( S. Saren )  
Asst. Environmental Engineer

Memo No. 1337 (2) - 5L/WPB-2024/B-4894

Dated: 25-06-2024

Copy forwarded to:-

1. M/s Biswakarma Associates, 5/1, Mukherjee Para Road, Barasat, P.S.: Barasat, Dist: North 24 Parganas, Pin: 700124, West Bengal.
2. M/s Ramesh Enterprise, 5/1, Mukherjee Para Road, Barasat, P.S.: Barasat, Dist: North 24 Parganas, Pin: 700124, West Bengal.
3. Mr. Dipankar Bakshi, 5/4, Mukherjee Para Road, Barasat, P.S.: Barasat, Dist: North 24 Parganas, Pin: 700124, West Bengal.
4. The Additional Secretary, Environment Department, Govt. of West Bengal, Pranisampad Bhawan, 5th Floor, LB-2, Sec-III, Salt Lake, Kolkata-700106. *This is in reference to your mail dated 15-04-2024 regarding a complaint registered on Grievance Redressal Monitoring Cell at the office of the Hon'ble Chief Minister on 15-04-2024 by Mr. Dipankar Bakshi.*
5. The Executive Officer, Barasat Municipality, Rishi Bankim Chandra Rd, Milanpally, Gupta Colony, Barasat, Kolkata, West Bengal 700124.
6. The Officer in Charge, Barasat Police Station, Ashutosh Ghosh Rd, Gupta Colony, Barasat, Kolkata. West Bengal 700124.
7. The General Manager, District Industries Centre, North 24 Parganas, Hatipukur Road, Office of the District Magistrate, P.O. + P.S: Barasat, North 24 Parganas, Pin - 700124.
8. The OSD (O & E Cell), WBPCB.
9. The Environmental Engineer & In charge, Barrackpore Regional Office, WBPCB.
10. The P.A. to the Member-Secretary, WBPCB.
11. Guard File.

  
Asst. Environmental Engineer, P.G. Cell,  
W. B. Pollution Control Board





NOTA  
KALIA  
MANSUR  
Yash No.  
3788/18  
OF INDIA





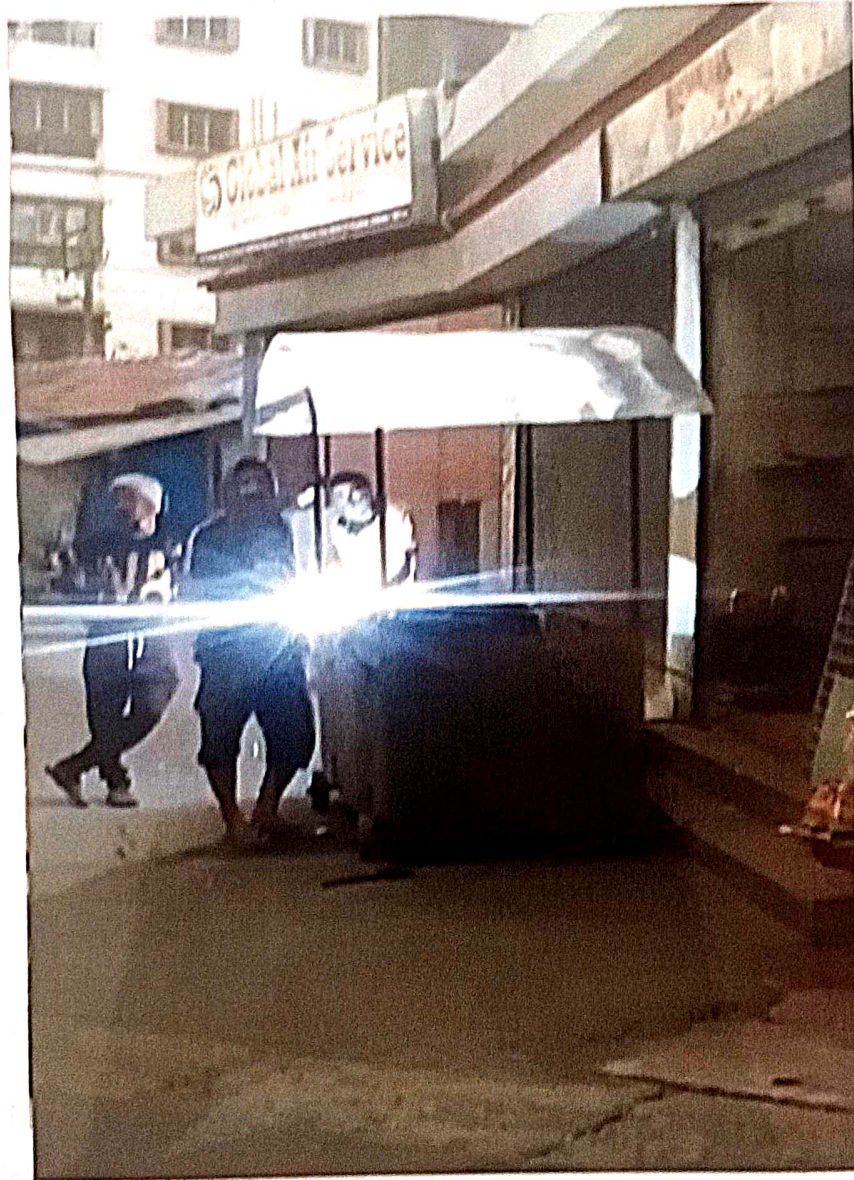
NOTARY  
KALKAATA  
S. HASSAN  
No. 13788/18  
T. OF INDIA













V A K A L A T N A M A

DIPANKAR BAKSHI

BEFORE THE NATIONAL GREEN TRIBUNAL, KOLKATA/EZ

O.A. No. of 2025/EZ

DIPANKAR BAKSHI

Plaintiff  
Petitioners

-Versus-

STATE OF WEST BENGAL & ORS.

Defendant  
Opposite Party

On behalf of APPLICANT

Know all men by these presents that by Vakalatnama I/We appoint the Advocates noted below or any of them my/our lawful Advocate or Advocates for filing the Memorandum of appeal or petition in the  
for entering Appearance

above matter for appearing in conducting and arguing the same, for depositing or withdrawing any money in connection therewith for moving the Court in any matter connected therewith, for preparing the paper book in the case and for putting in papers petitions etc. on my/our behalf for filing taking back any documents for withdrawing suits or appeals or petitions with permission to institute fresh suits etc. For signing and filing petitions of compromise in connections with said matter and for taking copies of paper form the Record and I/We further say that any act, done by my/one said Advocate or Advocates or by any of them after accepting this Vakalatnama, shall be considered as my/our true and lawful act.

And I/we further hereby agree and undertake to pay the said Advocates his or their fees are settled and all others sums that may be necessary to carry out the requisition of the Court and otherwise to enable the said Advocates to conduct property. Failing which the said Advocates after notice to me/us will be liberty to withdraw form the further conduct to the case.

IN WITNESS WHERE OF I/We sign and execute this Vakalatnama on this the 27<sup>th</sup> day on February 2025

NAME OF ADVOCATES

SAGARMAY GHOSH.  
Enrolment No. WB/92/2009.  
Mob No. 9433746410.  
e-mail ID - sagarmayadv@gmail.com.  
Bar Association, Room No. 6.  
The High Court at Calcutta.  
Kolkata - 700001.  
West Bengal.

