

BEFORE THE NATIONAL GREEN TRIBUNAL
EASTERN ZONAL BENCH, WEST BENGAL
FINANCE CENTRE, 3RD FLOOR,
NEW TOWN
MEMORANDUM OF APPLICATION
O.A. NO. OF 2025
APPLICATION UNDER SECTION 14 READ WITH SECTION 18 OF THE
NATIONAL GREEN TRIBUNAL ACT, 2010

IN THE MATTER OF:
National Green Tribunal Act, 2010:
And-

In the matter of :
Sonjit Kumar Kayal
.....Applicant

-Versus-
West Bengal Pollution Control Board
& Ors.
.....Respondents

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Dipankar Thakur
Rajarhat, Kolkata
Mob - 9434214268
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Nilanjana Pal
High Court Kolkata
Mob - 9433768756

(i)

SYNOPSIS

The applicant is placing the present application before this Hon'ble Tribunal, under section 14 read with section 2(m) of the National Green Tribunal Act, 2010, in respect of the illegal and unrestricted Pollution generating from a Chanachur factory operated by the Respondent no.5 without any valid licence and the use of cold fired mud oven for making Chanachur, within the said Compound, thereby causing immense air pollution in the entire area specifically the applicant's resident as they share same boundary.

(ii)

LIST OF DATES

22.11.2019	Complaint before the West Bengal pollution Control Board
17.01.2020	Hearing Concluded by Board
08.04.2023	Complaint as no action taken by Board
18.07.2023	Complaint made again by the applicant
14.08.2023	Notice by the applicant
29.09.2023	Representation
2023	Application before the NGT
12.02.2024	Order Passed by the NGT
2024	Writ petition filled before the Hon'ble High court
04.09.2024	Order Passed by the Hon'ble High Court
17.12.2024	Representation
March 2025	Application

**BEFORE THE NATIONAL GREEN TRIBUNAL
EASTERN ZONAL BENCH, WEST BENGAL
FINANCE CENTRE, 3RD FLOOR, NEW TOWN
MEMORANDUM OF APPLICATION**

O.A. NO. OF 2025

APPLICATION UNDER SECTION 14 READ WITH SECTION 18 OF THE
NATIONAL GREEN TRIBUNAL ACT, 2010

IN THE MATTER OF:

National Green Tribunal Act, 2010:

And-

In the matter of :

Sonjit Kumar Kayal, son of Late
Kundu Pada Kayal , 169/1-B, Haridas
Dutta Road, Ward No. 6, P.O. :
Joynagar-Majilpur, P.S. : Joynagar,
South 24 Parganas: 743337

.....Applicant

-Versus-

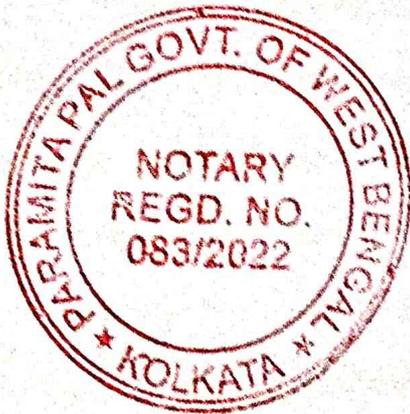
1. West Bengal Pollution Control
Board, Paribesh Bhavan, 10A, Block-
LA, Sector-III, Salt Lake City, Kolkata-
700106, West Bengal, service through
the Member Secretary, West Bengal
Pollution Control Board.

Email: -ms.wbpcb-wb@bangla.gov.in

2. The Chairman, West Bengal Pollution Control Board, Paribesh Bhavan, 10A, Block-LA, Sector-III, Salt Lake City, Kolkata-700106.
Email:chrmn.wbpcb-wb@bangla.gov.in

3. The District Magistrate, South 24 Parganas, 25, Belvedere Road, Alipore, Kolkata:700027.
Email: dm.s24pgs@gmail.com

4. Joynagar Majilpur Municipality, through the Executive Officer, 14, N.S.C.Road, P.O.: Joynagar Majilpur, P.S.: Joynagar, South 24 Parganas : 743337.
Email:municipalityjoynagarmajilpur@gmail.com



5. Arup Mondal proprietor of M/S. Maa Kali Food Product, 169/1C, Haridas Dutta Road, Hazipara, P.S.: Joynagar, South 24 Parganas : 743337.

.....Respondents

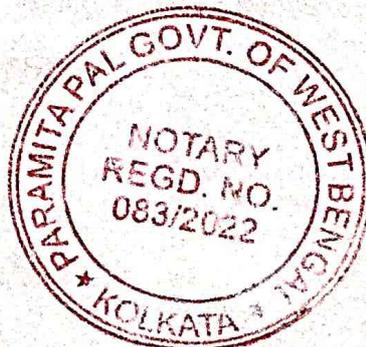
Smit Kumar Singh

Filed by
Adv. Smit Kumar Singh
Advocate

The humble application submitted by the applicant above named most respectfully-

Most Respectfully Sheweth :-

1. According to Section 2(C) of the National Green Tribunal Act, 2010, the term 'environment' means and includes "water, air and land and the inter relationship which exists among and between water, air and land and human beings, other living creatures, plants, micro-organism and property".
2. That Your applicant is the inhabitant of the place mentioned in the Cause Title above.
3. That the addresses of the respondents as stated above for the purpose of service of notice pertaining to the instant application. All the acts, actions and inactions of the respondent authorities are amenable to the jurisdiction of this Hon'ble Tribunal.
4. That the respondent no. 5 is illegally operating a Chananchur factory having its principal place of operating his business at 169/1C, Haridas Dutta Road, Hazipara, P.S.: Joynagar, South 24 Parganas : 743337 .



5. That the illegal Chanachur factory is using Coal Fired Mud Oven for carrying out their business without any pollution control.
6. That the applicant is a patient of Septoplasty and have underwent surgery several times before and during 2019. The factory is causing immense air pollution and the smoke emitted by such factory of the private respondent enters the house of the applicant which is hardly 4 feet away from the factory.
7. That the applicant is the immediate neighbour of the private respondent having only a distance of 4 feet from the house and the factory.
8. That the unrestricted Pollution generating from a Chanachur factory operated by the Respondent no.5 without any valid licence and the use of cold fired mud oven for making Chanachur, within the said Compound, thereby causing immense air pollution in the entire area specifically the applicant's resident as they share same boundary.
9. That the applicant had filed Complaint before the West Bengal pollution Control Board on 22.11.2019 and pursuant to the complaint a hearing was conducted on 17.01.2020, and on such date the Applicant was the sole participant and the respondent did not participate in such proceedings.

Sudhakar Prasad

Filed by
Abhishek Chakrabarty
Advocate

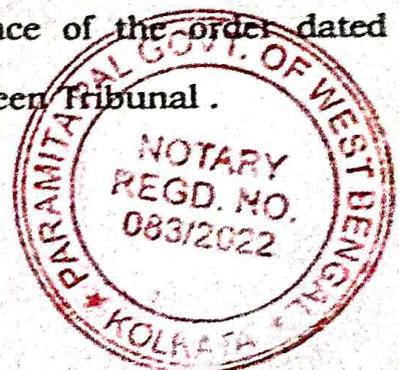
10. That on 18.02.2020 the applicant submitted a representation before the Board for taking further steps , as no such steps were taken by the Board after conducting the hearing on 17. 01. 2020.

11. That the smoke emitted from the coal fired kitchen of the illegal chanachur factory is entering the house of the applicant and constantly harming the health of the Applicant.

12. That the applicant had filed an application being O.A. No. 174 of 2023 and moved before the Hon'ble National Green Tribunal seeking for issuance of an interim injunction directing the respondent authority to take necessary steps to stop illegal operation of the Chanachur Factory of the private respondent. On 12. 02. 2024, the matter was taken up for consideration by the Hon'ble Tribunal and on the said date the Hon'ble Tribunal directed the West Bengal Pollution Control Board to take appropriate steps against the private respondent.

Photocopy of the O.A. No. 174 along with the order dated 12.02.2024, is annexed herewith and collectively marked as "A-1".

13. That the applicant finding no other alternative had moved before the Hon'ble High Court by filing a Writ Petition being W.P.A. No. 9423 of 2024, regarding the Non Compliance of the order dated 12.02.2024 passed by the Hon'ble National Green Tribunal .



By M. S. Prasad

Filed by
Adv. S. M. Chakrabarti
Advocate

Photocopy of the Writ Petition being W.P.A. No. 9423 of 2024, is annexed hereto and marked as "A-2".

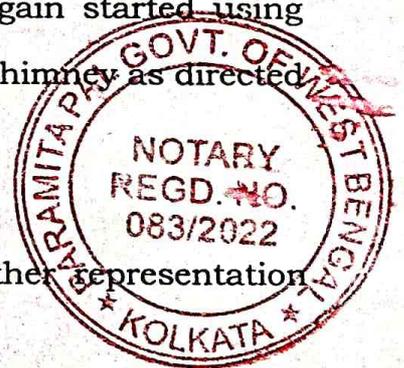
14. That the said Writ Petition was taken up for consideration by the Hon'ble Justice Shampa Sarkar on 04.09.2024, and on the said date, the Hon'ble Justice was pleased to dispose of the Writ petition by directing the pollution Control Board "to maintain a vigil and hold periodical inspections to ensure that the respondent no.4 operates in accordance with law."

Photocopy of the said order dated 04.09.2024 passed by the Hon'ble Justice Shampa Sarkar is annexed hereto and marked as "A-3".

15. That the applicant submits that initially for few days that the factory stopped using coal combustion but has again started using coal without taking necessary steps from erecting Chimney as directed by the Authority.

16. That your applicant had again made another representation before the Chairman of the Board on 17.12.2024.

Photocopy of the said representation dated 17.12.2024 is annexed hereto and marked as "A-4".



17. That the applicant states that the Chanachur Factory operates from 4:30 am to 10:30 pm by emitting smoke, Sulfur Dioxide, nitrogen oxides and Carbon Dioxide from coal combustions.

Photographs of such incidents are annexe hereto and marked as "A-5".

18. That inspite of several representation made, no such steps have been taken on behalf of the respondents to stop the illegal functioning of the Chanachur Factory which is creating immense air pollution in the entire area by emitting smoke, Sulfur Dioxide, nitrogen oxides and Carbon Dioxide from Coal Combustions.

19. That the respondent authorities have exceeded their jurisdiction and the powers vested in them under the statute by granting the Certificate of Consent to Operate in favour of the private respondent herein. It is respectfully submitted that the Chanachur Factory of the private respondent has been operating by using the Coal Fired Oven instead of Diesel Fired Oven and it is also the extreme violation of the terms and conditions of the Certificate of "Consent to Operate".

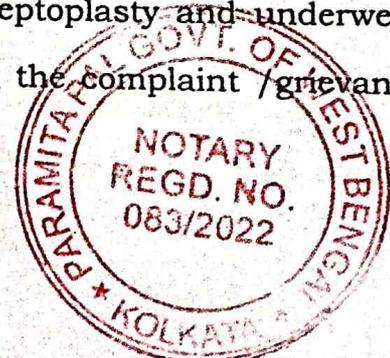
20. The applicant has made out a strong prima facie case in his favour. The balance of convenience and inconvenience is heavily in favour of the orders prayed for herein being passed.

22. Unless the orders prayed for herein are passed, your applicant shall suffer irreparable loss, injury and prejudice.

23. This application is made bona fide and for the ends of justice.

GROUNDS

- I. For that the respondents have failed and neglected to take proper steps to solve the serious problem of pollution which has already causing serious health issue of your petitioner along with his family as well as the entire locality.
- II. For that the respondents have failed and neglected to take any action to to stop the air pollution by the Chanachur Making factory
- III. For that the respondents have failed and neglected to protect the health, of the Petitioner and his adjacent area.
- IV. For that the respondents have failed and neglected to give any importance to this serious problem of health and safety of the poor petitioner who is patient of Septoplasty and underwent surgery several times by neglecting the complaint / grievance



Sanjit Kumar Singh

Filed by
Adv. Sanjay Chakraborty
Advocate

submitted before the W.B.P.C.B. dated 22.11.2019 and the application dated 17.12.2024.

V. For that the respondent have failed and neglected to main proper norms of the said factory to control pollution which is causing damage to the health of all the people in the said vicinity.

10. That this Hon'ble Tribunal has territorial jurisdiction to entertain the present application as the affected area is situated within the territorial jurisdiction.

11. That the cause of action continues day to day and hence the present application is not barred by limitation.

LIMITATION:

The instant matter does not fall under the scope of limitation since the cause of action as alleged herein this original application is continuous in nature.

PRAYERS:

It is therefore most humbly prayed that his Hon'ble Tribunal may direct -

- i) Direct the West Bengal Pollution Control Board to issue an Order of Closure with disconnection of Electricity against the

said Factory of the private respondent herein without further delay.

- ii) Mandatory injunction may kindly be granted directing the authorities concerned to stop the said Factory of the private respondent herein to run and/or operate the Chanachur manufacturing process.
- iii) Direct the West Bengal Pollution Control Board to cancel and/or withdraw the Certificate of the "Consent to Operate" issued in the name of the said unit of the private respondent herein for violation of the terms and conditions of the said Certificate under the provisions of the Air (Prevention and Control of Pollution) Act, 1981 and Water (Prevention and Control of Pollution) Act, 1974.
- iv) And / or pass such other order / orders and / or direction or directions as this Hon'ble Tribunal, may deem fit and proper for the ends of justice.

INTERIM PRAYER:

An order of ad interim injunction may be passed by the Hon'ble Tribunal against the operation of the said factory of the private respondent herein till the disposal of the instant application.

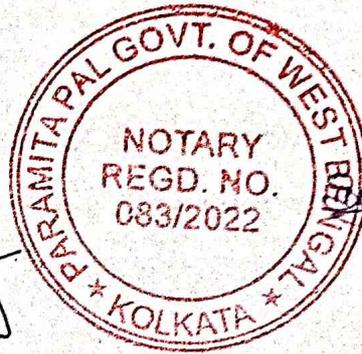
And for such act of kindness your applicants as in duty bound shall ever pray.

VERIFICATION

I, Sonjit Kumar Kayal , son of Late Kundu Pada Kayal , 169/1-B,
 Haridas Dutta Road, Ward No. 6, P.O. : Joynagar Majilpur, P.S,
 Joynagar, South 24 Parganas: 743337, aged about 58 years, by
 faith : Hindu, By Occupation: Business the applicant do hereby
 solemnly affirm and verify the contents of paragraph No. 1 to 11 are
 true to my knowledge and the rest are my respectful submission as
 per legal advice and that I have not suppressed any material facts. I
 sign this verification at my lawyer chamber on the 10 MAR 2025 day of
 March, 2025.

Prepared in my office

Advusnata Chakraborty
 Advocate



Sonjit Kumar Kayal

AFFIDAVIT

I, Sonjit Kumar Kayal, son of Late Kundu Pada Kayal, aged about 58 years, by faith Hindu, by occupation - Business residing 169/1-B, Haridas Dutta Road, Ward No. 6, P.O. : Joynagar-Majilpur, P.S. : Joynagar, South 24 Parganas: 743337,, do hereby solemnly affirm and state as follows :-

1. That I am the Applicant No.1 above named. I know the facts and circumstances of the above case. I am competent to sign and affirm this affidavit.

2. That the statements made in paragraphs 1 to 11 are true to my knowledge and the rest are my respectful submission before this Hon'ble Tribunal.

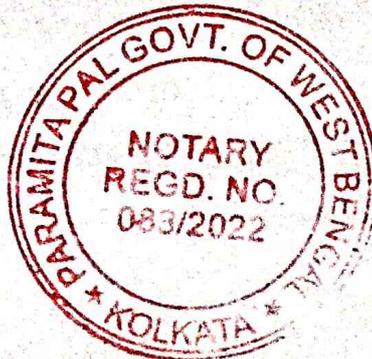
Prepared in my office

Advaisnata Chatteraborty
Advocate

Sonjit Kumar Kayal
DEPONENT

Identified by me
Identified by me

Advaisnata Chatteraborty
Advocate Advocate



Solemnly affirmed and declared
Before me on Identification
PARAMITA PAL
City Civil Court
Kolkata
Reg. No. 083/2022

10 MAR 2025

Annexure - A1
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-1-

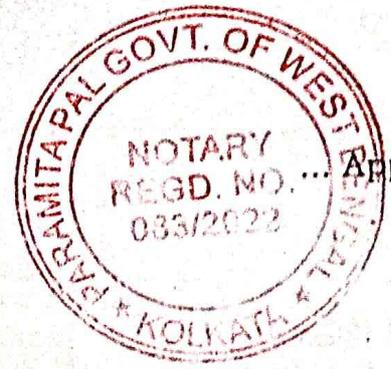
BEFORE THE NATIONAL GREEN TRIBUNAL
EASTERN ZONAL BENCH, KOLKATA, WEST BENGAL
FINANCE CENTRE, 3RD FLOOR, NEW TOWN
MEMORANDUM OF APPLICATION

[Under 18(1) read with Section 14 of the National Green Tribunal Act, 2010]

Original Application No. 174 of 2023

Between

Sonjit Kumar Kayal



Applicant

Versus

Department of Environment

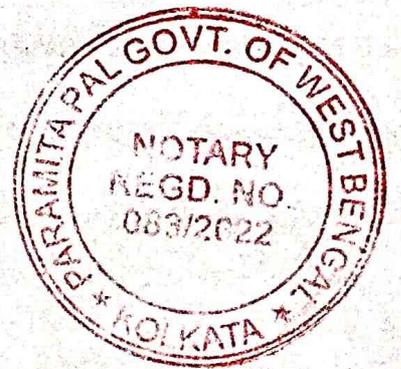
... Respondent

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PAUSHALI BANERJEE
 Advocate
 7A, Kiron Shankar Roy Road,
 Kolkata - 700001



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BEFORE THE NATIONAL GREEN TRIBUNAL
EASTERN ZONAL BENCH, KOLKATA, WEST BENGAL
FINANCE CENTRE, 3RD FLOOR, NEW TOWN

MEMORANDUM OF APPLICATION
[Under Section 18 (1) read with sections 14, of the National Green Tribunal Act, 2010]
Original Application No. 174 of 2023

Between:

Sonjit Kumar Kayal

.....Applicant

VS

Department of Environment

.....Respondent

SYNOPSIS

The applicant is the neighbour of the respondent no.4 and the factory of respondent no.4 is only four feet away from the house of the Applicant. Respondent no 4 operates the factory from his residence without any valid licenses and the use of coal fired mud oven for manufacturing chanachur and is creating immense air pollution in the entire area specifically as the applicant's residence is adjacent to the factory of respondent no.4, the applicant is severely effected

PAUSHALI BANERJEE
Advocate

7A, Kiran Shankar Roy Road,
Kolkata - 700001



BEFORE THE NATIONAL GREEN TRIBUNAL
EASTERN ZONAL BENCH, KOLKATA, WEST BENGAL
FINANCE CENTRE, 3RD FLOOR, NEW TOWN

MEMORANDUM OF APPLICATION

[Under Section 18 (1) read with sections 14, of the National Green Tribunal Act, 2010]
Original Application No. ~~17/11~~ of 2023

Between:

Sonjit Kumar Kayal

.....Applicant

VS

Department of Environment

.....Respondent

LIST OF DATES

	State Board initiated proceedings against respondent no4 based on the complaint of Applicant	<u>17/01/20</u>
	Complaint of the Applicant as no action was taken by State Board	<u>18/02/20</u>
	Complaint of the Applicant as no action was taken by State Board	<u>8/04/23</u>



	Complaint of the Applicant as no action was taken by State Board	<u>18/07/23</u>
	Complaint of the Applicant as no action was taken by State Board	<u>18/08/23</u>
	Notice given to Applicant by State Board	<u>14/08/23</u>
	State Board conducted a hearing when both applicant and respondent no.4 was present	<u>24/08/23</u>
	Further representation to the State Board by the Applicant	<u>29/09/23</u>

PAUSHALI BANERJEE
Advocate
7A kiran Shankar Roy Road,
Kolkata-700001



BEFORE THE NATIONAL GREEN TRIBUNAL

EASTERN ZONAL BENCH, KOLKATA, WEST BENGAL

FINANCE CENTRE, 3RD FLOOR, NEW TOWN

MEMORANDUM OF APPLICATION

[Under Section 18 (1) read with sections 14, of the National Green Tribunal Act, 2010]

Original Application No. 174 of 2023

Between:

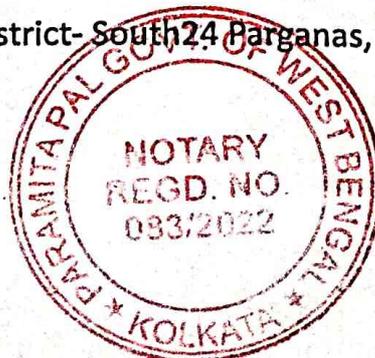
Sonjit Kumar Kayal, son of Kundu Pada Kayal , 169/1-B, Haridas Dutta Road, Ward no.6,
P.O. -Joynagar-Majilpur, P.S.-Joynagar, South24-Parganas-743337

.....Applicant.

AND

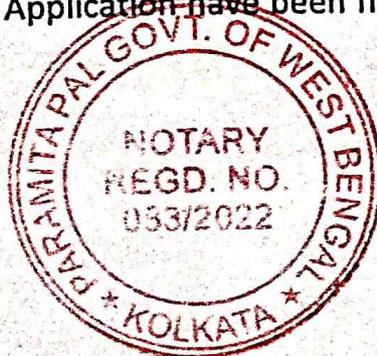
1. Department of Environment, through the Principal Secretary, 5th Floor, Pranisampad Bhawan, Block-LB-II, Saltlake, Sector-III, Kolkata-700106, email id- psecy.env-wb@gov.in
2. The West Bengal Pollution Control Board, Service Through the Chairman, Paribesh Bhawan, 10A, Block – LA, Sector – III, Bidhannagar, Kolkata – 700106 Email- chrnmn.wbpcb-wb@bangla.gov.in
3. Joynagar Majilpur Municipality, through the Executive Officer, 14 N.S.C Road, P.O. Joynagar, Majilpur, P.S. Joynagar, South 24 Parganas-743337. Email id- municipality. joynagar.majilpur@gmail.com
4. Arup Mondal proprietor of M/s Maa Kali Food Product, 169/1C, Haridas Dutta Road, Hazipara, P.S. Joynagar, District- South 24 Parganas, PIN 743337

..... Respondents



MOST RESPECTFULLY SHEWETH:

1. The applicant is a citizen of India having address as stated above for the purpose of service of notices pertaining to the instant application.
2. The addresses of the respondents are stated above for the purpose of service of notices pertaining to the instant application. All the acts, actions and inactions of the respondent authorities are amenable to the jurisdiction of this Hon'ble Tribunal.
3. The respondent no. 4 is the proprietor of a chanachur factory having their principal places of business as stated in the cause title above. The applicant is the neighbour of the respondent no.4 and the factory of respondent no.4 is only four feet away from the house of the Applicant. Respondent no 4 operates the factory from his residence without any valid licenses and the use of coal fired mud oven for manufacturing chanachur creates immense air pollution in the entire area specifically as the applicant's residence is adjacent to the factory of respondent no.4, the applicant is severely effected. Therefore this Application have been filed by the Applicant on the grounds set-out hereunder:



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4. FACTS IN BRIEF :-

(1) That the Applicant states that pursuant to the complaint dated 22/11/19 of the Applicant the respondent no.2 on 17/01/20 heard the Applicant. The record of proceedings of the respondent no.2 states that the respondent no.4 did not participate in the proceedings and eventually a direction of inspection was held. The copy of the proceedings dated 17/01/20 and complaint dated 22/11/19 are annexed herewith and marked as annexure A.

(2) That on 18/02/20 the Applicant submitted a representation before the respondent.no.2 to take further action in the matter as there were no steps taken by the respondent no.2 after the hearing the Applicant on 17/01/20. Copy of the letter dated 18/02/20 is annexed herewith and marked as annexure B.

(3) That your Applicant states that the Applicant is a patient of septoplasty and underwent surgery several times before and during 2019. The polluted environment and the smoke of the illegal chanachur factory of respondent no.4 enters the house of the Applicant as the distance between the illegal chanachur factory and house of the applicant is 3 meters.

(4) That your Applicant states that Sulphur Dioxide, Nitrogen Oxides and carbon Dioxide are emitted from coal combustion. The illegal Chanachur Factory is using coal fired mud oven without any pollution control devices within its residential



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premises to cause pollution. The smoke emitted from the coal fired kitchen of the illegal chanachur factory is entering the house of the Applicant and is effecting the health of the Applicant. The discharge certificate of the Applicant dated 17/10/19 is annexed herewith and marked as annexure C.

(5) That your Applicant states that the health of the Applicant is constantly deteriorating due to the pollution caused by the illegal Chanachur factory. The copy of prescription of the Applicant on 23/10/20 is annexed herewith and marked as annexure D.

(6) That your Applicant states that as no action was taken by the respondent no.2 the Applicant again submitted an representation dated 8/04/23 before the respondent no.2 urging respondent no.2 to take action against the illegal Chanachur factory. Copy of the Letter dated 8/04/23 is annexed herewith and marked as Annexure E.

(7) That your Applicant states that after several representations on 6th June 23, an inspection was carried out by the respondent no.2, but again no action was taken. The Applicant on 18/07/23 submitted another representation before respondent no.2 and sought details of the report of respondent no.2 regarding the inspection of the illegal Chanachur factory and the action taken by the respondent no.2, but to no avail. Copy of the representation dated 18/07/23 is annexed herewith and marked as Annexure F.



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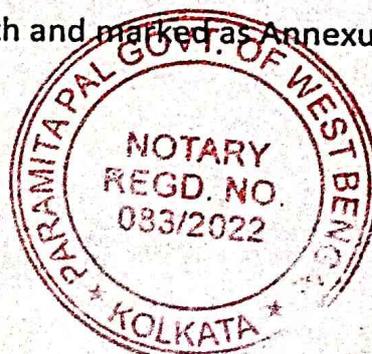
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(8) That the Applicant on 18/08/23 submitted another representation before respondent no.2 depicting the inaction on the part of respondent no.2. Copy of the letter dated 18/08/23 is Annexed herewith and marked as Annexure G.

(9) That the respondent no.2 sent a notice to the Applicant on 14/08/23 to appear before the respondent on 24/08/23 at 12.45 pm. Copy of the notice dated 14/08/23 is annexed herewith and marked as Annexure H.

(10) That the Applicant states that the applicant appeared before the respondent no.2 on 24/08/23. The record of the proceedings dated 24/08/23 brought on record the fact that the chanachur factory was operating illegally without any Consent from the State Board. It was directed by respondent no.2 that the respondent no. 4 can operate only with all statutory licenses and with proper pollution control device with cleaner fuel. Copy of the record of Proceedings dated 24/08/23 is annexed herewith and marked as Annexure I.

(10) That the Applicant states that on 28/08/23 the Applicant again submitted the representation before respondent no.2 stating that even after the directions of respondent no.2 on 24/08/23 the respondent unit that is the illegal chanachur factory is operating violating the Environment (Protection) Act 1986 and rule made thereunder and also the AIR(Protection and Control of Pollution) Act, 1981. Copy of the letter dated 28/08/23 is annexed herewith and marked as Annexure J



(11) That the Applicant states that on 29/09/23 the Applicant submitted representation to respondent no.2 and 3 submitting that the respondent unit have obtained a trade license for shop for snacks , but the unit is operating a chanachur factory illegally without any intervention from any of the respondent authorities. Copy of the letter dated 29/09/23 is annexed herewith and marked as Annexure H.

(12) That the Applicant states that the pollution created by the respondent unit is continuous and is tremendously effecting the health of the Applicant. The Applicant is annexing copy of the photographs as Annexure K to this application that depicts the picture of the violating unit flouting the the Environment (Protection) Act 1986 and rule made thereunder and also the AIR(Protection and Control of Pollution) Act, 1981.

5. GROUNDS

I. FOR THAT the respondent authorities failed to appreciate that the Applicant is a patient of septoplasty and underwent surgery several times before and during 2019. The polluted environment and the smoke of the illegal chanachur factory of respondent no.4 enters the house of the Applicant as the distance between the illegal chanachur factory and house of the applicant is 3 meters.

II. FOR THAT the respondent authorities failed to appreciate that the Applicant submitted a representation before the respondent no.2 to take further action in



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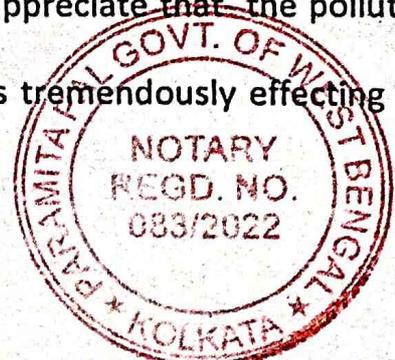
the matter as there were no steps taken by the respondent no.2 after the hearing the Applicant on 17/01/20.

III. FOR THAT the respondent authorities failed to appreciate that the record of the proceedings dated 24/08/23 brought on record the fact that the chanachur factory was operating illegally without any Consent from the State Board. It was directed by respondent no.2 that the respondent no. 4 can operate only with all statutory licenses and with proper pollution control device with cleaner fuel. But The respondent unit did not comply with any of the directions of the State Board.

IV. FOR THAT the respondent authorities failed to appreciate that even after the directions of respondent no.2 on 24/08/23 the respondent unit that is the illegal chanachur factory is operating violating the Environment (Protection) Act 1986 and rule made thereunder and also the AIR(Protection and Control of Pollution) Act, 1981.

V. FOR THAT the respondent authorities failed to appreciate that the respondent unit have obtained a trade license for shop for snacks , but the unit is operating a chanachur factory illegally without any intervention from any of the respondent authorities.

VI. FOR THAT the respondent authorities failed to appreciate that the pollution created by the respondent unit is continuous and is tremendously effecting the health of the Applicant.



VII. FOR THAT the absolute lackadaisical attitude demonstrated by the respondent authorities in protecting the environment, smacks of malafide attitude on their part

VIII. FOR THAT the inaction on the part of the respondent authorities in failing to prevent illegal felling of trees, is otherwise bad, illegal and can not sustain the test of legality.



6. LIMITATION:

The applicant declares that the cause of action in the instant case, accrues and continues from day-to-day. Such cause of action is renewing on a day-to-day basis and as such the question of applicability of the limitation prescribed in Section 14 (3) of the National Green Tribunal Act, 2010 does not arise.

7. Interim prayer:

Pending final disposal of the application the applicant seeks issuance of the following interim orders:

24-

a) An Interim order of Injunction directing the respondents and/or their servants and/or their employees and/or their agents to take stop ^{operation of} the illegal unit of respondent no.4, till the disposal of the instant application;

b) Ad-Interim order in terms of prayers (a) as above.



8. Prayer:

In view of the facts mentioned in paragraphs 4 & 5 above the applicant prays for the following reliefs :

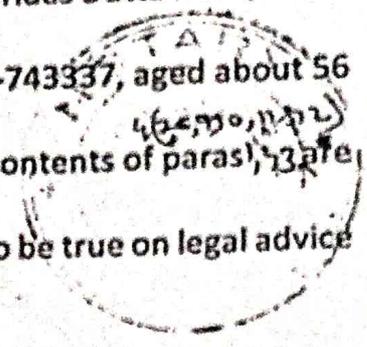
- a) Mandatory order do issue commanding the respondents each one of them and their men, agents, assigns and subordinates to certify and transmit to this Hon'ble Tribunal all records forming the basis of their inaction regarding illegal unit operated by respondent no.4, so that conscionable justice may be rendered ;
- b) Direct the respondents and/or their servants and/or their employees and/or their agents to direct closure order with disconnection of electricity of the illegal unit of respondent no.4 .

27

-16-

VERIFICATION

I, Sonjit Kumar Kayal, son of Late Kundu Pada Kayal, 169/1-B, Haridas Dutta Road, Ward no.6, P.O. -Joynagar-Majilpur, P.S.-Joynagar, South24-Parganas-743337, aged about 56 years, by occupation Business, do hereby verify that the contents of paras 1, 2, 3, 4, 5, 6, 7, 8, 9, 10, 11, 12, 13, 14, 15, 16, 17, 18, 19, 20, 21, 22, 23, 24, 25, 26, 27, 28, 29, 30, 31, 32, 33, 34, 35, 36, 37, 38, 39, 40, 41, 42, 43, 44, 45, 46, 47, 48, 49, 50, 51, 52, 53, 54, 55, 56, 57, 58, 59, 60, 61, 62, 63, 64, 65, 66, 67, 68, 69, 70, 71, 72, 73, 74, 75, 76, 77, 78, 79, 80, 81, 82, 83, 84, 85, 86, 87, 88, 89, 90, 91, 92, 93, 94, 95, 96, 97, 98, 99, 100 are true to my personal knowledge and paras 1 to 4 I verily believe to be true on legal advice and that I have not suppressed any material fact;

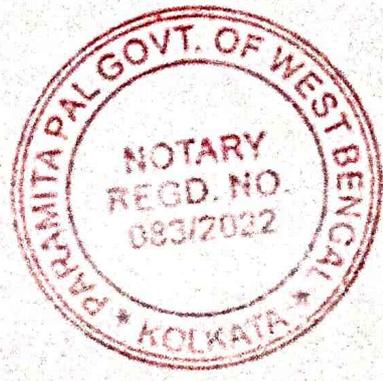


Sonjit Kumar Kayal
Signature of the applicant

IDENTIFIED BY ME
SIGNATURE BY
Pastor Banerjee
ADVOCATE

SOLEMNLY AFFIRMED AND DECLARED
BEFORE ME ON IDENTIFICATION

S.M. Hassan
S.M. HASSAN
NOTARY



Serial No. 09 dated 18/10/2023

28

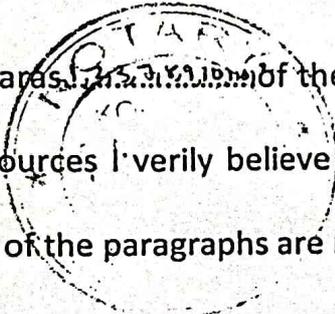
-17-

AFFIDAVIT

I, Sönjit Kumar Kayal, son of Late Kundu Pada Kayal , 169/1-B, Haridas Dutta Road, Ward no.6, P.O. -Joynagar-Majilpur, P.S.-Joynagar, South24-Parganas-743337, aged about 56 years , by occupation Business, do solemnly affirm and say as follows:

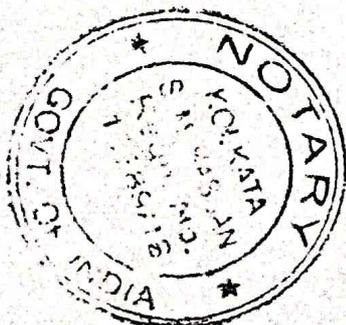
1. That I am the Applicant in this instant matter , I am affirming this Application.

2. That the contents of paras. 1, 2, 3, 4, 5, 6, 7, 8, 9, 10, 11, 12, 13, 14, 15, 16, 17, 18, 19, 20, 21, 22, 23, 24, 25, 26, 27, 28, 29, 30, 31, 32, 33, 34, 35, 36, 37, 38, 39, 40, 41, 42, 43, 44, 45, 46, 47, 48, 49, 50, 51, 52, 53, 54, 55, 56, 57, 58, 59, 60, 61, 62, 63, 64, 65, 66, 67, 68, 69, 70, 71, 72, 73, 74, 75, 76, 77, 78, 79, 80, 81, 82, 83, 84, 85, 86, 87, 88, 89, 90, 91, 92, 93, 94, 95, 96, 97, 98, 99, 100 of the Application are based on information and/or derived from sources I verily believe to be true. I have not suppressed any material facts; the rest of the paragraphs are my humble submissions



Sönjit Kumar Kayal
Signature of the applicant

IDENTIFIED BY ME
BY
Advocate



SOLEMNLY AFFIRMED AND DECLARED
BEFORE ME ON IDENTIFICATION

S. M. HASSAN
NOTARY

Ⓟ

Sri Samjit Kumar Karjal & Simrat Karjal

150/13, Hridaya Datta, Road

Po SPS, Jaj Nagar

Barid, 24 Parganas (S)

PIN - 743337

5



WEST BENGAL POLLUTION CONTROL BOARD

PARIBESH BHAWAN

1, B. E. ROY MANSION ROAD

SENA PALS, KOLKATA - 700 016



30

All communication to State Board should be addressed with Number, Date and Subject



WEST BENGAL POLLUTION CONTROL BOARD
Paribesh Bhawan, 10A, Block - LA, Sector III,
Salt Lake City, Kolkata - 700 106.
Ph.: (033)2335-8212/3913, Fax : (033)2335-8073
Website: [www.wbpcb.gov.in](#)

PUBLIC GRIEVANCE CELL

Complainant(s)	Respondent(s)
Sanjit Kumar Kayal & Sima Kayal	Arup Mondal/Aparna Mondal
Date : 17-01-2020	Time : 11-30 Hrs.

RECORD OF PROCEEDINGS.

Sri Sanjit Kayal and Smt. Sima Kayal, complainants appeared in person. Nobody appeared on behalf of the respondent unit.

State Board taken a serious view of the non-appearance of the respondent unit.

It is a complaint against a chanchur manufacturing unit allegedly causing air and sound pollution and environmental hazards.

Complainant states that they are suffering a lot due to activities of the respondent unit.

Considering the overall scenario and submission of the complainant, we are of the view that for proper adjudication of the matter, there should be an inspection by the State Board to ascertain the actual state of things in the said premises.

Hence, Environmental Engineer, Alipore Regional Office of the State Board is requested to cause an inspection and submit report for further action.

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

Sd/-
(B. Majumdar)
Environmental Engineer

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

Sd/-
(A.K. Bhunia, WBHJS)
Dist. Judge (Retd.)

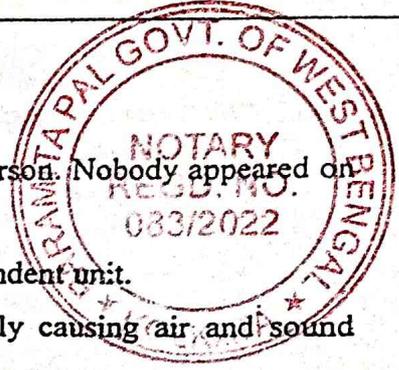
Later, Shri Arup Mondal, Proprietor of the respondent unit appeared at about 12-22 Hrs., and submits current trade licence in support of his business issued by Joynagar Mozilpur Municipality. The contents of the Record of Proceedings is read over and explained before him.

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

Sd/-
(B. Majumdar)
Environmental Engineer

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

Sd/-
(A.K. Bhunia, WBHJS)
Dist. Judge (Retd.)



31

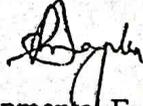
-2-

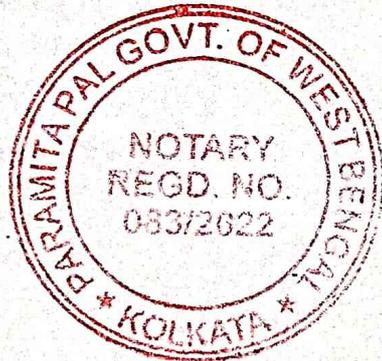
No. 260- -5L/WPB-2019/A-0059

Dated : 20-02-2020.

(2)
Copy forwarded to :-

1. Sri Arup Mondal/Aparna Mondal, 169/1C, Haridas Dutta Road, P.O. & P.S. Joynagar, Dist: 24-Parganas (S)-743337.
 2. Sri Sanjit Kumar Kayal & Sima Kayal, 169/1B, Haridas Dutta Road, P.O. & P.S. Joynagar, Dist: 24-Parganas (S)-743337.
 3. The Joint Director (P & S), Directorate of Micro, Small & Medium Enterprises, New Secretariat Buildings, 9th. Floor, A-Block, 1, Kiran Shankar Roy Road, Kolkata-700001. He is requested to circulate this Memo. through his good office to the concerned General Manager of the District Industries Centre, for taking necessary action, if any.
 4. The Environmental Engineer, Alipore Regional Office, WBPCB.
 5. The P.A. to the Member-Secretary, WBPCB.
 6. Guard File.
- Sl. No. 4 is requested to follow up matter.


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



Grievance Acknowledgement



West Bengal Pollution Control Board



* indicates mandatory Field



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

Registration No : 201900000020187



33

West Bengal Pollution Control Board
8th Floor, Mani Square, 164/1, Maniktala Main Road
Kolkata - 700054.

Sub:- Reminder of complaint against Arup Mondal S/o Sanjoy Mondal and Aparna Mondal w/o Arup Mondal of 169/1C, Haridas Dutta Road, ward No. -6, Joynagar Mojilpur, 24 Parganas (S), P.S. - Joynagar.

Ref:- EMIS-West Bengal Pollution Control Board. Complaint Registration No -201900000020187.

Dear Sir,

I am the resident of 169/1B, Haridas Dutta Road, ward No. - 6, Joynagar Mojilpur, 24 Parganas (S), P.S. - Joynagar, beside the house of the miscreant abovenamed and living there with my wife and 10 yrs^{old} son. I am a patient of breathing disorder and recently under went SEPTOPLASTY Surgery .

Said Arup Mondal and his wife are running and illegal "Chanachur factory" inside their house since some time and using machines that give out obnoxious gas that spread inside my house making it impossible to stay there.

As a result we are suffering from health disorder. In spite of our repeated request the said person are running their illegal factory and polluting the air of the locality so we urgently request you to take immediate steps to visit the factory and stop the pollution.

I have already registered a complain in your website as mentioned about and acknowledgement of which is annexed with this letter.

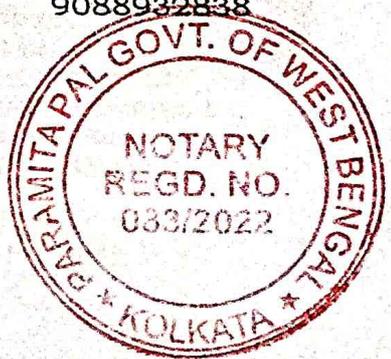
Yours faithfully

Sanjit Kumar Kayal
(SANJIT KUMAR KAYAL)

Ph- 9239396627
9088932838

Date - 22.11.2019 .

भारतीय डाक
EN575074900IN IVR:698737
SP KOLKATA GPO 700005
Counter No:12, 22/11/2019, 19:28 India Post
To: WBPCE, 164/1 MANIKTALA MAIN RD
PIN: 700054, Kankurgachi S.O
From: S K KAYAL, KOLKATA
Wt: 10gms
Est: 17.70 (Cash) Tax: 2.70
Track on www.indiapost.gov.in



34

To
The Senior Scientist & In-charge
Public Grievance Cell,
Pollution Control Board, Paribesh Bhawan
10A, Block-LA, Sector-III, Bidhannagar,
Kolkata - 700 106.

Date: 18-02-2020

Reference : Memo No. 0997 5L/WPB/2019/A-0059 dated 31/12/2019 addressed to Arup Mondal son of Sanjay Mondal, Aparna Mondal, W/o- Arup Mondal 169/1C, Haridas Dutta Road, Village/Town - Majilpur, Ward No. 6, P.O. + P.S.- Joynagar, Dist. South 24 Paganas, PIN - 743337. AND result of the hearing dated 17/01/2020 at Mani Square, Block 8 IT, 8th Floor, 164/1, Maniktala Main Road, Kolkata - 700 054.

Complainant :- Sanjit Kumar Kayal, S/o- Lt. Kundupada Kayal & Sima Kayal, W/o- Sanjit Kumar Kayal, 169/1B, Haridas Dutta Road, Village/Town - Majilpur, Ward No. 6, P.O. + P.S.- Joynagar, Dist. South 24 Paganas, PIN - 743337.

Respected Sir,

Pursuant to my complaint related to environmental pollution the above referred proceeding was drawn up by your office against the concerned violators.

The Matter was heard before your honour on 17th Jan, 2020 but no further development was intimated to me nor was any notice issued for inspection of the site.

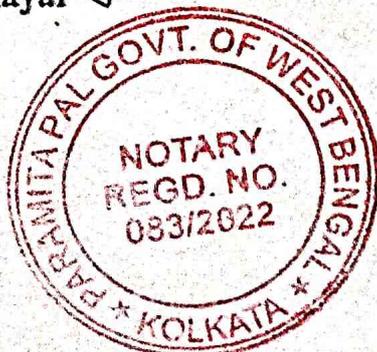
I humbly understand and believe that being seriously affected by and aggrieved of the pollution caused by the miscreants named above I have lodged the complaint as such I have a reasonable right to be informed of the result of the hearing as also any enquiry over the subject.

Request you to kindly look into the matter as I am helplessly looking towards your department for reparation of my complaint.

The opposite parties are continuing their acts of illegal pollution till date.

Yours faithfully,

Sanjit Kumar Kayal
Sanjit Kumar Kayal



भारतीय डाक
EN427448310IN IVR:69874274483
SP: KOLKATA GPO -700001
Counter No:10, 18/02/2020, 18:13 India Post
To: SR SCIENTIST, POLLU. CONTROL B.
PIN: 700106, Bidhan Nagar IB Market S.O
From: SANJIT KR K, HARIDAS D. RD
Wt: 10gms
Amt: 17.70 (Cash) Tax: 2.70
<Track on www.indiapost.gov.in>

35

Annexure - e
DEPARTMENT OF HEALTH AND FAMILY WELFARE
GOVERNMENT OF WEST BENGAL
DISCHARGE

Discharge Certificate/Left Against Medical Advice Medical College and Hospital, Kolkata
88, College Street, Kolkata-700073 Page No. : 1
(PH:0)

Discharge No. : Date of Discharge : Time : Patient Category : Free / Paying / Cabin

Patient Name : Sex : Age : Yrs. Months Days

Patient Srl. No. : Patient Registration No. Admission Date 52 0 0
Address : SANJIT KAYAL Male [17-10-2019] [2:40 PM]

Municipality / Village : PA1900078231 Post Office : MCHK/RG1900078231 District :
Police Station : Nationality : Religion : BOW BAZAR
State : 16 COLLEGE STREET India Husband's Name : Kolkata
Father's Name : Muchipara Phone/Mobile No. : Hindu
Doctor/Unit : West Bengal LT KUNDU PADMAWATI Ward Name :
Bed No. : DR. S. DAS/DR. P. GHOSH/DR. M. DUTTA 9088932838
Final Diagnosis : PROF. RAMANUJ SINHA ENT EZRA

Referred To : Referred Out Case Date Time Reason :
Free

A. In case of Confinement
Delivery Date & Time : Mode Of Delivery : ND/ECL/LUCS/With Forceps/Without Forceps
Delivery Status : No. Of Child : Antenatal Care Taken : Yes / No.

B. In case of Surgery
Surgery Date & Time : Type of Surgery :
Surgery Status :
Anesthesia Details :
Details of Baby
Birth Date : Birth Time :
Disc No. : Sex :
Birth Wt. :

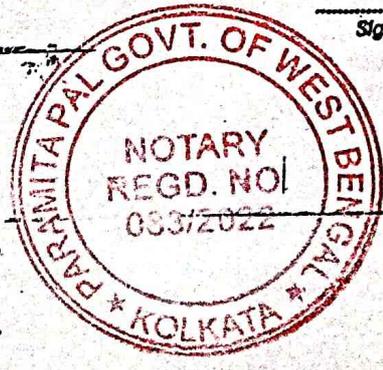
D. Investigation Done
Test Name : Comments :

E. Medicine Details
Medicine Name : No. of Days : Comments :
F. ADVICE

Baby Checked and Discharged :
Signature :
Date : Time :

Counter Signature of the Visiting Staff

Signature of the Medical Officer



36

DEPARTMENT OF HEALTH AND FAMILY WELFARE
GOVERNMENT OF WEST BENGAL

PLEASE SHOW YOUR PHOTO ID AT THE TIME OF ADMISSION
Medical College Hospital, Kolkata
88, College Street, Kolkata-700073
(PH:0)

User Name : SUMON GHOSH

Patient's Name : SANJIT KAYAL
Sex : Male Age : 32 Yrs. 0 Months 0 Days
Patient Sri. No. : MCHK/201900923971 Admision Date : 17-10-2019 Admision Time : 12:40 PM Patient Category : PAYING/CABIN/GENERAL

Registration No. : ENT EZRA Ward : Bed No. 421 Patient Type : OPD/ER
Address : 16 COLLEGE STREET Municipality / Village : Shigara Post Office : BOW BAZAR PIN : 700012
Police Station : West Bengal State : India District : Hindu Religion :
Nationality :
Address for Communication :

Marital Status : Married Patient's Occupation :
Father's Name : LT KUNDU PADA KAYAL Husband's Name : 9088932838
Brought By : SCUMEN KAYAL Phone / Mobile No. :

Doctor/UNIT : UNIT 1C (ENT) / DR.S.GAS/DR.BCHOSH/DR.M.DUTTA/PROF.RAMANUJ SINHA
Whether Referred From :
Provisional Diagnosis :

[Handwritten Signature]
Medical College Hospital
Kolkata

Signature of Admitting Officer
Designation

Serial No. : Diary No. :

Specify if it is a cause of accident/ Suicide/Homicide	How Injury Occurred	Specify the place of Injury Home/Farm Factory / Street / Others	Whether Injury occurred while at work Specify by Yes / No.

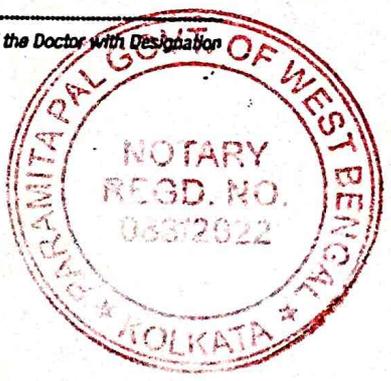
(To be filled in BLOCK LETTERS at the end of Hospital Stay)

- (a) Outcome : Discharged/Left Against Medical Advice / Absconded / Referred out / Death
- (b) Final Diagnosis or Injury
- (c) Principal Complications
- (d) Principal Associated Diseases

Stay in Hospital (in days) From to 10/17/2019 12:53 PM
Date and Hour of Death at Hrs

Counter Signature of the Visiting Staff / Medical Officer
Regn. No.

Signature of the Doctor with Designation
Regn. No.



32

UNIT 1A
E.N.T., M.C.H., KOLKATA
WEDNESDAY & SATURDAY

বৃহস্পতি ও শনিবার

User Name : DIPAK DUTTA
Post Number : 2

ENT OPD 170 DEPARTMENT OF HEALTH & FAMILY WELFARE
GOVERNMENT OF WEST BENGAL
Medical College and Hospital, Kolkata
88, College Street, Kolkata-700073

(PH.O)

Name : SANJIB KUMAR KOYAL Day : Saturday
 Sex : Male Age : 53 Yrs. 0 Months 0 Days Reg. No. : MCHK/RG2100472733
 Ref. From : [MCHK/OR2100392842] Reg. Date : 02-10-2021
 Card No. : MCHK/OR2100392842

Visit No. : 1 Department : ENT OPD Visit Date : 02-10-2021 Time : 12:35PM
 Doctor / Unit Name (DOW) : PROF. SUBRATA MUKHOPADHYAY/Dr. Dr. Bijan Adhikary/Dr. Dr. Subhrajit Das/Dr. Dr.
 Room No. : S.E. Azgaonker Entry No. :

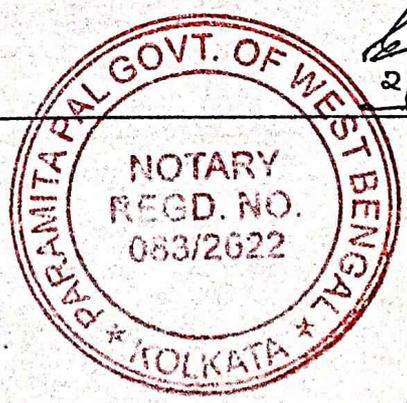
Visit No. : 2 Visit Date : Tm. Department : Doctor/Unit : Entry No. : 23 OCT 2021	10 Visit No. : 3 Visit Date : Tm. Department : Doctor/Unit : Entry No. :	Visit No. : 4 Visit Date : Tm. Department : Doctor/Unit : Entry No. :
---	---	---

Clinical Notes	ADVICE
<p>Flu/c of Revision septoplasty ⊕ ⊖ Int. turbinoplasty ↓ GA CPD - Headache and sneezing</p>	<p><u>Adv</u></p> <ul style="list-style-type: none"> - Steam inhalation & nasal - T-Levocetizine (5) - 1 tab ODHS x 20 days - F-PLD (650) - 1 tab BOPC x 5 days - N/A Xylometazoline (0.1%) 2° TDS x 10 days - T-Coamoxclav (625) 1 tab TDS x 5 days - T. Pantoprazole (40) - 1 tab ODAC x 5 days - Review - B/f serum IgE - Review & reprints after 3 weeks

Medical College, Kolkata
Central Laboratories
9/10/21

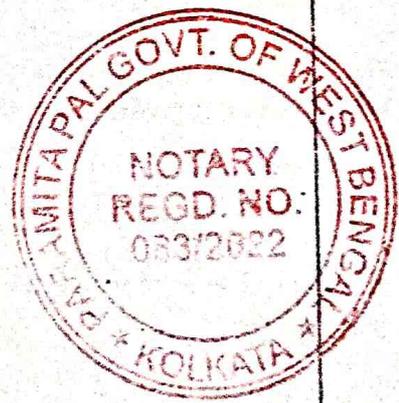
1 of 1

10/02/2021 12:48 PM



DEPARTMENT OF HEALTH & FAMILY WELFARE
GOVERNMENT OF WEST BENGAL
OPD Patient Card

Clinical Notes	ADVICE
<p>123 OCT 2021</p> <p>Frontal Headache.</p> <p>No PMs tenderness.</p>	<p>1. T. paracetamol - 1 tab sos.</p> <p>2. T. levocetastin - 1 tab sos x 10d</p> <p>3. N6 X40 - 20 tabs x 10d nostris</p> <p>7d.</p> <p><i>[Signature]</i></p> <p>23/10</p>



39

Dated : 08/04/2023

To

The West Bengal Pollution Control Board
8th Floor, Mani Square, 164/1, Maniktala Main Road
Kolkata-700054.

Sub- Complaint against (1) Arup Mondal s/o Sanjay Mondal and
(2) Aparna Mondal w/o Arup Mandal of 169/1C, Haridas Dutta Road, ward No.
6, Joynagar Mojilpur, 24 Parganas (S), P.S. Joynagar.

- Ref- a) My Complaint dated 22-11-2019
b) -EMIS-West Bengal Pollution Control Board Complaint Registration No-
201900000020187.
c) Notice of this office dated 31-12-2019
d) Hearing and Order dated 17-01-2020 directing the Environmental
Engineer at Alipore to cause enquiry.
e) My reminder dated 18-02-2020

Dear Sir,

I am a patient of breathing disorder and recently underwent SEPTOPLASTY
Surgery. I have documents in support of my disease.

I am the resident of 169/1B, Haridas Dutta Road, ward No. 6, Joynagar Mojilpur, 24
Parganas (S), P.S. Joynagar, beside the house of the miscreant above named and living
there with my wife and 10 yrs. Said Arup Mondal and his wife are running and illegal
Chanachur factory "inside their house since some use and using machines that give
out obnoxious gas that spread inside my house making it impossible to stay there. As
a result we are suffering from health disorder. In spite of our repeated request the said
person are running their illegal factory and polluting the air of the locality so we
urgently request you to tackle. I have been running post to pillar including your office
since last 3 years for stoppage of the illegal pollution but till date nothing has
progressed.

In the hearing in c/w with Memo No. 0997 5L/WPB/2019/A-0059 dated
31/12/2019 the respected Scientist after hearing dated 17/01/2020 at Mani
Square, Block 8 IT, 8th Floor, 164/1. Maniktala Main Road. Kolkata-700 054 has
directed for an enquiry report from the Environmental Engineer at Alipore but not
step has been taken.

I humbly pray please do something positive otherwise I may die of the pollution
disease. The Chanachur Factory owner is continuing their acts of illegal pollution till
date.

Yours faithfully,

Sanjit Kumar Kayal

Sanjit Kumar Kayal
(phone No. 9239396627 / 9088932838)

Encl.- Six copies (Complaint Petition & Hearing copies)

Copy forwarded to :-

1. The Environmental Engineer, Alipur Police Line, Alipur, Kolkata-700027



40

To
The Environmental Engineer
5th Floor, Minority Bhavan,
Viplabi Kanallal Bhattacharya Sarani,
Alipore Police Line, Alipore, Kolkata,
West Bengal 700027.

Dated : 08/04/2023

Sub- Complaint against (1) Arup Mondal s/o Sanjay Mondal and (2) Aparna Mondal w/o Arup Mandal of 169/1C, Haridas Dutta Road, ward No. 6, Joynagar, Mojlipur, 24 Parganas (S), P.S. Joynagar.

- Ref:- a) My Complaint dated 22-11-2019
b) EMIS-West Bengal Pollution Control Board Complaint Registration No- 201900000020187.
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Dear Sir,

I am a patient of breathing disorder and recently underwent SEPTORLASTY Surgery. I have documents in support of my disease. I am the resident of 169/1B, Haridas Dutta Road, Ward No. 6, Joynagar Mojlipur, 24 Parganas (S), P.S. - Joynagar, beside the house of the miscreant above named and living there with my wife and 10 yrs. Said Arup Mondal and his wife are running an illegal Chanachur factory "inside their house since some use and using machines that give out obnoxious gas that spread inside my house making it impossible to stay there. As a result we are suffering from health disorder. In spite of our repeated request the said person are running their illegal factory and polluting the air of the locality so we urgently request you to take I have been running post to pillar including your office since last 3 years for stoppage of the illegal pollution but till date nothing has progressed.

In the hearing in c/w with Memo No. 0997 5L/WPB/2019/A-0059 dated 31/12/2019 the respected Scientist after hearing dated 17/01/2020 at Mani Square, Block 8 IT, 8th Floor, 164/1. Maniktala Main Road. Kolkata-700 054 has directed for an enquiry report from the Environmental Engineer at Alipore but no further progress has happened.

I humbly pray to please do something positive, otherwise I may die of the pollution disease. The Chanachur Factory owner is continuing their acts of illegal pollution till date.

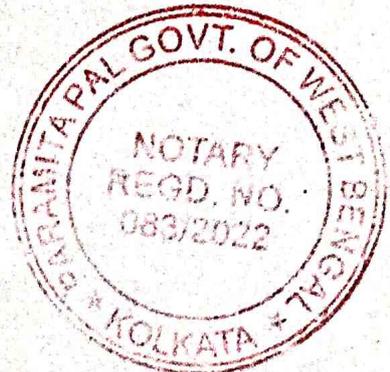
Yours faithfully,

Sanjit Kumar Kayal

Sanjit Kumar Kayal
(Contact No. 9239396627 / 9088932838)

Encl.:- Six copies (Complaint petition & Hearing copies)

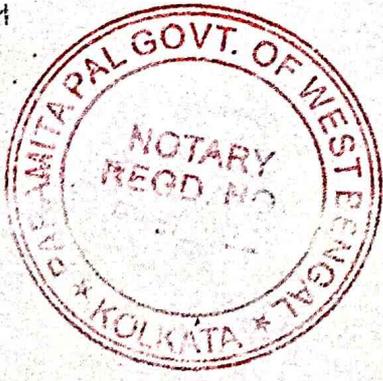
Copy forwarded to :-
The West Bengal Pollution Control Board



EW369565892IN IVR:69873695658 भारतीय डाक
 SP KOLKATA GPO (700001)
 Counter No:9,08/04/2023,20:01
 To:THE V B PILLU,
 PIN:700054, Kanburgachi SO
 From:SONDIT KR KAYAL, JOYBAGAR
 Wt:50gms
 Amt:17.70(Cash)Tax:2.70
 (Track on www.indiapost.gov.in)
 (Dial:18002866868) Clear Masks, Stay Safe



EW369565901D4 IVR:69873695659 भारतीय डाक
 SP KOLKATA GPO (700001)
 Counter No:9,08/04/2023,20:01
 To:THE ENOJIMOVE, ALIPORE
 PIN:700027, Alipore HO
 From:SONDIT KR KAYAL, JOYBAGAR
 Wt:50gms
 Amt:17.70(Cash)Tax:2.70
 (Track on www.indiapost.gov.in)



42

Dated : 18/07/2023

To
The Environmental Engineer 5th Floor,
Minority Bhavan,
Viplabi Kanailal Bhattacharya Sarani,
Alipore Police Line, Alipore, Kolkata,
West Bengal -700027

Sub- Complaint against (1) Arup Mondal s/o Sanjay Mondal and
(2) Aparna Mondal w/o Arup Mandal of 169/IC, Haridas Dutta
Road Joynagar Mojilpur, 24 Parganas (S), P.S. - Joynagar.

Ref: My reminder letter dated 08-04-2023 and subsequent local
inspection on 6/6/2023.

Dear Sir,

Pursuant to my letter referred above, an enquiry at the place of occurrence
was carried out on 6th June 2023 by an inspector of your office namely
Niranjan Mondol.

In spite of such inspection no step has been taken at your end till date as such
the illegal factory (manufacturing of Snacks, chanachur, jhuri, nimki and
accessories) is continuing its operation and creating pollution at the locality.

I request you to kindly give details of the report and take necessary legal steps
immediately otherwise I will have no alternative except moving before the
higher authority as well as the Honorable High Court against the inaction of
the concerned Environmental Engineer.

Thanking you,

Yours faithfully,

Sonjit Kumar Kayal

(Sonjit Kumar Kayal)

Mobile : 9239396627 /9088932838



Copy forwarded to :-

- i) The West Bengal Pollution Control Board, Paribesh Bhaban.

43

Date : 18/08/2023

To
The West Bengal pollution Control Board
8th Floor, Mani Square,
164/1, Maniktala Main Road,
Kolkata 700054.

Sub : Inaction on part of Sri Tapan Kumar Biswas, Environmental Engineer, 5th Floor, Minority Bhavan, Biplabi Kanailal Bhattacharya Sarani, Alipore Police Line, Alipore, Kolkata - 700027, W.B.

Ref : My reminder letter dated 08-04-2023, local inspection on 6/6/2023, and reminder letter dated 18/7/23 in respect of Complaint against pollution and illegal chanachur and accessories factory in residential area, run by (1) Arup Mondal, s/o. Late Sanjay Mondal and (2) Aparna Mondal w/o Arup Mandal of 169/IC, Haridas Dutta Road, Joynagar Mojilpur, 24 Parganas (S), P.S. Joynagar, Pin - 743337.

Dear Sir,

Pursuant to the enquiry at the place of occurrence carried out on 6th June 2023 by an inspector namely Niranjana Mondol, I have followed up with the said Env. Engineer, WBPCB at Alipore, repeatedly but it appears that neither the inspector nor the said engineer is reluctant to take any action against the miscreants.

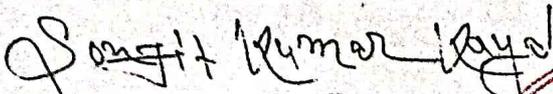
As a result of such inaction on the part of the concerned WBPCB, the illegal factory of chanachur and accessories is continuing its operation and creating pollution at the locality.

I request you to kindly look into the matter and take immediate steps as the situation is serious and causing material damage to my health as I am suffering from septoplasty disease.

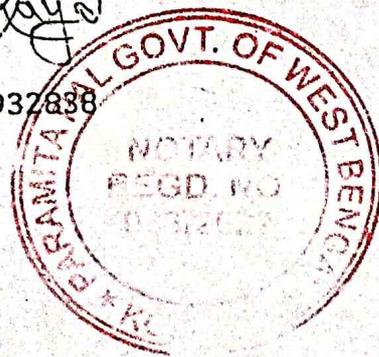
I am surprised and shocked to see the extreme negligence on the part of the concerned officers of WBPCB and request your good self to take the matter as urgency and issue directions as may be necessary to stop the pollution as referred above.

Thanking you,

Yours faithfully,


(Sonjit Kumar Kayal)
Mob : 9239396627 / 9088932838

Encl : Annexure : I to VIII.



EW418966585IN IVR:6997418966585
SP KOLKATA GPO <700001>

Counter No:9,18/08/2023,19:44

To:THE WB POLLUT.PARIBESH BHAVAN

PIN:700106, Bidhan Nagar IB Market SO

From:SONJIT KU K,169/1-B HARIDAS

Ht:44gms

Ant:17.70(Cash)Tax:2.70

<Track on www.indiapost.gov.in>

<Dial 18002666868> <Wear Masks. Stay Safe>



44

44

SPEED POST

TO SONALI KUMAR KANAL

169/1B, HARI DAS DUTTA ROAD

PO - DYNNAGNAR MAJILPUR, B

PS - JOYNAGNAR DIST - 24 PARAGANAS (S)

PIN-743337 W.O.B

W. M.B.C. KOL. 64
SPEED POST
PIN CODE 700054

ST

If undelivered, please return to:

WEST BENGAL POLLUTION CONTROL BOARD

Main Square, Block No. 8/17, 8th Floor

164/1, Manicktala Main Road,

Kolkata-700 054



Post mark - Kolkata
Date: 15.02.2025
Time: 12:17 PM

65

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. PCB7704
Memo No. 704 - 5L/WPB-2023/A-3704

Dated: 14-08-2023

To
Arup Mondal & Others
169/1B, Haridas Dutta Road,
PO: Joynagar SO, PS: Joynagar,
Dist: South 24 Parganas, Pin: 743337,
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 State Board on 24-08-2023 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 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. 704 - 5L/WPB-2023/A-3704

Dated:14-08-2023

Copy forwarded to:

1. Sonjit Kumar Kayal, 169/1B, Haridas Dutta Road, PO: Joynagar Majilpur SO, PS: Joynagar, Dist: South 24 Parganas, Pin: 743337, 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 Sr. Environmental Engineer & In-charge, Allpore Regional Office: He is requested to cause an inspection and submit the inspection report of chanachur manufacturing unit of Arup Mondal & Others before the date of hearing.

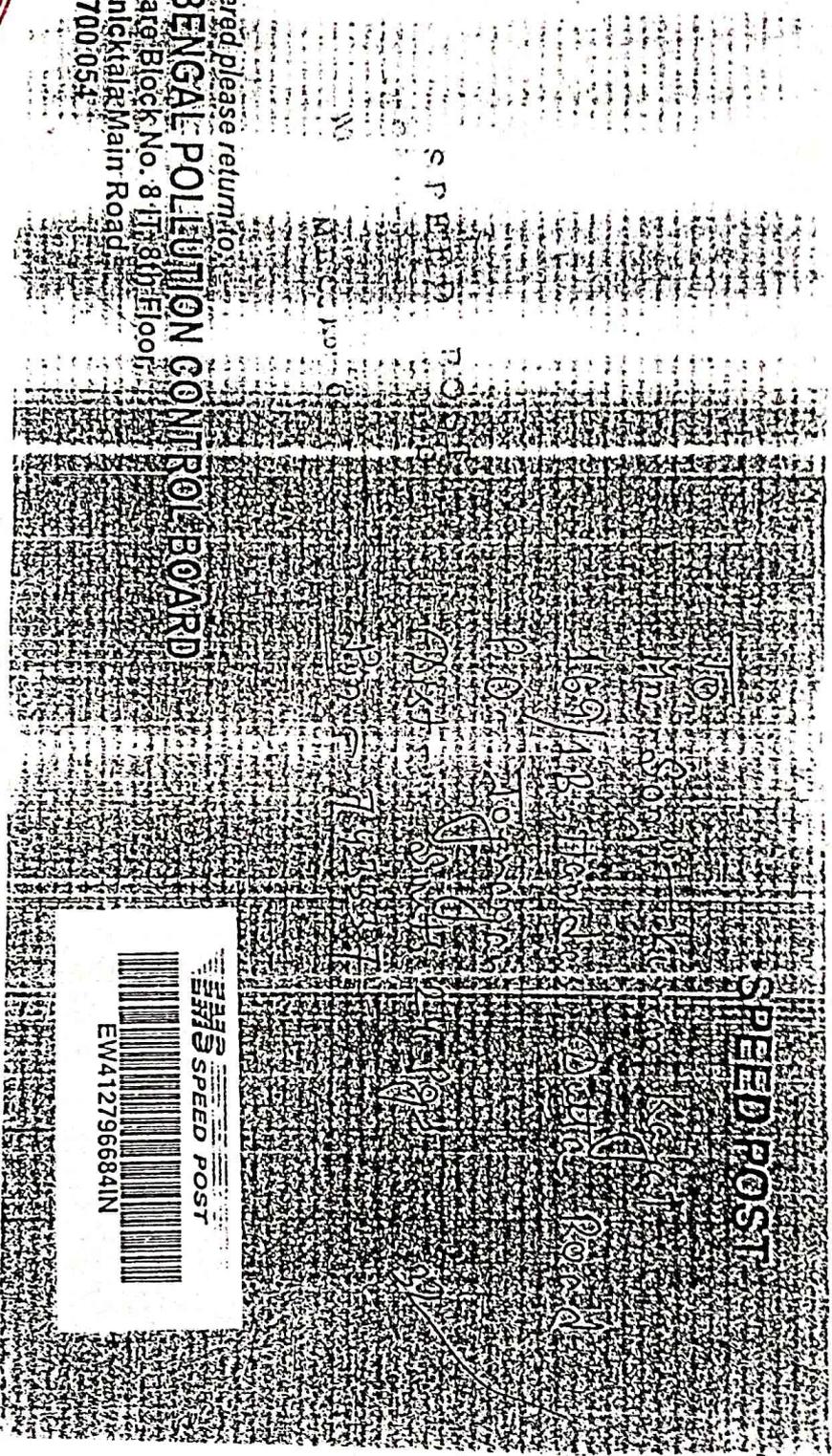



Sr. Scientist
In-Charge - Public Grievance Cell

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.



If undelivered, please return to:
WEST BENGAL POLLUTION CONTROL BOARD
Main Square Block No. 8 II, 8th Floor,
164/1, Manickalaj Main Road
Kolkata - 700 054



46

42



WEST BENGAL POLLUTION CONTROL BOARD
(Department of Environment, Govt. of West Bengal)
Mani Square, 8th floor
Block / Space-8IT on Western Side,
164 / 1, Maniktala Main Road, Kolkata-700054.
Ph- 033-2320 0042, Website: www.wbpcb.gov.in
e-mail: net.wbpcb-wb@bangla.gov.in

Memo No. SL/WPB-2023/M-3704

Dated: -2023

PUBLIC GRIEVANCE CELL

Complainant (s)	Respondent (s)
Sonjit Kumar Kayal	M/s Maa Kali Food Product Prop: Arup Mondal
Date: 24-08-2023	Time: 12:45 PM

RECORD OF PROCEEDINGS

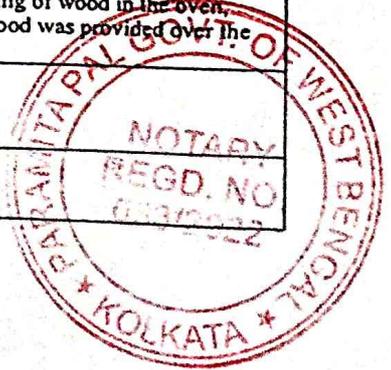
Mr. Sonjit Kumar Kayal, complainant, appeared in person. Mr. Arup Mondal, proprietor of M/s Maa Kali Food Product, appeared in person.

This is a complaint against a *chanachur* manufacturing unit allegedly causing air pollution in the surrounding area during their operations.

This complaint was previously heard by the Public Grievance Cell of the State Board on 17/01/2020 wherein the Environmental Engineer & In-charge of Alipore Regional Office of the State Board was requested to cause an inspection through their good office. Officials of Alipore Regional Office, WBPCB thereafter caused an inspection on 06/06/2023. Excerpts from the inspection report are given below:

Observation:

[A] Sources of generation of liquid waste	It is a small chanachur manufacturing unit (per day about 50kg as stated during inspection). Source of waste water is only washing of activities (very low quantity).
[B] Facilities available for treatment	Septic tank to soak pit to municipal drain
[C] Generation of sewage and its treatment/disposal	Septic tank to drain
[D] Observation & comments on performance of treatment facility of liquid waste	During inspection, the unit was not in operation
[E] Sources of generation of gaseous emission	Wood fired oven (one no.). Hood (without ID fan) and stack of height about 10m from GL. has been provided to collect fugitive emission.
[F] Facility available for treatment of gaseous emission	No
[G] Observation & Comments on performance of treatment facility for gaseous emission	As the unit was not in operation, so it is difficult to comments regarding emission level. However, fume, generated from burning of wood in the oven, will not be passed through the chimney fully as the hood was provided over the oven, chimney is not connected with end of the oven.
[H] Observation on noise pollution generated from industrial process along with measured level (if measurement)	
[I] Information regarding solid waste generation and disposal/storing facility	



[J] Information regarding Hazardous waste generation and onsite storing facility	
[K] Status of Haz. Waste (M & H) authorization	
[L] Storing of Hazardous Chemicals under M S & I (HC) Rules	Not applicable
[M] Status of consent to establish	No CTE
[N] Status of consent to operate	No CTO
[O] Status of Environmental Clearance	Not required
[P] Any other relevant information	1. This tiny chanachur factory is within the kitchen of Mr. Arup Mondal. 2. This is a complaint case. Name of the complainant is Sri Sanjit Kumar Kayal. He was present during inspection. His house is very closed to the chanachur frying oven (About 14-16 ft).

Remarks :

- The unit should obtain CTE/CTO from State Board.
- Considering the location of the unit, unit may be directed to shift to cleaner fuel/solid fuel fired smokeless Chula. Chimney should be connected with end of the oven to collect fume, generated due to combustion.

Complainant submitted that they are suffering tremendously from the emissions generated from the operations carried out by the respondent unit.

The respondent unit submitted a copy of valid trade license of the Jaynagar-Mazilpur Municipality for the trade/profession "Enterprises dealing with food items, Snacks Shop" but failed to submit consent to establish/consent to operate of the State Board.

Considering the overall scenario, the contents of the inspection report and the submission of the complainant and respondent, M/s Maa Kali Food Product, is hereby directed to:

1. Obtain all statutory licenses including, consent to establish and consent to operate of the State Board and operate only after obtaining consent to operate of the State Board;
2. Install appropriate air pollution control system for controlling emissions or use a cleaner fuel so that the people living in the neighbourhood may not be inconvenienced due to emissions generated from its operation and ventilate emissions through a stack of adequate height. Fugitive emission shall be avoided.

We make it clear that the respondent unit 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 respondent unit shall operate their manufacturing activity *only after* obtaining *consent to operate* of the State Board and *after* taking pollution control measures, as mentioned above.

The unit is also at liberty to approach the Alipore Regional Office of the State Board in case of guidance required, if any.

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



The Officer in Charge, Joynagar Police Station, is requested to oversee the compliance of this order and also see that the M/s Maa Kali Food Product does not operate without obtaining consent to operate of the State Board. 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. N. Goswami)
Senior Law Officer

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

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

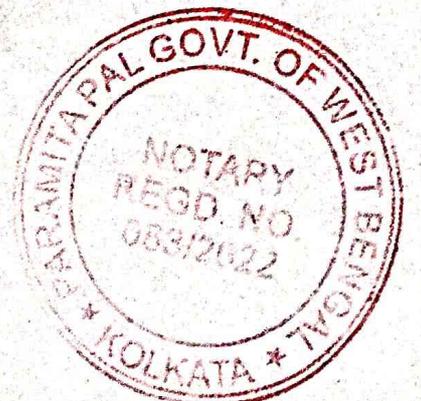
Memo No. 1067 (2) -SL/WPB-2023/M-3704

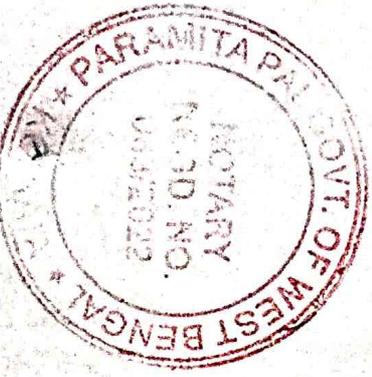
Dated: 07.09-2023

Copy forwarded to:-

1. M/s Maa Kali Food Product, Prop: Arup Mondal, 169/1C, Haridas Dutta Road, Hazaripara, P.O.: Joynagar, P.S.: Joynagar, Dist: South 24 Parganas, Pin: 743337, West Bengal.
- ✓ 2. Mr. Sonjit Kumar Kayal, 169/1B, Haridas Dutta Road, P.O.: Joynagar, Dist: South 24 Parganas, Pin: 743337, West Bengal.
3. The Executive Officer, Joynagar-Mozilpur Municipality, 14, N.S.C. Road, South 24 Parganas, Jaynagar Mazilpur, West Bengal 743337.
4. The Officer in Charge, Joynagar Police Station, Jaynagar Mazilpur, South 24 Parganas, Pin: 743337.
5. The, General Manager, District Industries Centre, South 24 Parganas, MS Buildings, 2nd Floor, Kasba Industrial Estate, Phase-III, Kolkata -700107.
6. Chief Engineer (O & E Cell), WBPCB.
7. The Sr. Environmental Engineer & In charge, Alipore Regional Office, WBPCB.
8. The P.A. to the Member-Secretary, WBPCB.
9. Guard File.

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





From:-
Sonjit Kumar Kayal,
169/1-B, Haridas Dutta Road
Ward No.6, P.O. - Joy nagar-Majilpur,
P.S. - Joy nagar, South 24-Parganas
Pin - 743337.

SPEED POST

To
The West Bengal Pollution Control Board
(Department of Environment, Govt. of West Bengal)
Main Square, 8th Floor, Block/Space-8T on Western Side
164/1, Maniktala Main Road,
Kolkata - 700054, West Bengal.

56

51

EW4067855481H IN:29374067665
SP KOLKATA GPO (700001)
Counter No:10,29/09/2023,19:50
To:CHAITRA,JOYNAGAR MAJILPU
PIN:743337, Joynagar Majilpur
From:SANJIT KUMAR MAJILPU
Wt:10gms
Amt:41.30(Cash)Tarr:6.20
Track on www.indiapost.gov.in

SPEED POST

To
The Chairman
Joynagar-Majilpur Municipality
P.O. - Joynagar Majilpur, P.S.- Joynagar
South 24-Parganas, Pin - 743337.

Re : Illegal use of the residence of Arup Mondal,
proprietor of M/s. Maa Kali Food Product.

Sir,

This is to draw your kind attention to the facts that Sri Arup Mondal is my next to my door neighbour. He has been operating a Chanachur (snacks) Factory from his residence which is adjacent to my residence. Mr. Mondal possess a certificate of enlistment for running a shop for snacks only, but he is running a chanchur factory illegally instead of running a shop for snacks from his residence, diverting the nature of business as per Certificate of Enlistment issued to him.

This chanachur factory is using coal fired mud oven for manufacturing chanachur. The coal fired oven is generating black smoke that enter into my house which is not even four feet away from M/s. Maa Kali Food Product.

I have made several complaints before your goodself but the illegal units is still operating and creating pollution.

Yours faithfully,

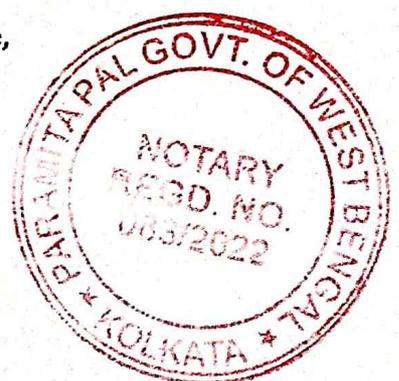
Dated :- 29th September, 2023

Sanjit Kumar Kayal
(Sanjit Kumar Kayal)

Mob No.9239396627 / 9088932838

Copy forwarded to :-

1. The West Bengal pollution Control Board
(Department of Environment, Govt. of West Bengal)
Mani Square, 8th Floor, Block/Space-8IT on Western Side,
164/1, Maniktala Main Road, Kolkata 700054.
2. The West Bengal pollution Control Board
(Department of Environment, Govt. of West Bengal)
Paribesh Bhawan, 10A Block - LA, Sector-III,
Bidhannagar, Kolkata - 700106.



52

SPEED POST

To
The Chairman
Joynagar-Majilpur Municipality
P.O. - Joynagar Majilpur, P.S.- Joynagar
South 24-Parganas, Pin - 743337.

EW0676853AIN T.R.:698740676853
SP KOLKATA GPO (700001)
Counter No:10,29/09/2023,19:53
To:WB POLLUTION KOLKATA
PIN:700106, Bidhan Nagar IS Market St
From:SANJIT KUMAR KAYAL
Wt:10gms
Rate:17.79(Cash)Tax:2.70
(Track on www.indiapost.gov.in
Grial 16002666848) (Dear Ma'am, Sir)

Re : Illegal use of the residence of Arup Mondal,
proprietor of M/s. Maa Kali Food Product.

Sir,

This is to draw your kind attention to the facts that Sri Arup Mondal is my next to my door neighbour. He has been operating a Chanachur (snacks) Factory from his residence which is adjacent to my residence. Mr. Mondal possess a certificate of enlistment for running a shop for snacks only, but he is running a chanchur factory illegally instead of running a shop for snacks from his residence, diverting the nature of business as per Certificate of Enlistment issued to him.

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Yours faithfully,

Dated :- 29th September, 2023

Sanjit Kumar Kayal
(Sanjit Kumar Kayal)

Mob No.9239396627 / 9088932838

Copy forwarded to :-

1. The West Bengal pollution Control Board
(Department of Environment, Govt. of West Bengal)
Mani Square, 8th Floor, Block/Space-8IT on Western Side,
164/1, Maniktala Main Road, Kolkata 700054.
2. The West Bengal pollution Control Board
(Department of Environment, Govt. of West Bengal)
Paribesh Bhawan, 10A Block - LA, Sector-III,
Bidhannagar, Kolkata - 700106.



53

SPEED POST

To
The Chairman
Joynagar-Majilpur Municipality
P.O. - Joynagar Majilpur, P.S.- Joynagar
South 24-Parganas, Pin - 743337.

EW405768525IN INR:5974076830
SP KOLKATA GPO (700054)
Counter No:19,29/07/2022,19:17
To:W 9 POLLUTION,KOLKATA
PDI:700054, Kankargacha ST
From:SANJIT KUMAR,310495P-66115
Wt:10gms
Rate:17.70(Cash)Tax:2.70
<Track on www.indiapost.gov.in
>Dial 18002666888 <Bear Marks, >

Re : **Illegal use of the residence of Arup Mondal,
proprietor of M/s. Maa Kali Food Product.**

Sir,

This is to draw your kind attention to the facts that Sri Arup Mondal is my next to my door neighbour. He has been operating a Chanachur (snacks) Factory from his residence which is adjacent to my residence. Mr. Mondal possess a certificate of enlistment for running a shop for snacks only, but he is running a chanchur factory illegally instead of running a shop for snacks from his residence, diverting the nature of business as per Certificate of Enlistment issued to him.

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Yours faithfully,

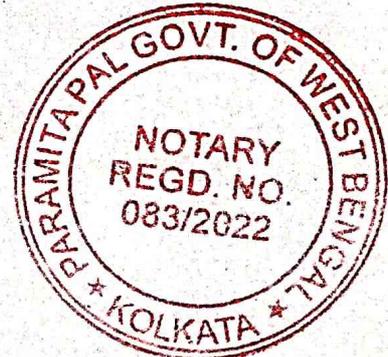
Dated :- 29th September, 2023


(Sanjit Kumar Kayal)

Mob No.9239396627 / 9088932838

Copy forwarded to :-

1. The West Bengal pollution Control Board
(Department of Environment, Govt. of West Bengal)
Mani Square, 8th Floor, Block/Space-8IT on Western Side,
164/1, Maniktala Main Road, Kolkata 700054.
2. The West Bengal pollution Control Board
(Department of Environment, Govt. of West Bengal)
Paribesh Bhawan, 10A Block - LA, Sector-III,
Bidhannagar, Kolkata - 700106.



54
103

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

.....
ORIGINAL APPLICATION No. 174/2023/EZ

IN THE MATTER OF:

**Sonjit Kumar Kayal,
S/o Kundu Pada Kayal,
R/o 169/1-B, Haridas Dutta Road,
Ward No.6, P.O.-Joyriagar-Majilpur,
P.S.-South 24 Parganas,
Pin - 743337,**

....Applicant(s)

Versus

1. **Department of Environment,
Through its Principal Secretary,
5th Floor, Pranisampad Bhawan, Block-LB-II,
Sector-III, Kolkata,
Pin - 700106,**
2. **West Bengal Pollution Control Board,
Service through its Chairman,
Paribesh Bhawan, 10A, Block-LA, Sector-III,
Bidhannagar, Kolkata,
Pin - 700106,**
3. **Joynagar Majilpur Municipality,
Through its Executive Officer,
14, N.S.C. Road, P.O.-Joynagar, Majilpur,
P.S.-Joynagar, South 24 Parganas,
Pin - 743337,**
4. **Arup Mondal,
Proprietor of M/s Maa Kali Food Product,
169/1C, Haridas Dutta Road, Hazipara,
P.S.-Joynagar, District-South 24 Parganas,
Pin - 743337,**
5. **District Magistrate, South 24 Parganas,
New Administrative Building, Alipore,
Kolkata,**

....Respondent(s)



104 55

COUNSEL FOR APPLICANT(S):

Ms. Paushali Banerjee, Advocate

COUNSEL FOR RESPONDENT(S) :

**Mr. Sibojyoti Chakraborty, Advocate for R-1,
Mr. Dipanjan Ghosh, Advocate for R-2,
Mr. Prithwish Basu, Advocate for R-4,**

JUDGMENT

PRESENT:

**HON'BLE MR. JUSTICE B. AMIT STHALEKAR (JUDICIAL MEMBER)
HON'BLE Dr. ARUN KUMAR VERMA (EXPERT MEMBER)**

**Reserved On:- January 31st, 2024
Pronounce On:- February 12th, 2024**

-
- | | |
|---|-----|
| 1. Whether the Judgment is allowed to be published on the net? | Yes |
| 2. Whether the Judgment is allowed to be published in the NGT Reporter? | Yes |
-

The present Original Application has been filed by the Applicant alleging that the Respondent No.4, Arup Mondal, Proprietor of M/s Maa Kali Food Product, is operating a Chanachur factory illegally which is situated only 4 feet away from his house.

2. It is alleged that emission from coal combustion generated during the operation of the said Chanachur factory is entering the house of the Applicant affecting his health as well as the health of his family. It is stated that the Applicant had submitted a complaint before the Respondent No.2, West Bengal Pollution Control Board, in this regard and an inspection was also directed to be held in



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terms of the order of the Pollution Control Board dated 20.02.2020 (page 19 of the paper book).

3. It is stated that the Respondent No.4 is continuing to operate his Chanachur factory illegally, therefore, the Applicant submitted another complaint on 08.04.2023 to the Environmental Engineer, West Bengal Pollution Control Board, through registered post, copies of which have been filed as Annexure E (page 28, 29 and 30 of the paper book). Thereafter, proceedings were held on 24.08.2023 in the Pollution Control Board. The Record of Proceedings with Observation, Remarks and directions read as under:-

"Record of Proceedings

*Mr. Sonjit Kumar Kayal, complainant, appeared in person.
Mr. Arup Mondal, proprietor of M/s Maa Kali Food Product, appeared in person.*

This is a complaint against a chanachur manufacturing unit allegedly causing air pollution in the surrounding area during their operations.

This complaint was previously heard by the Public Grievance Cell of the State Board on 17/01/2020 wherein the Environmental Engineer & In-charge of Alipore Regional Office of the State Board was requested to cause an inspection through their good office. Officials of Alipore Regional Office, WBPCB thereafter caused an inspection on 06/06/2023. Excerpts from the inspection report are given below:

Observation:

[A] Sources of generation of liquid waste	It is a small chanachur manufacturing unit (per day about 50 kg as stated during inspection). Source of waste water is only
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	washing of activities (very low quantity).
[B] Facilities available for treatment	Septic tank to soak pit to municipal drain
[C] Generation of sewage and its treatment/disposal	Septic tank to drain
[D] Observation & comments on performance of treatment facility of liquid waste	During inspection, the unit was not in operation
[E] Sources of generation of gaseous emission	Wood fired oven (one no.). Hood (without ID fan) and stack of height about 10m from GL has been provided to collect fugitive emission.
[F] Facility availability for treatment of gaseous emission	No
[G] Observation & Comments on performance of treatment facility for gaseous emission	As the unit was not in operation, so it is difficult to comments regarding emission level. However, fume, generated from burning of wood in the oven, will not be passed through the chimney fully as the hood was provided over the oven, chimney is not connected with end of the oven.
[H] Observation on noise pollution generated from industrial process along with measured level (if measured)	
[I] Information regarding solid waste generation and disposal/storing facility	
[J] Information regarding Hazardous waste generation and onsite storing facility	
[K] Status of Haz. Waste (M&H) authorization	
[L] Storing of Hazardous Chemicals under MS & I (HC) Rules	Not applicable
[M] Status of Consent to Establish	No CTE
[N] Status of Consent to Operate	No CTO
[O] Status of Environmental Clearance	Not required
[P] Any other relevant information	1. This tiny chanachur factory is within the kitchen of Mr. Arup Mondal.



	<p>2. This is a complaint case. Name of the complainant is Sri Sanjit Kumar Kayal. He was present during inspection. His house is very close to the chana chur frying oven (about 14-16 ft).</p>
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Remarks:

1. The unit should obtain CTE/CTO from State Board.
2. Considering the location of the unit, unit may be directed to shift to cleaner fuel/solid fuel fired smokeless Chulha. Chimney should be connected with end of the oven to collect fume, generated due to combustion.

Complainant submitted that they are suffering tremendously from the emissions generated from the operations carried out by the respondent unit.

The respondent unit submitted a copy of valid trade license of the Jaynagar-Mazilpur Municipality for the trade/profession "Enterprises dealing with food items, Snacks Shop" but failed to submit consent to establish/consent to operate of the State Board.

Considering the overall scenario, the contents of the inspection report and the submission of the complainant and respondent, M /s Maa Kali Food Product, is hereby directed to:

1. Obtain all statutory licenses including consent to establish and consent to operate of the State Board and operate only after obtaining consent to operate of the State Board.
2. Install appropriate air pollution control system for controlling emissions or use a cleaner fuel so that the people living in the neighbourhood may not be inconvenienced due to emissions generated from its operation and ventilate emissions through a stack of adequate height. Fugitive emission shall be avoided.



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We make it clear that the respondent unit 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 respondent unit shall operate their manufacturing activity only after obtaining consent to operate of the State Board and after taking pollution control measures, as mentioned above.

The unit is also at liberty to approach the Alipore Regional Office of the State Board in case of guidance required, if any. The Executive Officer, Joynagar-Mozilpur Municipality, may be kept informed of this order passed by the State Board today.

The Officer in Charge, Joynagar Police Station is requested to oversee the compliance of this order and also see that the M/s Maa Kali Food Product does not operate without obtaining consent to operate of the State Board. In case of any violation of this order, he is at liberty to take necessary action in accordance with law."

4. It is clear from this order that the Respondent No.4 Unit was operating without Consent to Establish (CTE) or Consent to Operate (CTO).
5. The District Magistrate, South 24 Parganas, Respondent No.5, has filed affidavit dated 05.01.2024 bringing on record the proceedings held before the West Bengal Pollution Control Board on 07.09.2023 with respect to the complaint of operating Chanachur manufacturing unit of Respondent No.4 causing air pollution in the surrounding area. The record of proceedings have already been extracted hereinabove.

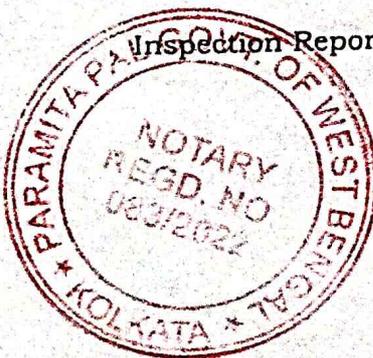


6. The observations referred to in the site inspection of the Unit in question carried out on 06.06.2023 were that the Respondent No.4 Unit is a small Chanachur manufacturing unit producing about 50 kilograms of chanachur per day; it is operated by one wood fired oven, hood (without ID fan) and stack of height about 10 meters from Green Level (GL) has been provided to collect fugitive emission; since the Unit of Respondent No.4 was not operation, therefore, the emission level could not be computed, though it has been observed that fume generated from burning of wood in the oven will not pass through the chimney fully as the hood was provided over the oven and the chimney is not connected with end of the oven.

7. The West Bengal Pollution Control Board, therefore, directed that the Unit shall operate the Chanachur manufacturing unit only after obtaining Consent to Operate from the State Board and after taking pollution control measures. It may be noted that in the proceedings before the State Board the complainant, Mr. Sonjit Kumar Kayal as well as Mr. Arup Mondal, Proprietor of M/s Maa Kali Food Product, had appeared in person.

8. The West Bengal Pollution Control Board, Respondent No.2 has also filed affidavit dated 15.01.2024 bringing on record an Inspection Report of an inspection carried out on 29.12.2023. The

Inspection Report reads as under:-



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**"Inspection Report cum Check List
West Bengal Pollution Control Board
Alipore Regional Office**

Ref. : Order of Hon'ble National Green Tribunal,
Eastern Bench, Kolkata w.r.t. OA
No.174/2023/EZ (Sanjit Kumar Kayal Vs.
Department of Environment & Ors.)

Name of the industry : Maa Kali Food Product, Prop. Arup Mandal

Address : 169/1C, Haridas Dutta Road, Hazaripara,
Ward No.6, P.S.-Joynagar, Dist. South 24
Parganas, Pin - 743337

P.O. & Pin Code : Joynagar-Mozilpur 743337

P.S. : Joynagar

District : 24 Parganas (South)

Lpcal. Authority : Joynagar-Mozilpur Municipality

Power Supply agency/
authority : WBSEDCL

Category of industry : -

Date of inspection : 29.12.2023

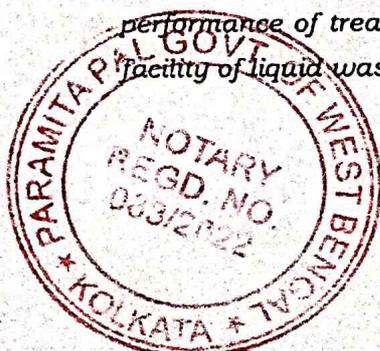
Inspecting Officer : N. Mandal, AEE Alipore RO

Observation : During inspection, it was observed that coal
[A] Source of generation fired oven used for making food product
of industrial liquid waste (snacks items) has been dismantled. No
activities were observed. So, there is no
option to generate waste water from
manufacturing process.

[B] Facilities available for : NA
treatment

[C] Generation of sewage : Septic tank to drain
and its treatment/
disposal

[D] Observation & : During inspection, it was observed that coal
Comments on fired oven; used for making food product
performance of treatment (snacks items) has been dismantled. No
facility of liquid waste activities were observed for making snacks
items. So, there is no option to generate



waste water from manufacturing process. Hence, no treatment is required.

[E] Sources of generation of gaseous emission : During inspection, it was observed that coal fired oven used for making food product (snacks items) has been dismantled. So, there is no source of generation of gaseous emission.

[F] Facility available for treatment of gaseous emission : NA

[G] Observation and Comments on performance of treatment facility for gaseous emission : During inspection, it was observed that coal fired oven used for making food product (snacks items) has been dismantled. No activities for manufacturing snacks items were observed. So, there is no source of generation of gaseous emission.

[H] Observation on noise : pollution generated from industrial process along with measured levels (if measurement required)

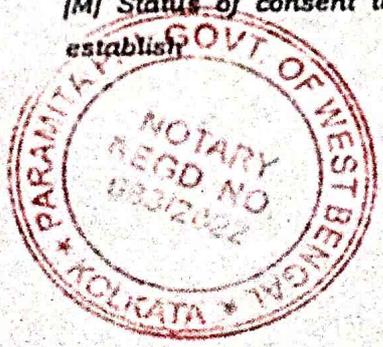
[I] Information regarding : -- solid waste generation and disposal/storing facility

[J] Information regarding : -- Hazardous waste generation and onsite storing facility

[K] Status of Haz. Waste : -- (M&H) authorization

[L] Storing of Hazardous Chemicals under M S & I (HC) Rules : Not applicable

[M] Status of consent to establish : The unit has applied for Consent to Establish vide application no.4388854 under orange category. Then they have



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changed type of industry as food product under green category, which will be dealt by District Industry Centre, 24 Parganas (South). Application has been transferred to District Industries Centre 24 Parganas (South) from Alipore RO of WBPCB.

[N] Status of consent to : Not yet applied for CTO operate

[O] status of : Not required Environmental Clearance

(EC)

[R] Any other relevant information:

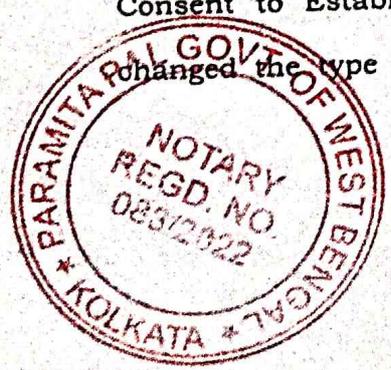
1. The unit has submitted a letter on 18.12.2023 stating that he will use diesel fired oven instead of coal fired oven after getting permission from WBPCB.

Remarks:

1. As the unit will use cleaner fuel like HSD for frying food product and considering siting policy of State Board, the unit may be allowed to operate.
2. Necessary decision may be taken as deemed fit and proper."

9. In this Inspection Report, it is mentioned that a coal fired oven was used for making Chanachur and there was no waste water generated from the manufacturing process. Further, during inspection it was observed that the coal fired oven had been dismantled so that there is no source of generation of gaseous emission.

10. The Report further mentions that the Unit has applied for Consent to Establish under 'Orange' category thereafter it has changed the type of industry as food product under the 'Green'



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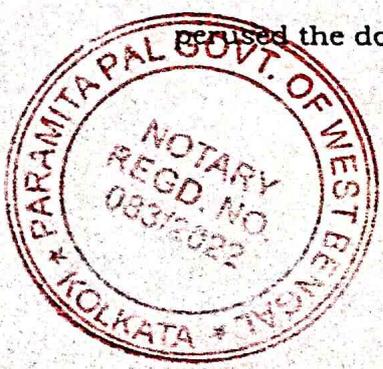
category which will be dealt with by the District Industry Centre, 24 Parganas (South).

11. As regards the status of Consent to Operate, the observation of the State Board is that the Respondent No.4 Unit has not yet applied for the same. Under the remarks column, it has been observed that the Unit will use cleaner fuel like High Speed Diesel (HSD) for frying food product and considering the Siting Policy of the State Board, the Unit may be allowed to operate.

12. Alongwith the Inspection Report, photographs have also been filed showing coal fired oven which has since been dismantled.

13. The Respondent No.4, M/s Maa Kali Food Products, has also filed affidavit dated 30.01.2024 stating therein that it used to manufacture 50 kilograms of Chanachur regularly and sell them in 500 grams packet to other vendors and that it was not aware that for preparation of such food products at home for commercial purpose it was mandatory to obtain Consent from the West Bengal Pollution Control Board. It is also stated that immediately upon coming to know that Consents are required from the State Board, the Unit has stopped functioning its business and has also applied for Consent from the West Bengal Pollution Control Board which is still pending.

14. We have heard the learned Counsel for the parties and perused the documents on record.

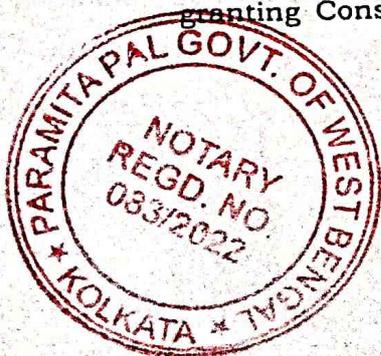


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15. From the Inspection Report, it is established that though on the date of inspection the Chanachur factory in question was not in operation but it was in operation at some point of time which is also confirmed from the affidavit of the Respondent No.4 itself that it stopped functioning of the business after coming to know about the Consents required from the West Bengal Pollution Control Board and has applied for Consent to Operate to the State Board but it is observed in the Inspection Report that the Unit may be allowed to operate with using High Speed Diesel (HSD).

16. In our opinion, the High Speed Diesel (HSD) will also contribute no less to environmental pollution and that, in fact, the Unit should use commercial gas in its operations in the manufacturing of Chanachur for which necessary permission may be sought by it from the concerned authorities and until such permission is granted the Unit shall not be allowed to operate even using High Speed Diesel.

17. We are also aware that the Unit is very small and that there must have been gaseous emissions during its operations which could not be computed by the State Board during its inspection since during inspection the Unit was not in operation but as informed by Mr. Dipanjan Ghosh, learned Counsel for the State Board, that since the application seeking Consent is pending before the State Board, the State Board would consider the necessary penalties to be imposed against the Respondent No.4 before granting Consent to Establish and the Consent to Operate would



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only be granted subject to payment of penalties and the directions given by us hereinabove with regard to the use of commercial gas instead of High Speed Diesel.

18. We, therefore, direct that till the Consent to Operate is granted by the West Bengal Pollution Control Board, the Unit of Respondent No.4 shall not be allowed to operate which shall be supervised by the West Bengal Pollution Control Board, since there is an allegation made by Ms. Paushali Banerjee, learned Counsel for the Applicant that the Unit of Respondent No.4 is still operating.

19. We expect the West Bengal Pollution Control Board to take appropriate action against the Unit of Respondent No.4 if it is found operating in violation of its own orders and order of the Tribunal.

20. With the aforesaid directions, the Original Application No.174/2023/EZ is disposed of accordingly.

21. I.As., if any, stand disposed of accordingly.

22. There shall be no order as to costs.

.....
B. AMIT STHALEKAR, JM

.....
DR. ARUN KUMAR VERMA, EM

Kolkata,
February 12th, 2024,
Original Application No.174/2023/EZ
AK



Annexure - A2

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DISTRICT : KOLKATA 24 PGS (S)

IN THE HIGH COURT AT CALCUTTA
CONSTITUTIONAL WRIT JURISDICTION
APPELLATE SIDE

W.P.A. No. 9423 of 2024

In the matter of:
An application under article 226 of
the Constitution of India.

Subject matter relating to:

Group -IX Head NIL
of the Classification List.

- Cause Title -

Sonjit Kumar Kayal,

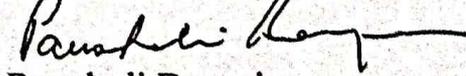
.....Petitioner

- Versus -

The West Bengal Pollution Control
Board & Ors.

.....Respondents.

Advocate-on-Record



Paushali Banerjee

Advocate

High Court, Calcutta.

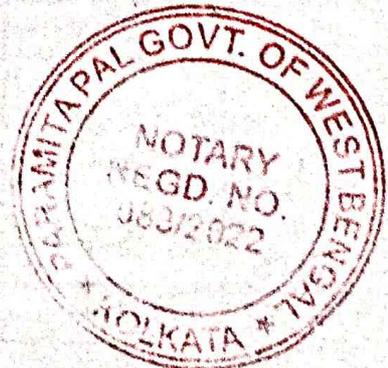
7A, Kiron Shankar Roy Road,

Kolkata-700001

(M): 9433253274

E-mail: advocate.paushali@gmail.com

Enrolment No. WB/142/2006



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DISTRICT : KOLKATA

IN THE HIGH COURT AT CALCUTTA
CONSTITUTIONAL WRIT JURISDICTION
APPELLATE SIDE

W.P.A. No. ⁹⁴²³ ~~94~~ of 2024

In the matter of:

An application under article 226 of
the Constitution of India.

-And-

In the matter of:

Sonjit Kumar Kayal,

.....Petitioner

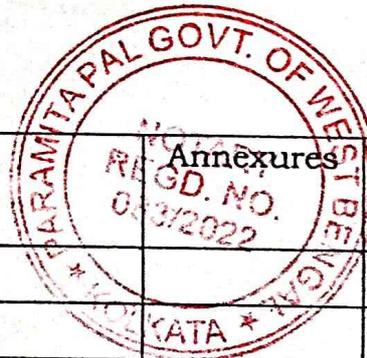
- Versus -

The West Bengal Pollution Control
Board & Ors.

.....Respondents.

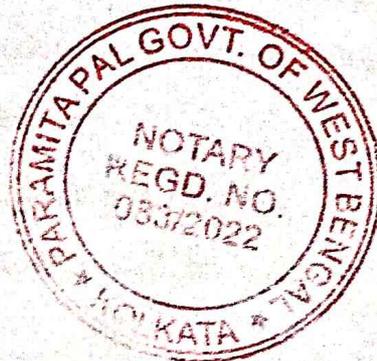
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	dated 17/10/19.		
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DISTRICT : KOLKATA 24P8S(S)

IN THE HIGH COURT AT CALCUTTA
CONSTITUTIONAL WRIT JURISDICTION
APPELLATE SIDE

W.P.A. No. 9423 of 2024

In the matter of:
An application under article 226 of
the Constitution of India.

-And-

In the matter of:
Sonjit Kumar Kayal,
.....Petitioner

- Versus -

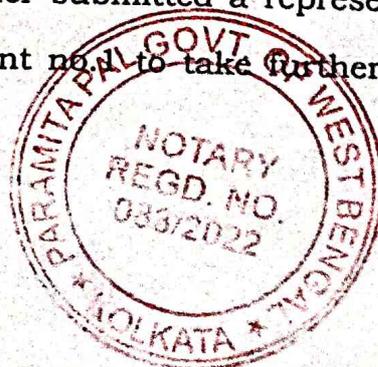
The West Bengal Pollution Control
Board & Ors.

.....Respondents.

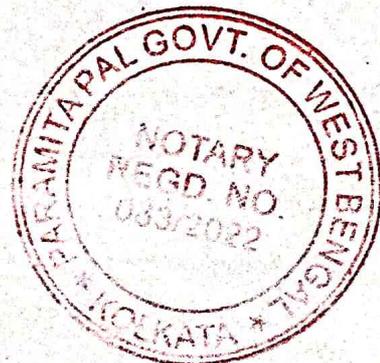
LIST OF DATES

22/11/19 : Petitioner states that pursuant to the complaint dated of the petitioner the respondent no.2 on heard the Applicant.

18/02/20 : That on the petitioner submitted a representation before the respondent no.1 to take further action in the matter.



- 8/04/23 : Petitioner states that as no action was taken by the respondent no.1 the petitioner again submitted an representation dated 8/04/23 before the respondent no.1.
- 6th June 23 : Petitioner states that after several representations, on, an inspection was carried out by the respondent no.1, but again no action was taken..
- : That the Applicant on 18/08/23 submitted another representation before respondent no.1 depicting the inaction on the part of respondent no.1.
- 24/08/23 : Petitioner states that the petitioner applicant appeared before the respondent no.1.



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SYNOPSIS

The applicant is the neighbour of the respondent no.4 and the factory of respondent no.4 is only four feet away from the house of the Applicant. Respondent no 4 operates the factory from his residence without any valid licenses and the use of coal fired mud oven for manufacturing chanachur and is creating immense air pollution in the entire area specifically as the applicant's residence is adjacent to the factory of respondent no.4, the applicant is severely effected. The respondent no.4 is also operating in violation of the Orders of Hon'ble NGT , inspite of several representations by the Applicant before the respondent authorities no action is till date taken.



✓

DISTRICT : KOLKATA 24 Pgs (S)

IN THE HIGH COURT AT CALCUTTA
CONSTITUTIONAL WRIT JURISDICTION
APPELLATE SIDE

W.P.A. No. 9423 of 2024

In the matter of:
An application under article 226 of
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In the matter of:
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.....Petitioner

- Versus -

The West Bengal Pollution Control
Board & Ors.

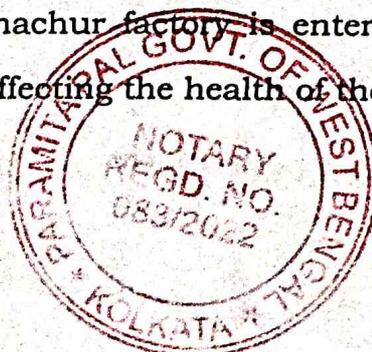
.....Respondents.



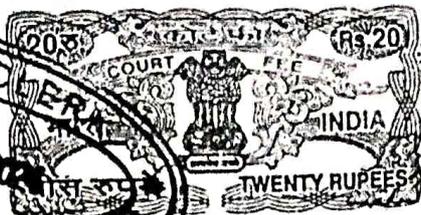
LIST OF DATES

- I. Whether the respondent authorities failed to consider that that that the unit is operating in violation of the orders of the Hon'ble Tribunal, using coal fired oven , creating air pollution and flouting the laws including the Air (Prevention and Control of Pollution) Act, 1981, the Environment (Protection) Act, 1986 and the Rules under these Acts

- II. Whether the respondent authorities failed to appreciate that that the respondent unit is a habitual offender and have continuously flouted the orders of the Hon'ble National Green Tribunal and also the Orders of this Hon'ble High Court dated 15/06/23 and 9/02/24.
- III. Whether the respondent authorities failed to appreciate that Closure order should have been issued by the respondent authorities directing closure of the respondent unit which is completely illegal and operating in an illegal premises.
- IV. Whether the respondent authorities failed to appreciate that that the Applicant is a patient of septoplasty and underwent surgery several times before and during 2019. The polluted environment and the smoke of the illegal chanachur factory of respondent no.4 enters the house of the Applicant as the distance between the illegal chanachur factory and house of the applicant is 3 meters. Sulphur Dioxide, Nitrogen Oxides and carbon Dioxide are emitted from coal combustion. The illegal Chanachur Factory is using coal fired mud oven without any pollution control devices within its residential premises to cause pollution. The smoke emitted from the coal fired kitchen of the illegal chanachur factory is entering the house of the Applicant and is effecting the health of the Applicant.



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20 MAR 2024
HIGH COURT A.S. CALCUTTA

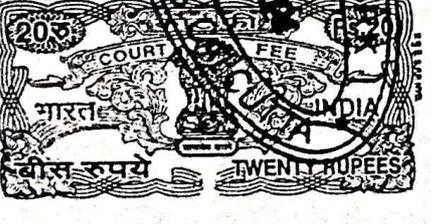
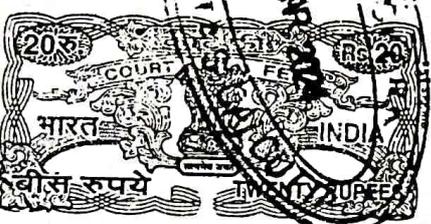
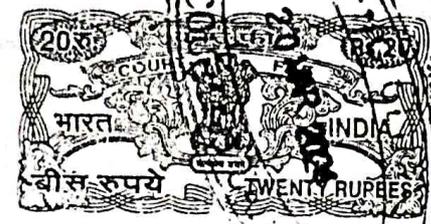


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Handwritten signature: Panchabati Samanta

DISTRICT : KOLKATA 24 Pgs (5)

IN THE HIGH COURT AT CALCUTTA
CONSTITUTIONAL WRIT JURISDICTION
APPELLATE SIDE



160591

W.P.A. No. ⁹⁴²³ ~~9457~~ of 2024

In the matter of:
An application under article 226 of
the Constitution of India.

-And-

In the matter of:
Sonjit Kumar Kayal,
son of Kundu Pada Kayal, 169/1-
B, Haridas Dutta Road, Ward no.6,
P.O. - Joynagar - Majilpur, P.S.-
Joynagar, South 24 - Parganas -
743337

.....Petitioner

- Versus -

1. The West Bengal Pollution
Control Board, Service Through
the Chairman, Patibesh Bhawan,
10A, Block LA, Sector III,
Bidhannagar, Kolkata - 700106.



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2

2. The Inspector - in - Charge,
Joynagar Police Station, District -
24 Parganas South, Pin-743337.

3. Joynagar Majilpur Municipality,
through the Executive Officer, 14
N.S.C Road, P.O. Joynagar,
Majilpur, P.S. Joynagar, South 24
Parganas-743337.

4. Arup Mondal proprietor of M/s
Maa Kali Food Product, 169/1C,
Haridas Dutta Road, Hazipara, P.S.
Joynagar, District- South 24
Parganas, PIN 743337

.....Respondents.

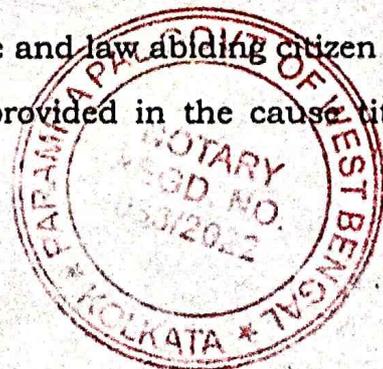
To,

The Hon'ble T.S. Sivagnanam, Chief Justice and His Companion
Justices of the said Hon'ble Court.

The humble petition of the
petitioner above named most
respectfully:

S H E W E T H:

1. That your petitioner is a responsible and law abiding citizen of
this Country and resides at the address provided in the cause title
above .



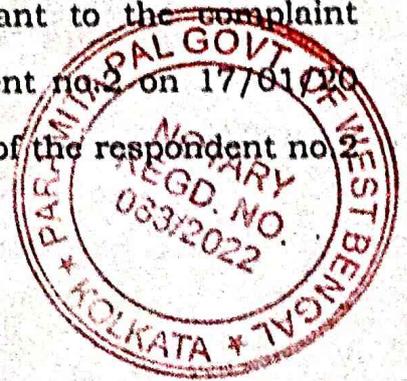
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2. That the respondent no. 1 is the State Board is the regulatory authority for implementation of the Water (Prevention and Control of Pollution) Act, 1974, the Air (Prevention and Control of Pollution) Act, 1981, the Environment (Protection) Act, 1986 and the Rules under these Acts, respondent no.3 comes within the purview of Article 243Q of the Constitution of India and the respondent nos. 2 is a law enforcement body. Therefore, all the respondents come within the purview of the instrumentality of the "State" within the domain of Article 12 of the Constitution of India. The act/inaction on the part of the respondents, therefore, are amenable to the writ jurisdiction of this Hon'ble Court, envisaged under Article 226 of the Constitution of India.

3. The respondent no. 4 is the proprietor of a chanachur factory having their principal places of business as stated in the cause title above. The applicant is the neighbour of the respondent no.4 and the factory of respondent no.4 is only four feet away from the house of the Applicant. Respondent no 4 operates the factory from his residence without any valid licenses and the use of coal fired mud oven for manufacturing chanachur and is creating immense air pollution in the entire area specifically as the applicant's residence is adjacent to the factory of respondent no.4, the applicant is severely effected.

4. That the Applicant states that pursuant to the complaint dated 22/11/19 of the Applicant the respondent no.2 on 17/01/20 heard the Applicant. The record of proceedings of the respondent no.2



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states that the respondent no.4 did not participate in the proceedings and eventually a direction of inspection was held.

The copy of the proceedings dated 17/01/20 and complaint dated 22/11/19 are annexed herewith and marked as annexure P/1.

5. That on 18/02/20 the Applicant submitted a representation before the respondent no.1 to take further action in the matter, as no steps were taken by the respondent no.1 after the hearing the Applicant on 17/01/20.

Copy of the letter dated 18/02/20 is annexed herewith and marked as annexure P/2.

6. That your Applicant states that the Applicant is a patient of septoplasty and underwent surgery several times before and during 2019. The polluted environment and the smoke of the illegal chanachur factory of respondent no. 4 enters the house of the Applicant as the distance between the illegal chanachur factory and house of the applicant is 3 meters. Sulphur Dioxide, Nitrogen Oxides and carbon Dioxide are emitted from coal combustion. The illegal Chanachur Factory is using coal fired mud oven without any pollution control devices within its residential premises to cause pollution. The smoke emitted from the coal fired kitchen of the illegal chanachur factory is entering the house of the Applicant and is effecting the health of the Applicant.



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The discharge certificate of the Applicant dated 17/10/19 is annexed herewith and marked as annexure P/3.

7. That your Applicant states that the health of the Applicant is constantly deteriorating due to the pollution caused by the illegal Chanachur factory.

The copy of prescription of the Applicant on 23/10/23 and 26/02/24 are annexed herewith and marked as annexure P/4.

8. That your Applicant states that as no action was taken by the respondent no.1 the Applicant again submitted an representation dated 8/04/23 before the respondent no.1 urging respondent no.1 to take action against the illegal Chanachur factory.

Copy of the Letter dated 8/04/23 is annexed herewith and marked as Annexure P/5.

9. That your Applicant states that after several representations, on 6th June 23, an inspection was carried out by the respondent no.1, but again no action was taken. The Applicant on 18/07/23 submitted another representation before respondent no.1 and sought details of the report of respondent no.1 regarding the inspection of the illegal Chanachur factory and the action taken by the respondent no.1, but to no avail.

Copy of the representation dated 18/07/23 is annexed herewith and marked as Annexure P/6.



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10. That the Applicant on 18/08/23 submitted another representation before respondent no.1 depicting the inaction on the part of respondent no.1.

Copy of the letter dated 18/08/23 is Annexed herewith and marked as Annexure P/7.

11. That the respondent no.1 sent a notice to the Applicant on 14/08/23 to appear before the respondent on 24/08/23 at 12.45 pm.

Copy of the notice dated 14/08/23 is annexed herewith and marked as Annexure P/8.

12. That the Applicant states that the applicant appeared before the respondent no.1 on 24/08/23. The record of the proceedings dated 24/08/23 brought on record the fact that the chanachur factory was operating illegally without any Consent from the State Board. It was directed by respondent no.1 that the respondent no. 4 can operate only with all statutory licenses and with proper pollution control device with cleaner fuel.

Copy of the record of Proceedings dated 24/08/23 is annexed herewith and marked as Annexure P/9.

13. That the Applicant states that on 28/08/23 the Applicant again submitted the representation before respondent no.1 stating that even after the directions of respondent no.1 on 24/08/23 the



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respondent unit that is the illegal chanachur factory is operating violating the Environment (Protection) Act 1986 and rule made thereunder and also the AIR(Protection and Control of Pollution) Act, 1981.

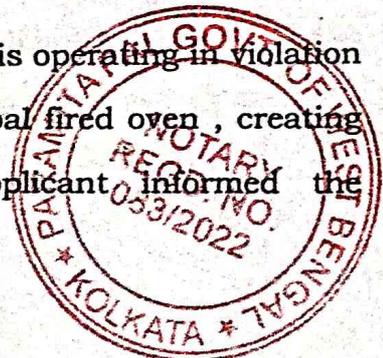
Copy of the letter dated 28/08/23 is annexed herewith and marked as Annexure P/10.

14. That the Applicant states that on 29/09/23 the Applicant submitted representation to respondent no.1 and 3 submitting that the respondent unit have obtained a trade license for shop for snacks, but the unit is operating a chanachur factory illegally without any intervention from any of the respondent authorities.

Copy of the letter dated 29/09/23 is annexed herewith and marked as Annexure P/11.

15. That the Applicant filed an Original application being OA no.174/2023 before the Hon'ble National Green Tribunal Eastern Zone Bench affirmed on 18/10/23. The Hon'ble Tribunal vide judgement pronounced on 12/02/24 directed the respondent no.1 to stop operation of the unit until the licenses are granted by the State Board and also to take appropriate action if the unit is operating in violation of the orders of the Hon'ble Tribunal.

16. That the Applicant states that the unit is operating in violation of the orders of the Hon'ble Tribunal, using coal fired oven, creating pollution and flouting the laws. The Applicant informed the



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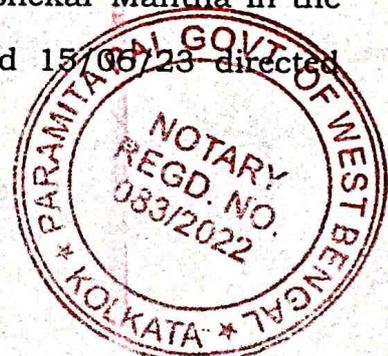
8

respondent authorities through letter dated 2/03/24 and communicated the order to respondent no.2 through letter dated 12/02/24.

Copies of letter dated 2/03/24, 12/02/24 and Order of Hon'ble National Green Tribunal in OA 174/23 is annexed herewith and marked as annexure P/12.

17. That the Applicant states that the construction on the premises of the respondent no.4 i.e. L.R.Khatian no.5692, Mouza- Majilpur, being holding no.169, Haridas Dutta Road, Ward no.6, Jaynagar - Majilpur Municipality under P.S. Joynagar, South 24 Parganas is an illegal construction. An ad interim injunction was passed by the Ld Civil Judge (Junior Division) 3rd Court Baruipur vide order dated 24/11/21 in T.S.No.582/2021 and it was directed to be implemented again vide order dated 25/04/23 . The respondent no.4 being a habitual offender did not comply with the orders of the Civil Court.

18. That finding no other alternative the Applicant's spouse Sima Kayal being the owner of the premises 169/1-B, Haridas Dutta Road, Ward no.6, P.O. - Joynagar - Majilpur, P.S. - Joynagar, wherein the Applicant resides, filed an Writ Petition before this Hon'ble High Court being WPA No.12156/23 and in the matter of Sima Kayal vs The State of West Bengal. Hon'ble Justice Rajshekar Mantha in the matter of WPA No.12156/23 vide order dated 15/06/23 directed



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strict enforcement of order dated 24/11/21 passed by the Ld Civil Judge.

19. That the respondent no.4 did not also comply with the order of this Hon'ble High Court and the Applicant was forced to file a Contempt Application being CPAN 1651/2023 in the matter of WPA 1256/23 and Hon'ble Justice Mantha vide order dated 9/02/24 directed demolition of the construction on the said premises.

Copies of Order dated 25/04/23 of the Civil Court and orders of Hon'ble Justice Mantha dated 15/06/23 and 9/02/24 are annexed herewith and marked as Annexure P/13.

20. That the Applicant states that the Applicant informed the orders of this Hon'ble High Court to the respondent no.1 through letter dated 2/03/24 stating the fact that the construction is an illegal construction therefore no license should be granted to the respondent unit, moreover the respondent unit in violation of the Order dated 12/02/24 in OA 174/23 of the Hon'ble Tribunal is operating illegally. But all the pleas of the Applicant before the respondent authorities are in vain. The respondent authorities have failed to take steps against the erring unit. No closure order was ever issued by the respondent no.1 inspite of the violations of the respondent unit.

Photographs showing the continuous production carried out by the respondent unit is Annexed herewith and marked as Annexure P/14.



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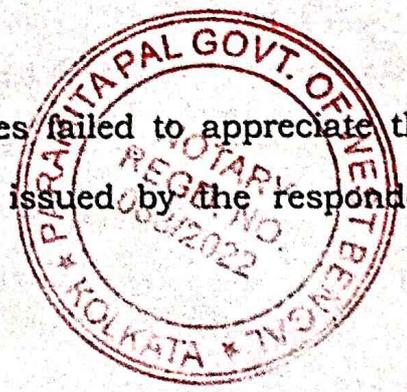
84

21. The respondent no.1 should have directed closure of the respondent no.4 as the unit is operating illegally without any consent from the State Board and also operating from an illegal premises against which demolition order have already been issued by this Hon'ble High Court.

22. Being highly aggrieved by and dissatisfied with the inaction on the part of the respondents authority as stated above, your petitioner begs to move to Your Lordships on the following amongst other :-

GROUND

- I. For that the respondent authorities failed to consider that that that the unit is operating in violation of the orders of the Hon'ble Tribunal, using coal fired oven , creating air pollution and flouting the laws including the Air (Prevention and Control of Pollution) Act, 1981, the Environment (Protection) Act, 1986 and the Rules under these Acts
- II. For that the respondent authorities failed to appreciate that that the respondent unit is a habitual offender and have continuously flouted the orders of the Hon'ble National Green Tribunal and also the Orders of this Hon'ble High Court dated 15/06/23 and 9/02/24.
- III. For that the respondent authorities failed to appreciate that Closure order should have been issued by the respondent



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authorities directing closure of the respondent unit which is completely illegal and operating in an illegal premises.

IV. For that the respondent authorities failed to appreciate that that the Applicant is a patient of septoplasty and underwent surgery several times before and during 2019. The polluted environment and the smoke of the illegal chanachur factory of respondent no.4 enters the house of the Applicant as the distance between the illegal chanachur factory and house of the applicant is 3 meters. Shulphur Dioxide, Nitrogen Oxides and carbon Dioxide are emitted from coal combustion. The illegal Chanachur Factory is using coal fired mud oven without any pollution control devices within its residential premises to cause pollution. The smoke emitted from the coal fired kitchen of the illegal chanachur factory is entering the house of the Applicant and is effecting the health of the Applicant.

V. For that the respondent authorities failed to appreciate that the respondent unit have obtained a trade license for shop for snacks , but the unit is operating a chanachur factory illegally without any intervention from any of the respondent authorities.

VI For That the respondent authorities failed to appreciate that the pollution created by the respondent unit is continuous and is tremendously effecting the health of the Applicant.



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- VII For That the respondent authority did not considering the representation of the petitioner and is sitting on it.
- VIII. For That the absolute lackadaisical attitude demonstrated by the respondent authorities in protecting the environment, smacks of malafide attitude on their part.
23. That the record of this case is lying within the jurisdiction of this Hon'ble Court.
24. That on the self same facts and cause of action no application was moved earlier or at all before any other Court and this application was not moved before any other Court.
25. That there is no other alternative legal remedy and the remedy sought for herein would be adequate full and complete.
26. This application is made bonafide for the ends of justice.

Therefore, your petitioner humbly prays that your Lordships would graciously be pleased to pass the following orders:

- a) A writ in the nature of Mandamus or writ of like nature thereto do issue commanding the



[Handwritten signature]

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respondents and/or their servants and/or their employees and/or their agents to direct closure order with disconnection of electricity of the illegal unit of respondent no.4.

b) A writ of or in the nature of Certiorari do issue calling upon the respondents and each of them to certify and transmit to this court the original records of the case before this Hon'ble Court so that conscionable justice may rendered to the petitioner;

c) Rule of NISI in terms of the prayer (a) and (b) herein above.

d) Interim order of injunction be passed directing the respondents and/or their servants and/or their employees and/or their agents to stop operation of the illegal unit of respondent no.4, till the disposal of the instant application.



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14.

- e) Ad interim Order be passed in terms of the above interim relief
- f) And pass such other further order or orders as to Your Lordship may seem fit and proper.

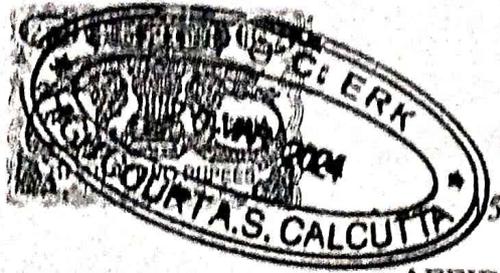
And your petitioner, as in duty bound, shall ever pray.

Pankaj Singh
Shera

Sangit Kumar Roy
2013/2024



W



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AFFIDAVIT

I, Sanjit Kumar Kayal, son of Late Kundu Pada Kayal, aged about 56 years, by faith - Hindu, by Occupation- Business, 169/1-B, Haridas Dutta Road, Ward no.6, P.O. - Joynagar - Majilpur, P.S.-Joynagar, South 24 - Parganas-743337, do solemnly affirm and say as follows:

1. That I am the writ petitioner in this present application and as such I am well acquainted with the facts and circumstances of the case.

2. That the statements made in paragraphs 3, 6, 15, 16, 17, 20, ^{21, 22, 23, 24, 25} are true to my knowledge and the rests are my respectful submissions before the Hon'ble Court.

Sanjit Kumar Kayal

Prepared in my office

Paushti Bera

Advocate

The deponent is known to me.

Sanjib Bera (B-68)

Clerk to :- *R. N. Bera*
Advocate

Solemnly affirmed before me on
this 20th day of March, 2024.

RS 20/3/2024
Commissioner of Affidavit
COMMISSIONER, Appellate Side

Certified that all annexure are legible

Paushti Bera

Advocate



All communication to State Board should be addressed with Number, Date and Subject



WEST BENGAL POLLUTION CONTROL BOARD
Paribesh Bhawan, 10A, Block - LA, Sector III,
Salt Lake City, Kolkata - 700 106.
Ph.: (033)2335-8212/3913, Fax : (033)2335-8073
Website: www.wbpcb.gov.in

PUBLIC GRIEVANCE CELL

Complainant(s)	Respondent(s)
Sanjit Kumar Kayal & Sima Kayal	Arup Mondal/Aparna Mondal
Date : 17-01-2020	Time : 11-30 Hrs.

RECORD OF PROCEEDINGS.

Sri Sanjit Kayal and Smt. Sima Kayal, complainants appeared in person. Nobody appeared on behalf of the respondent unit.

State Board taken a serious view of the non-appearance of the respondent unit.

It is a complaint against a chanachur manufacturing unit allegedly causing air and sound pollution and environmental hazards.

Complainant states that they are suffering a lot due to activities of the respondent unit.

Considering the overall scenario and submission of the complainant, we are of the view that for proper adjudication of the matter, there should be an inspection by the State Board to ascertain the actual state of things in the said premises.

Hence, Environmental Engineer, Alipore Regional Office of the State Board is requested to cause an inspection and submit report for further action.

Signature.....^{P1}.....
in paragraph.....
regarding Petition filed by Sanjit Kumar Kayal & Sima Kayal
this.....²⁰.....Day of.....^{Jan}.....²⁰²⁰

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



Sd/-
(B. Majumdar)
Environmental Engineer

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

Commissioner of Affidavit
High Court, Appellate Side
Calcutta

Sd/-
(A.K. Bhunia, WBHJS)
Dist. Judge (Retd.)

Later, Shri Arup Mondal, Proprietor of the respondent unit appeared at about 12-22 Hrs., and submits current trade licence in support of his business issued by Joynagar Mozilpur Municipality. The contents of the Record of Proceedings is read over and explained before him.

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

Sd/-
(B. Majumdar)
Environmental Engineer

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

Sd/-
(A.K. Bhunia, WBHJS)
Dist. Judge (Retd.)

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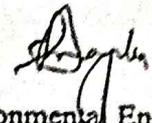
-2-

No. 260-5L/WPB-2019/A-0059

Dated : 20-02-2020.

Copy forwarded to :-
(2)

1. Sri Arup Mondal/Aparna Mondal, 169/1C, Haridas Dutta Road, P.O. & P.S. Joynagar, Dist: 24-Parganas (S)-743337.
2. ✓ Sri Sanjit Kumar Kayal & Sima Kayal, 169/1B, Haridas Dutta Road, P.O. & P.S. Joynagar, Dist: 24-Parganas (S)-743337.
3. The Joint Director (P & S), Directorate of Micro, Small & Medium Enterprises, New Secretariat Buildings, 9th Floor, A-Block, 1, Kiran Shankar Roy Road, Kolkata-700001. He is requested to circulate this Memo. through his good office to the concerned General Manager of the District Industries Centre, for taking necessary action, if any.
4. The Environmental Engineer, Alipore Regional Office, WBPCB.
5. The P.A. to the Member-Secretary, WBPCB.
6. Guard File:
Sl. No. 4 is requested to follow up matter.



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



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Annex
To in paragraph
Date: 18-02-2020
by...
In this...
Commissioner of Affidavit
High Court, Appellate St
Calcutta

To
The Senior Scientist & In-charge
Public Grievance Cell,
Pollution Control Board, Paribesh Bhawan
10A, Block-LA, Sector-III, Bidhannagar,
Kolkata - 700 106.

Reference: Memo No. 0997 5L/WPB/2019/A-0059 dated 31/12/2019 addressed to Arup Mondal son of Sanjay Mondal, Aparna Mondal, W/o- Arup Mondal 169/1C, Haridas Dutta Road, Village/Town - Majilpur, Ward No. 6, P.O. + P.S.- Joynagar, Dist. South 24 Paganas, PIN - 743337. AND result of the hearing dated 17/01/2020 at Mani Square, Block 8 IT, 8th Floor, 164/1, Maniktala Main Road, Kolkata - 700 054.

Complainant :- Sanjit Kumar Kayal, S/o- Lt. Kundupada Kayal & Sima Kayal, W/o- Sanjit Kumar Kayal, 169/1B, Haridas Dutta Road, Village/Town - Majilpur, Ward No. 6, P.O. + P.S.- Joynagar, Dist. South 24 Paganas, PIN - 743337.

Respected Sir,

Pursuant to my complaint related to environmental pollution the above referred proceeding was drawn up by your office against the concerned violators.

The Matter was heard before your honour on 17th Jan, 2020 but no further development was intimated to me nor was any notice issued for inspection of the site.

I humbly understand and believe that being seriously affected by and aggrieved of the pollution caused by the miscreants named above I have lodged the complaint as such I have a reasonable right to be informed of the result of the hearing as also any enquiry over the subject.

Request you to kindly look into the matter as I am helplessly looking towards your department for reparation of my complaint.

The opposite parties are continuing their acts of illegal pollution till date.

Yours faithfully,

Sanjit Kumar Kayal
Sanjit Kumar Kayal



भारतीय डाक
EN427448310EN IVR:69874274483
SP: KOLKATA GPO :700001>
Counter No:10, 18/02/2020, 18:13 India Post
To:SR SCIENTIST ,POLLU.CONTROL B.
PIN:700106, Bidhan Nagar IB Market S.U
From:SANJIT KR K,HARIDAS D. RD
Wt:10gms
Amt:17.70(Cash)Tax:2.70
<Track on www.indianpost.gov.in>

93

DEPARTMENT OF HEALTH AND FAMILY WELFARE
GOVERNMENT OF WEST BENGAL
DISCHARGE

Discharge Certificate/Left Against Medical Advice Medical College and Hospital, Kolkata
8B, College Street, Kolkata-700073 Page No. : 1
(12119)

Discharge No. : Date of Discharge : Time : Patient Category : Free / Paying / Cabin

Patient Name : Sex : Age : Yrs. Months Days

Patient Srl. No. : Patient Registration No. Admision Date
Address : BANUJ KAYAL Date : 22/10/2019

Municipality / Village : MCHK/PO1000 Post Office : [17-10-2019] [2:40 PM]
Police Station : 16 COLLEGE STRI District :

State : West Bengal Nationality : India Religion : BOW BAZAR
Father's Name : Muchipara Husband's Name : Kolkata

Doctor/Unit : LT KUNDU PADMAWATI Phone/Mobile No. : Hindu
Bed No. : DIL S. DAS/DIL P. GHOSH/DIL M. DUTTA Ward Name :
Final Diagnosis : PROF. RAMANUJ SINHA ENT EZRA

Referred To : Referred Out Case Date Time Reason :

A. In case of Confinement
Delivery Date & Time : Mode of Delivery : ND/ECL/LUCS/With Forceps/Without Forceps
Delivery Status : No. Of Child : Antenatal Care Taken : Yes / No.

B. In case of Surgery
Surgery Date & Time : Type of Surgery : Details of Baby
Surgery Status : Anesthesia Details : Birth Date : Birth Time :
Disc No. : Sex :
Birth Wt. :

C. Investigation Done
Test Name Comments : Advice for Baby

E. Medicine Details
Medicine Name No. of Days Comments :
ADVISE

F. Baby Checked and Discharged :
Signature :
Date : Time :

Annexure P3
To in paragraph 6
Foregoing Certificate affirmed
by Sanjit K. Kargal
In this 24th Day of March
Commissioner of Affidavit
Court, Appellate Side
Calcutta

10/17/2019 02:53 PM

4 of 4

Counter Signature of the Visiting Staff

Signature of the Medical Officer



84 94

DEPARTMENT OF HEALTH AND FAMILY WELFARE
GOVERNMENT OF WEST BENGAL

PLEASE STAMP WITH EMPLOYER'S SEAL
RED HEAD TICKET
Hospital, Kolkata
88, College Street, Kolkata-700073
(19110)

Unit Code: SJ/201/201/20

Patient's Name: SANJIT KAYAL Sex: Male Age: 24 Yrs. 0 Months 0 Days
Patient Ser. No.: 12014/201/201/201/201 Admission Date: 12/01/2022 Admission Time: 12:00 PM Patient Category: PATIENT/ADMISSION/GENERAL

Registration No.: MC/TK/RG/1000023071 Emergency
Ward: SENT EZRA Bed No. 112 Patient Type: OPD/ER
Address: 16 COLLEGE STREET Post Office: BOVI BAZAR PIN: 700012
Municipality / Village: Chitpore Post Office: Kolkata
Police Station: West Bengal District: Hindu
State: India Nationality: India Religion: Hindu

Address for Communication:
Marital Status: Married Patient's Occupation:
Father's Name: LEKHENDU INDRA KAYAL Husband's Name: 1019932035
Brought By: NOUMEN KAYAL Phone / Mobile No.:
Doctor/UNIT: UNIT 10 (ENT) / DR. S. CAROL / DR. M. SHUBRILA DUTTA / PROF. RAMANUJ SINHA
Whether Referred From:
Provisional Diagnosis:

[Handwritten Signature]
Medical College Hospital
1-1-2022

Signature of Admitting Officer
Designation

Serial No.: _____ Diary No.: _____

Specify if it is a cause of accident/ Suicide/Homicide	How Injury Occurred	Specify the place of Injury Home/Farm Factory / Street / Others	Whether injury occurred while at work. Specify by Yes / No.

(To be filled in BLOCK LETTERS at the end of Hospital Stay)

- (a) Outcome : Discharged/Left Against Medical Advice / Absconded / Referred out / Death
- (b) Final Diagnosis or Injury _____
- (c) Principal Complications _____
- (d) Principal Associated Diseases _____

Stay in Hospital (in days) _____ From _____ to _____ 10/1/2022 12:53 PM
Date and Hour of Death _____ at _____ Hrs _____

Counter Signature of the Visiting Staff / Medical Officer
Regn. No. _____

Signature of the Doctor with Designation
Regn. No. _____



ENT OPD 170 DEPARTMENT OF HEALTH & FAMILY WELFARE
GOVERNMENT OF WEST BENGAL
Medical College and Hospital, Kolkata
88, College Street, Kolkata-700073

User Name: DIPAK DUTTA
Email: dipak.dutta@wbgovt.org

(PHLO)
Name : SANJIB KUMAR KOYAL [MCHK/OR2100392842] Day : Saturday
Sex : Male Age : 53 Yrs. 0 Months 0 Days Reg. No. : MCHK/RG2100472733
Ref. From : Ref. Date : 02-10-2021
Card No. : MCHK/OR2100392842
Visit No. : 1 Department : ENT OPD Visit Date : 02-10-2021 Time : 12:35 PM
Doctor / Unit Name (DOW) : PROF. SUBRATA MUKHOPADHYAY/Dr. Dr. Bijan Adhikary/Dr. Dr. Subhrajit Das/Dr. Dr. S.P. Aragonkar Entry No. :
Room No. :

Visit No. : 2 Visit Date : Tm. Department : Doctor/Unit : Entry No. : 23 OCT 2021	Visit No. : 3 Visit Date : Tm. Department : Doctor/Unit : Entry No. :	Visit No. : 4 Visit Date : Tm. Department : Doctor/Unit : Entry No. :
---	---	---

Clinical Notes	ADVICE
<p>FU/C of Revision Septoplasty ⊕ ⊖ Int. turbinoplasty ↓ GA CPD - Headache and sneezing</p>	<p><u>Adv</u></p> <ul style="list-style-type: none"> - Steam inhalation ✓ - T-Levocetirizine (5) - 1 tab ODHS x 20 days - T-PLC (650) - 1 tab BDPC x 5 days - N/A Xylometazoline (0.1%) 2° TDS x 10 days - T-Coamoxyclov (625) 1 tab TDS x 5 days - T-Pantoprazole (40) - 1 tab ODAC x 5 days - Review - B/t serum IgE - Review & reports after 3 weeks

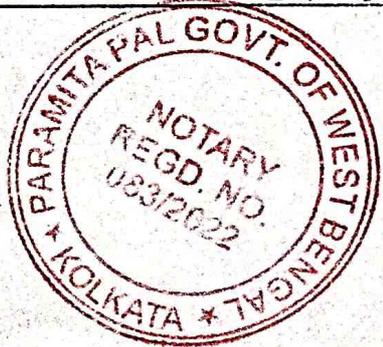
Medical College, Kolkata
Central Laboratory
9/10/21

1 of 1

10/02/2021 12:48 PM

Annexure..... Py
To in paragraph.....
Foregoing Petition affirmed
by..... Supt. K. Roy
In this..... 20th Day of March 21

Commissioner of Affidavit
High Court, Appellate Side
Calcutta



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DEPARTMENT OF HEALTH & FAMILY WELFARE
GOVERNMENT OF WEST BENGAL
OPD Patient Card

Clinical Notes	ADVICE
<p>123 OCT 2021</p> <p>Frontal Headache.</p> <p>No PMs tenderness.</p>	<p>1. T. paracetamol - 1 tab sos.</p> <p>2. T. levacetamol - 1 tab only sos</p> <p>3. N/B Xyb - 20 tabs x B/L nostrils x 7d.</p> <p>23/10</p>



timfox



GOVERNMENT OF WEST BENGAL
DEPARTMENT OF HEALTH & FAMILY WELFARE
Medical College Hospital, Kolkata
6B, College Street, Kolkata-700073
(PH-0)

WEST BENGAL PATIENT CARD
MCHK/RG2400183845
Raj. Rspns: 2
DATE: 26-02-2024
NAME: SANGIT KUMAR KAYAL

97

Name : SANGIT KUMAR KAYAL		[MCHK/OR2400157237]		Day : Monday	
Gender : Male	Age : 57 Yrs.	0 Months	0 Days	Roj. No. : MCHK/RG2400183845	
Ref. From :				Roj. Date : 26-02-2024	
Card No : MCHK/OR2400157237					
Visit No. : 1 Department : RNT OPD		Visit Date : 26-02-2024		Time : 01:15PM	
Doctor/Unit Name(DOW) : PRORRAMANUJ SINHA/ Prof. S K Das/ Dr. S. Kadambott/ Dr. T. Panja					
Room No. 10		Health Number		Health Id	
Visit No : 2	Visit Date :	Department :	Doctor/Unit :	Entry No :	
Visit No : 3	Visit Date :	Department :	Doctor/Unit :	Entry No :	
Visit No : 4	Visit Date :	Department :	Doctor/Unit :	Entry No :	

Clinical Notes	ADVICE
----------------	--------

FLU/IC of
Prevention of Septicemia
(L) STH (25/10/19)
Now c/o. b/l hemorrhoid
of Hb shephers
Septum medicine
Mucosa normal
No PNS tenderness.

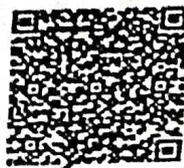
Adv
- PCM 650g + tabs
SOS
- T. @ Amitygptin
25mg Tab. O.D x 7
21 days
- to do :
NCC - NCC - PNC



[Signature]
26/2
(Dr. GAUTAM MONI)
B.A.A. cum Clinical Tutor
EXT. MCH. KOLKATA

88

88



Kolkata Medical College and Hospital

EKO Diagnostics

(A Joint Venture Project With Health & Family Welfare Department, Govt. of West Bengal)
88, College Street, Kolkata-700073

Ph: Email:

Patient's Name:

BANDIT KUNAR KAYAL

Age:

57 Year 0 Month 0 Days

Body weight:

0.00 Kgs.

Mobile Number:

9239396637

Voucher No

V/2248/2024/27707

Name Of Referring doctor/Unit:

DR. SAUMENDRA NATH

BANDYOPADHYAY

28/02/2024

P/2248/2024/444740

Male

28/02/2024

OT Bedn

28/02/2024

Test Date:

28/02/2024

Sl.No

Category of Investigation

Remarks

Charges Applied

PHS Haematology

870.00

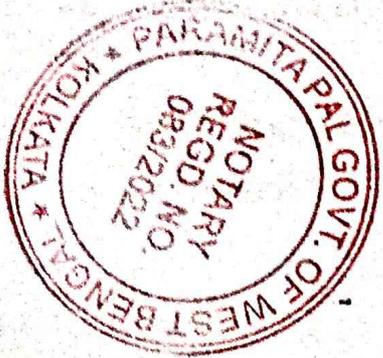
FREE GOVERNMENT

Total Charges Payable: 870.00
Paid by Government: 870.00
Net amount Payable: 0.00

যাক ও পরিবার কল্যাণ স্তর, সচিবদেয় সরকারের দফতর থেকে এই চিকিৎসা পরিষেবা আনুগত্যক বিশেষতঃ প্রদান করা হল।

ধর্মসংগ্রহ ও ইতিহাস বিভাগ, সিডি

স্বাক্ষরিত: 28/02/2024



Signature

Signature

1



SANGIT KUMAR KAYAL

57 YRS

26.02.2024

DR. OF MCH

MD CT SCAN OF PARANASAL SINUSES

TECHNIQUE

MD CT of PNS region done without IVCN.

FINDINGS

Collection seen in left maxillary antrum with blocked ostium.

DNS to right noted.

Bilateral ITH seen.

No bony erosion seen.

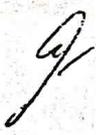
IMPRESSION

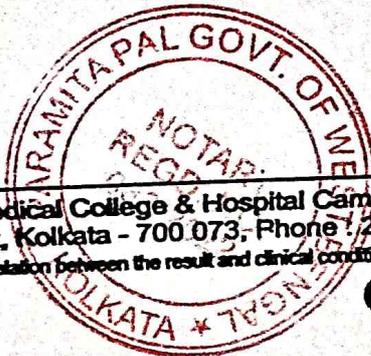
Descriptive.

Suggested clinical correlation and further investigations if clinically indicated.

DR.D.SHARMA
MD.-

DR.SOUMITRA SEAL
MD(Radiodiagnosis)


DR.ANUP SADHU
DMRD, MD.



AT Medical College & Hospital Campus
88, College Street, Kolkata - 700 073. Phone: 2212-3778/3779

Identity of the patient not verified, if there is any lack of correlation between the result and clinical condition, please refer the patient to the respective department.

CT SCAN NEW 16 SLICE SPIRAL

Digital MRI 1.5 TESLA (Wide Bore)

98
100

F. No. 829Z (50)

MEDICAL COLLEGE HOSPITALS, KOLKATA

..... Department

MEDICINE SLIP

O.P.D. Ticket No.

Name.....

Rol/

- T. Amtryol - (21)

25y

- T. PCN 50y - (10)

26
Date

[Signature]
 Signature of ...
 Medical Officer
 S.C.T. N.C.H. KOLKATA



91
101

Dated : 08/04/2023

To
The West Bengal Pollution Control Board
8th Floor, Mani Square, 164/1, Maniktala Main Road
Kolkata-700054.

Sub- Complaint against (1) Arup Mondal s/o Sanjay Mondal and
(2) Aparna Mondal w/o Arup Mandal of 169/1C, Haridas Dutta Road, ward No.
6, Joynagar Mojilpur, 24 Parganas (S), P.S. Joynagar.

- Ref:-
- a) My Complaint dated 22-11-2019
 - b) EMIS-West Bengal Pollution Control Board Complaint Registration No-201900000020187.
 - c) Notice of this office dated 31-12-2019
 - d) Hearing and Order dated 17-01-2020 directing the Environmental Engineer at Alipore to cause enquiry.
 - e) My reminder dated 18-02-2020

Dear Sir,

I am a patient of breathing disorder and recently underwent SEPTOPLASTY Surgery. I have documents in support of my disease.

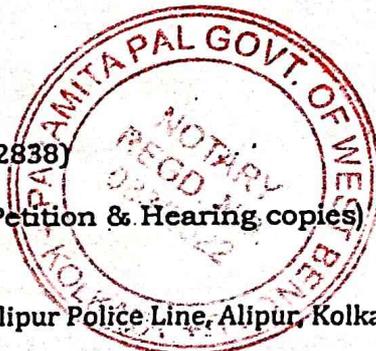
I am the resident of 169/1B, Haridas Dutta Road, ward No. 6, Joynagar Mojilpur, 24 Parganas (S), P.S. Joynagar, beside the house of the miscreant above named and living there with my wife and 10 yrs. Said Arup Mondal and his wife are running and illegal Chanachur factory "inside their house since some use and using machines that give out obnoxious gas that spread inside my house making it impossible to stay there. As a result we are suffering from health disorder. In spite of our repeated request the said person are running their illegal factory and polluting the air of the locality so we urgently request you to tackle. I have been running post to pillar including your office since last 3 years for stoppage of the illegal pollution but till date nothing has progressed.

In the hearing in c/w with Memo No. 0997 5L/WPB/2019/A-0059 dated 31/12/2019 the respected Scientist after hearing dated 17/01/2020 at Mani Square, Block 8 IT, 8th Floor, 164/1. Maniktala Main Road. Kolkata-700 054 has directed for an enquiry report from the Environmental Engineer at Alipore but not step has been taken.

I humbly pray please do something positive otherwise I may die of the pollution disease. The Chanachur Factory owner is continuing their acts of illegal pollution till date.

Yours faithfully,

Sanjit Kumar Kayal
Sanjit Kumar Kayal
(phone No. 9239396627 / 9088932838)



Encl:- Six copies (Complaint Petition & Hearing copies)

Copy forwarded to :-

- 1. The Environmental Engineer, Alipur Police Line, Alipur, Kolkata-700027

annexure..... P5.....
 To in paragraph..... 8.....
 Foregoing declaration affirmed
 by... *Sanjit Kumar Kayal*.....
 In this..... 08th Day of March 2023

[Signature]
Commissioner of Affidavit
High Court, Appellate Side
Calcutta

92 102

Dated : 08/04/2023

To
The Environmental Engineer
5th Floor, Minority Bhavan,
Viplabi Kanallal Bhattacharya Sarani,
Alipore Police Line, Alipore, Kolkata,
West Bengal 700027.

Sub- Complaint against (1) Arup Mondal s/o Sanjay Mondal and (2) Aparna Mondal w/o Arup Mandal of 169/1C, Haridas Dutta Road, ward No. 6, Joynagar, Mojlipur, 24 Parganas (S), P.S. Joynagar.

- Ref:- a) My Complaint dated 22-11-2019
b) EMIS-West Bengal Pollution Control Board Complaint Registration No- 201900000020187.
c) Notice of this office dated 31-12-2019
d) Hearing and Order dated 17-01-2020 directing the Environmental Engineer at Alipore to cause enquiry.
e) My reminder dated 18-02-2020

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I humbly pray to please do something positive, otherwise I may die of the pollution disease. The Chanachur Factory owner is continuing their acts of illegal pollution till date.

Yours faithfully,

Sanjit Kumar Kayal

Sanjit Kumar Kayal
(Contact No. 9239396627 / 9088932838)

Encl.:- Six copies (Complaint petition & Hearing copies)

Copy forwarded to :-
The West Bengal Pollution Control Board



93 103

EW369565892JH IVR:698736956589
 SP KOLKATA GPO (700001)
 Counter No:9,08/04/2023,20:01
 To:THE W R POLLU,
 PIN:700054, Kankurgachi SB
 From:SONJIT KR KAYAL, JOYHAGAR
 Wt:50gms
 Amt:17.70(Cash)Tax:2.70
 Track on:www.indiapost.gov.in
 Dial:18002666868 <Wear Masks, Stay Safe>



EW369565901DH IVR:698736956590
 SP KOLKATA GPO (700001)
 Counter No:9,08/04/2023,20:01
 To:THE ENVIROVIVE, ALIPORE
 PIN:700027, Alipore HO
 From:SONJIT KR KAYAL, JOYHAGAR
 Wt:50gms
 Amt:17.70(Cash)Tax:2.70
 Track on:www.indiapost.gov.in



94 104

Dated : 18/07/2023

To
The Environmental Engineer 5th Floor,
Minority Bhavan,
Viplabi Kanailal Bhattacharya Sarani,
Alipore Police Line, Alipore, Kolkata,
West Bengal -700027

Sub- Complaint against (1) Arup Mondal s/o Sanjay Mondal and
(2) Aparna Mondal w/o Arup Mandal of 169/IC, Haridas Dutta
Road Joynagar Mojilpur, 24 Parganas (S), P.S. - Joynagar.

Ref: My reminder letter dated 08-04-2023 and subsequent local
inspection on 6/6/2023.

Dear Sir,

Pursuant to my letter referred above, an enquiry at the place of occurrence
was carried out on 6th June 2023 by an inspector of your office namely
Niranjan Mondol.

In spite of such inspection no step has been taken at your end till date as such
the illegal factory (manufacturing of Snacks, chānachur, jhuri, nimki and
accessories) is continuing its operation and creating pollution at the locality.

I request you to kindly give details of the report and take necessary legal steps
immediately otherwise I will have no alternative except moving before the
higher authority as well as the Honorable High Court against the inaction of
the concerned Environmental Engineer.

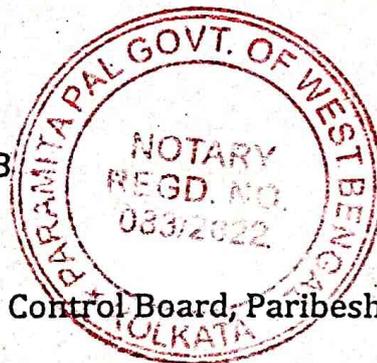
Thanking you,

Yours faithfully,

Sonjit Kumar Kayal

(Sonjit Kumar Kayal)

Mobile : 9239396627 /9088932838



Annexure..... *PC*.....
To in paragraph..... *7*.....
Foregoing Petition affirmed
by..... *Sonjit K. Kayal*.....
In this..... *20* Day of..... *March*..... *24*

[Signature]
Commissioner of Affidavit
High Court, Appellate Side
Calcutta

Copy forwarded to :-

- i) The West Bengal Pollution Control Board, Paribesh Bhaban.

In this... To... Day...

95 105

Date: 18/08/2023

Commissioner of Affidavit
High Court, Appellate B.
Calcutta

To
The West Bengal pollution Control Board
8th Floor, Mani Square,
164/1, Maniktala Main Road,
Kolkata 700054.

Sub : Inaction on part of Sri Tapan Kumar Biswas, Environmental Engineer, 5th Floor, Minority Bhavan, Biplabi Kanailal Bhattacharya Sarani, Allpore Police Line, Allpore, Kolkata - 700027, W.B.

Ref : My reminder letter dated 08-04-2023, local inspection on 6/6/2023, and reminder letter dated 18/7/23 in respect of Complaint against pollution and illegal chanachur and accessories factory in residential area, run by (1) Arup Mondal, s/o. Late Sanjay Mondal and (2) Aparna Mondal w/o Arup Mandal of 169/IC, Haridas Dutta Road, Joynagar Mojilpur, 24 Parganas (S), P.S. Joynagar, Pin - 743337.

Dear Sir,

Pursuant to the enquiry at the place of occurrence carried out on 6th June 2023 by an inspector namely Niranjan Mondol, I have followed up with the said Env. Engineer, WBPCB at Allpore, repeatedly but it appears that neither the Inspector nor the said engineer is reluctant to take any action against the miscreants.

As a result of such inaction on the part of the concerned WBPCB, the illegal factory of chanachur and accessories is continuing its operation and creating pollution at the locality.

I request you to kindly look into the matter and take immediate steps as the situation is serious and causing material damage to my health as I am suffering from septoplasty disease.

I am surprised and shocked to see the extreme negligence on the part of the concerned officers of WBPCB and request your good self to take the matter as urgency and issue directions as may be necessary to stop the pollution as referred above.

Thanking you,

Yours faithfully,

Sonjit Kumar Kayal

(Sonjit Kumar Kayal)

Mob : 9239396627 / 9088932838

Encl : Annexure : I to VIII.



EW10766505IN IVR:678741276558
SP KOLKATA CFD (700001)
Counter No:9,18/08/2023,19:44
To:THE WB POLLUT,PARTIBESH BHATTACH
PIN:700106, Bidhan Nagar IF Market SO
From:SONJIT KU Y.,169/1-B HARIDAS
Wt:44gms
Amt:17.70(Cash)Tax:2.70
<Track on www.indiapost.gov.in>
<Dial 18002668868> Clear Postage. Stay Safe!



96 106

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. PCB7704
Memo No. 704 - 5L/WPB-2023/A-3704

Dated: 14-08-2023

To
Arup Mondal & Others
169/1B, Haridas Dutta Road,
PO: Joynagar SO, PS: Joynagar,
Dist: South 24 Parganas, Pin: 743337,
West Bengal.

Annexure..... P8.
To in paragraph..... 11
Foregoing statement affirmed
by..... Sonjit Kumar Kayal
In this..... 14th Day of August 2023

Sub: Complaint related to Environmental Pollution

Commissioner of Affidavit
High Court, Appellate Side
Calcutta

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 State Board on 24-08-2023 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 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. 704 - 5L/WPB-2023/A-3704

Dated: 14-08-2023

Copy forwarded to:

1. Sonjit Kumar Kayal, 169/1B, Haridas Dutta Road, PO: Joynagar Majilpur SO, PS: Joynagar, Dist: South 24 Parganas, Pin: 743337, 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 Sr. Environmental Engineer & In-charge, Allpore Regional Office: He is requested to cause an inspection and submit the inspection report of chanachur manufacturing unit of Arup Mondal & Others before the date of hearing.



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 respondants 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.



LIFE
Lifestyle For
Environment

97 107

WEST BENGAL POLLUTION CONTROL BOARD
(Department of Environment, Govt. of West Bengal)
Mani Square, 8th floor
Block / Space-8IT on Western Side,
164 / 1, Maniktala Main Road, Kolkata-700054.
Ph- 033-2320 0042, Website.: www.wbpcb.gov.in
e-mail: net.wbpcb-wb@bangla.gov.in

Memo No. 5L/WPB-2023/M-3704

Dated: -2023

PUBLIC GRIEVANCE CELL

Complainant (s)	Respondent (s)
Sonjit Kumar Kayal	M/s Maa Kali Food Product Prop: Arup Mondal
Date: 24-08-2023	Time: 12:45 PM

RECORD OF PROCEEDINGS

Mr. Sonjit Kumar Kayal, complainant, appeared in person. Mr. Arup Mondal, proprietor of M/s Maa Kali Food Product, appeared in person.

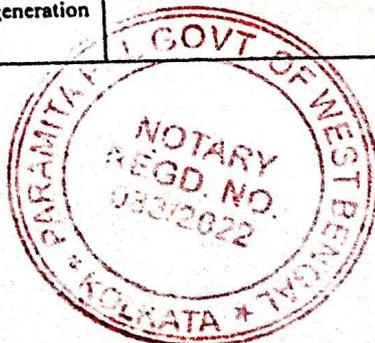
This is a complaint against a *chanachur* manufacturing unit allegedly causing air pollution in the surrounding area during their operations.

This complaint was previously heard by the Public Grievance Cell of the State Board on 17/01/2020 wherein the Environmental Engineer & In-charge of Alipore Regional Office of the State Board was requested to cause an inspection through their good office. Officials of Alipore Regional Office, WBPCB thereafter caused an inspection on 06/06/2023. Excerpts from the inspection report are given below:

Observation:

[A] Sources of generation of liquid waste	It is a small chanachur manufacturing unit (per day about 50kg as stated during inspection). Source of waste water is only washing of activities (very low quantity).
[B] Facilities available for treatment	Septic tank to soak pit to municipal drain
[C] Generation of sewage and its treatment/disposal	Septic tank to drain
[D] Observation & comments on performance of treatment facility of liquid waste	During inspection, the unit was not in operation
[E] Sources of generation of gaseous emission	Wood fired oven (one no.). Hood (without ID fan) and stack of height about 10m from GL has been provided to collect fugitive emission.
[F] Facility available for treatment of gaseous emission	No
[G] Observation & Comments on performance of treatment facility for gaseous emission	As the unit was not in operation, so it is difficult to comments regarding emission level. However, fume, generated from burning of wood in the oven, will not be passed through the chimney fully as the hood was provided over the oven, chimney is not connected with end of the oven.
[H] Observation on noise pollution generated from industrial process along with measured level (if measurement)	
[I] Information regarding solid waste generation and disposal/storing facility	

Annexure..... Pa
To in paragraph.
Foregoing
by.....
In this..



98 108
1-

[J] Information regarding Hazardous waste generation and onsite storing facility	
[K] Status of Haz. Waste (M & H) authorization	
[L] Storing of Hazardous Chemicals under M S & I (HC) Rules	Not applicable
[M] Status of consent to establish	No CTE
[N] Status of consent to operate	No CTO
[O] Status of Environmental Clearance	Not required
[P] Any other relevant information	1. This tiny chanachur factory is within the kitchen of Mr. Arup Mondal. 2. This is a complaint case. Name of the complainant is Sri Sanjit Kumar Kayal. He was present during inspection. His house is very closed to the chanachur frying oven (About 14-16 ft).

Remarks :

- The unit should obtain CTE/CTO from State Board.
- Considering the location of the unit, unit may be directed to shift to cleaner fuel/solid fuel fired smokeless Chula. Chimney should be connected with end of the oven to collect fume, generated due to combustion.

Complainant submitted that they are suffering tremendously from the emissions generated from the operations carried out by the respondent unit.

The respondent unit submitted a copy of valid trade license of the Jaynagar-Mazilpur Municipality for the trade/profession "Enterprises dealing with food items, Snacks Shop" but failed to submit consent to establish/consent to operate of the State Board.

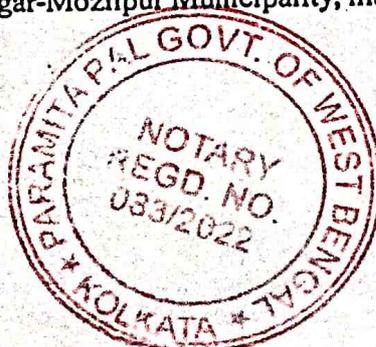
Considering the overall scenario, the contents of the inspection report and the submission of the complainant and respondent, M/s Maa Kali Food Product, is hereby directed to:

- Obtain all statutory licenses including, consent to establish and consent to operate of the State Board and operate only after obtaining consent to operate of the State Board;
- Install appropriate air pollution control system for controlling emissions or use a cleaner fuel so that the people living in the neighbourhood may not be inconvenienced due to emissions generated from its operation and ventilate emissions through a stack of adequate height. Fugitive emission shall be avoided.

We make it clear that the respondent unit 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 respondent unit shall operate their manufacturing activity *only after* obtaining *consent to operate* of the State Board and *after* taking pollution control measures, as mentioned above.

The unit is also at liberty to approach the Alipore Regional Office of the State Board in case of guidance required, if any.

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



99 109

The Officer in Charge, Joynagar Police Station, is requested to oversee the compliance of this order and also see that the M/s Maa Kali Food Product does not operate without obtaining consent to operate of the State Board. 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. N. Goswami)
Senior Law Officer

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

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

Memo No. 10(7)(2)-5L/WPB-2023/M-3704

Dated: 07.09-2023

Copy forwarded to:-

1. M/s Maa Kali Food Product, Prop: Arup Mondal, 169/1C, Haridas Dutta Road, Hazaripara, P.O.: Joynagar, P.S.: Joynagar, Dist: South 24 Parganas, Pin: 743337, West Bengal.
2. Mr. Sonjit Kumar Kayal, 169/1B, Haridas Dutta Road, P.O.: Joynagar, Dist: South 24 Parganas, Pin: 743337, West Bengal.
3. The Executive Officer, Joynagar-Mozilpur Municipality, 14, N.S.C. Road, South 24 Parganas, Jaynagar Mazilpur, West Bengal 743337.
4. The Officer in Charge, Joynagar Police Station, Jaynagar Mazilpur, South 24 Parganas, Pin: 743337.
5. The, General Manager, District Industries Centre, South 24 Parganas, MS Buildings, 2nd Floor, Kasba Industrial Estate, Phase-III, Kolkata -700107.
6. Chief Engineer (O & E Cell), WBPCB.
7. The Sr. Environmental Engineer & In charge, Alipore Regional Office, WBPCB.
8. The P.A. to the Member-Secretary, WBPCB.
9. Guard File.



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

Dial 18002656868 (Wear Masks.)
India Post
EW191790321H IVR:6987419179032
SP KOLKATA GPO 700001
Counter No:10,28/08/2023,18:42
To:THE WPCB .SALT LAKE CITY
PJH:700106, Bidhan Nagar IB Market SO
From:SANJIT KUMAR.169/1 B HARIDAS
Wt:40gms
Amt:17.70(Cash)Tax:2.70
<Track on www.indiapost.gov.in>

100

P10
13

To
The West Bengal Pollution Control Board
8th Floor, Monisquare
164/1, Maniktala Main Road
Kolkata - 700054.

Sub : Complaint against (1) Arup Mondal, s/o. Sanjay Mondal & (2) Aparna Mondal
w/o. Arup Mondal of 169/1C, Haridas Dutta Road, Ward No. 6, Joynagar
Majilpur, Police Station - Joynagar, 24-Parganas (South).

Sonjit K. Kayal
In this... Day of...

Ref : Complaint related to environmental pollution.

Commissioner of Affidavits
High Court, Calcutta

Dear Sir,

I am patient of breathing disorder and recently underwent SEPTOPLASTY Surgery.
I am also the resident of 169/1B, Haridas Dutta Road, Ward No. 6, Joynagar Majilpur, Police Station - Joynagar, 24-Parganas (South), beside the house of the above named miscreant and living there with my wife and 10-years old son. That said Arup Mondal and his wife are running a illegal chanachur factory inside their house since long using machines, charcoals that give out obnoxious gas that spread inside my house, even also inside the other residential house making it impossible to stay there as a result we are suffering various health hazards. In the earlier occasion I have lodged several written complaint before the concerned authority and also I lodged a written complaint before your office on 08.04.2023, thereafter on 19.08.23 from your concerned Office served a notice upon me and to the said Arup Mondal and his wife Aparna Mondal for hearing related to environmental pollution. As per notice dated 14.08.2023 vide Memo No..704-5LWPB-2023/A-3704, the hearing was held on 24.08.23 in presence of both parties and after considering the papers (copy enclosed) and documents you directed the said miscreant to stop his illegal business and also told them that an enquiry will be conducted by your concerned office. But after returning from the hearing the said Arup Mondal and Aparna Mondal again started running their illegal factory and polluting air of the locality by violating your direction. The CCTV footage and others photography of illegal work of said business dated 26.08.2023,27.08.2023 and also the notice dated 14.08.23 for hearing before your office of State Board which was held on 24.08.23, are enclosed herewith for your ready reference.

We further inform you that despite our repeated request the said persons are continuing their illegal business and polluting the residential locality.

In view of the above, we further request you to take necessary steps for stopping of the illegal pollution in the locality on urgent basis and also I humbly pray you to please do something, otherwise we may die caused by pollution disease.

Your early action in this regard is highly solicited.

Yours faithfully,

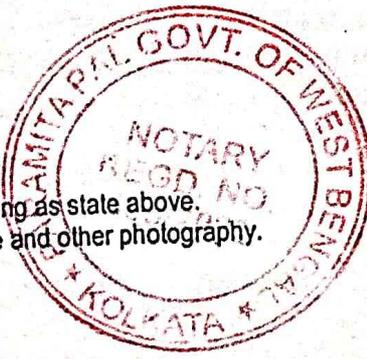
Sonjit Kumar Kayal
(Sonjit Kumar Kayal)

Mob : 9239396627 / 9088932838

Date 28.08.2023.

Encl :

- 1) Notice of Hearing as state above.
- 2) CCTV Footage and other photography.



191
EIN: 406788548IN IN: 1579740678854
SP KOLKATA GPO (700001)
Counter No: 18, 29/09/2023, 11:15
To: DWIPENDU, DUMURGA, KALIPUR
PIN: 743337, Joynagar Parganas of
From: SUNIT KUMAR KAYAL
Wt: 10gms
Rate: 41.50 (Cash) Taxes: 00
Track on www.indiapost.gov.in

SPEED POST

To
The Chairman
Joynagar-Majilpur Municipality
P.O. - Joynagar Majilpur, P.S.- Joynagar
South 24-Parganas, Pin - 743337.

Re : Illegal use of the residence of Arup Mondal,
proprietor of M/s. Maa Kali Food Product.

Sir,

This is to draw your kind attention to the facts that Sri Arup Mondal is my next to my door neighbour. He has been operating a Chanachur (snacks) Factory from his residence which is adjacent to my residence. Mr. Mondal possess a certificate of enlistment for running a shop for snacks only, but he is running a chanchur factory illegally instead of running a shop for snacks from his residence, diverting the nature of business as per Certificate of Enlistment issued to him.

This chanachur factory is using coal fired mud oven for manufacturing chanachur. The coal fired oven is generating black smoke that enter into my house which is not even four feet away from M/s. Maa Kali Food Product.

I have made several complaints before your goodself but the illegal units is still operating and creating pollution.

Yours faithfully,

Dated :- 29th September, 2023

Sanjit Kumar Kayal
(Sanjit Kumar Kayal)

Mob No.9239396627 / 9088932838

Copy forwarded to :-

1. The West Bengal pollution Control Board
(Department of Environment, Govt. of West Bengal)
Mani Square, 8th Floor, Block/Space-8IT on Western Side
164/1, Maniktala Main Road, Kolkata 700054.
2. The West Bengal pollution Control Board
(Department of Environment, Govt. of West Bengal)
Paribesh Bhawan, 10A Block - LA, Sector-III,
Bidhannagar, Kolkata - 700106.

Annexure..... P11
in paragraph..... 14
Foregoing petition affirmed
by *Sanjit K. Kayal*
In this..... day of *Nov* 2023

Commissioner of Affidavit
High Court, Appellate Side
Calcutta

192

PAUSHALI BANERJEE

Advocate

Chamber:

7 A Kiron Shankar Roy Road

Kolkata-700001

e-mail-advocate.paushali@gmail.com

12/2/24

TO,

The IC,

Joynagar Police Station

District- South 24 Parganas-743337

Affidavit..... P12
To in paragraph..... 16
Paragraphs..... 16
by..... Sonjit Kumar Kayal
In this..... 20th Day of..... March 24

RE: OA 174/23/EZ

Sonjit Kumar Kayal

Vs

Department of Environment & Ors

Commissioner of Affidavit :
High Court, Appellate Side
Calcutta

Sir,

The aforementioned matter appeared before Hon'ble NGT/EZ, the Judgement pronounced on 12/02/24 is attached herewith and is self explanatory. The respondent unit i.e. Mau Kali Food products is directed to be closed till the unit obtains all permissions from the concerned authority.

Paushali Banerjee

Paushali Banerjee

Advocate

9433253274.



EM030872E23IN IVR:6987030072623
SP KOLKATA GPO <700001>
Counter No:6,13/02/2024,19:54
To:THE INS IN CH,JOYNAGAR P.S
PIN:743337, Joynagar Malipur SO
From:PAUSHALI BA.7A K S ROY ROAD
M:75965
Amt:41.30(Cash):Tax:6.30
Track on www.india-post.gov.in



113 46

EW032109478H DA:02/02/24 11:10:26
SP KOLKATA GPO (000000)
Counter No: 6, 02/02/24, 11:10:26
To: THE NGT, Udhampur, Jammu & Kashmir
PIN: 191001, Jammu & Kashmir
From: 000000 KOLKATA, West Bengal
M: 120000
Ext: 41, 201 (Cash)
Track on 444, 1011, 1001, 2001, 100



TO,

1. The Chairman, WBPCB, Paribesh Bhawan, 10A, Block-LA, Sector-III Bidhan Nagar, Kokata-700106
2. Alipore Regional Office, 5th Floor, Minority Bhawan, Alipore Police Line, Alipore, Kolkata-700027

RE: OA 174/23/EZ

Sonjit Kumar Kayal

Vs

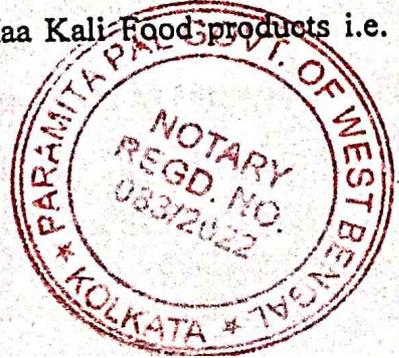
Department of Environment & Ors

Sir,

The aforementioned matter appeared before Hon'ble NGT/EZ, the Judgement pronounced on 12/02/24 , it was directed by the Hon'ble Tribunal to take appropriate action against the respondent unit i.e. Maa Kali Food products if it is found operating, in violation of the orders of the Hon'ble Tribunal.

This is to inform you that the unit Maa Kali Food products is continuing its operation i.e production of chanachur in violation of the order of the Hon'ble Tribunal. The photographs are enclosed herewith which shows proof of continuous operation of the respondent unit.

The undersigned also begs to inform you that the construction on the premises of the unit Maa Kali Food products i.e. L.R.Khatian no.5692, Mouza-Majilpur,



114 #7

being holding no.169, Haridas Dutta Road, Ward no.6, Jaynagar – Majilpur Municipality under P.S.Joynagar, South 24 Parganas is an illegal construction.

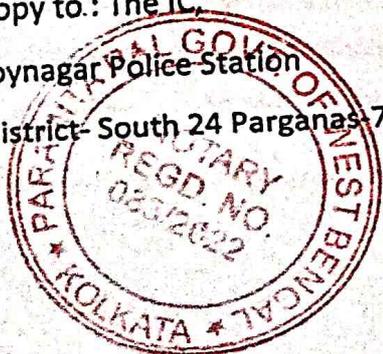
That an ad interim injunction was passed by the Ld Civil Judge (Junior Division) 3rd Court Baruipur vide order dated 24/11/21 in T.S.No.582/2021 and it was directed to be implemented again vide order dated 25/04/23. In WPA No.12156/23 Hon'ble Justice Rajshekar Mantha vide order dated 15/06/23 directed strict enforcement of order dated 24/11/21 passed by the Ld Civil Judge. In CPAN 1651/2023 in WPA 1256/23 Hon'ble Justice Mantha vide order dated 9/02/24 passed order of Contempt of order dated 15/06/23 and directed demolition of the construction on the said premises. Please find enclosed Order dated 25/04/23 and orders of Hon'ble Justice Mantha dated 15/06/23 and 9/02/24.

That as the Construction is illegal and there is an order of demolition, you are requested not to provide any NOC to the said unit. You are requested to cancel any NOC in the event it is already granted to the unit. You are also requested to take immediate action against the unit for continuous production in violation of the order of Hon'ble NGT.

Date - 02.03.2024

Soujit Kumar Ghosal
Your's Faithfully

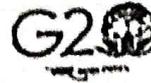
Copy to: The IC,
Joynagar Police Station
District- South 24 Parganas 743337



115 418

Sign In Register

FA & हिन्दी in



You are here Home >> Track Consignment

Quick help

Track Consignment

* Indicates a required field.

* Consignment Number

EW031718967IN

Track More

Booked At	Booked On	Destination Pincode	Tariff	Article Type	Delivery Location	Delivery Confirmed On
KOLKATA GPO	02/03/2024 19:28:06	743337	41.30	Inland Speed Post	Joynagar-Majilpur SO	04/03/2024 14:42:20

Event Details For : EW031718967IN

Current Status : Item Delivered(Addressee)

Date	Time	Office	Event
04/03/2024	14:42:20	Joynagar Majilpur SO	Item Delivered(Addressee)
04/03/2024	10:49:58	Joynagar Majilpur SO	Out for Delivery
04/03/2024	08:21:15	Joynagar Majilpur SO	Item Received
03/03/2024	05:32:37	Sealdah RMS TMO	Item Dispatched
03/03/2024	05:16:50	Sealdah RMS TMO	Item Received
03/03/2024	03:52:06	Sealdah RMS TMO	Item Dispatched
03/03/2024	03:33:13	Sealdah RMS TMO	Item Received
03/03/2024	03:22:30	SMO SEALDAH RMS TMO	Item Dispatched
03/03/2024	03:12:30	SMO SEALDAH RMS TMO	Item Received
03/03/2024	03:00:51	Sealdah ICH	Item Dispatched
03/03/2024	02:50:04	Sealdah ICH	Item Bagged
03/03/2024	01:36:26	Sealdah ICH	Item Received
03/03/2024	00:58:08	SMO SEALDAH RMS TMO	Item Dispatched
03/03/2024	00:44:41	SMO SEALDAH RMS TMO	Item Received
02/03/2024	21:27:04	Kolkata RMS Malls TMO	Item Dispatched
02/03/2024	20:10:44	Kolkata RMS Malls TMO	Item Received



116 119

✓ S. NO. X 2312/23

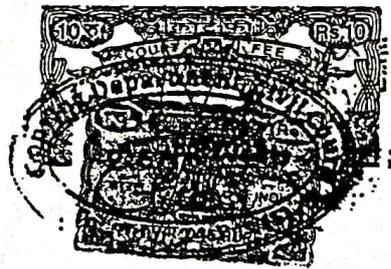
IN THE COURT OF CIVIL JUDGE (JR./SR) DIVN. 1ST./2ND./3RD COURT BARUIPUR, SOUTH 24-PARGANAS

CASE NO: T-S-582/21

..... Srima Kayal:

VS.

..... Arup Mandal and others



Annexure..... P13.....
To in paragraph..... 19.....
Foregoing Decision affirmed
by..... Sonjit K. Kayal
In this..... 20th Day of March 2024

Commissioner of Affidavit
High Court, Appellate &
Calcutta

ex-61
26 04
23



Order no. 13, dated 25.04.2023.

120 117

Today the record is taken up by way of put up petition being allowed wherein the plaintiff side prays for hearing petition under section 151. CPC filed today wherein the plaintiff/applicant side prays for police assistance to implement the ad Interim Injunction order in her favour. It is found that Vide order No. 02, dated 24.11.2021, this Court was pleased to direct that "status quo over the B schedule property in terms of nature, character, possession and title must be maintained by both the concerned parties till 23.12.2021". The plaintiff, in her petition dated 17.04.2023 stated that the defendants despite the knowledge of the order of the Court are still disturbing the peaceful possession of the plaintiff and attempting to change the nature and character of the suit property. In this regard the plaintiff side also lodged a complaint before Joynagar P.S. Thus, in view of the application made today by the plaintiff side and for the ends of justice, hence, it is

ORDERED

that the prayer of the plaintiff side for police help stands allowed. I/C Joynagar PS is directed to implement the ad interim injunction order dated 24.11.2021 in accordance with due process of law and intervene only when there shall exist any allegation of specific disturbance in the peaceful possession of the plaintiff side in any manner and nothing else whatsoever that regard. It is apt to mention that the concerned PS shall not unnecessarily interfere in the civil life of the parties and shall restrict its activities only when required by law to step in and otherwise not. With such direction this application stands disposed off.

dt 25/4/23
via
w 60

Let a copy of this be order be transmitted to the I/C Joynagar PS for information and necessary action.

To date (27.06.2023) for WS/WO.

Dict. & Corrected

Civil Judge (Jr. Divn.), 3rd Court
Barulpur, South 24-Parganas
Civil Judge
Jr. Divn. (3rd Court)
Barulpur, 24-Pgs. (S)

Civil Judge (Jr. Divn.), 3rd Court
Barulpur, South 24-Pargana
IO Code- WB01477
Civil Judge
Jr. Divn. (3rd Court)
Barulpur, 24-Pgs. (S)



Compared and Examined by

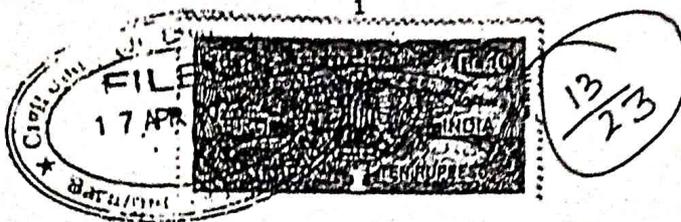
Comparing Clerk
Copying Department, Civil Court
Barulpur, South 24-Parganas

26/09/23

Certified to be a true copy

Head Comparing Clerk
Barulpur Civil Court
Authorised

26/09/23



127

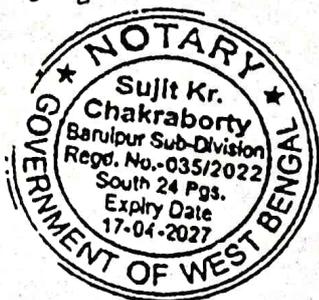
FILED BY
Advocate

118

In the Court of Ld. Civil Judge (Jr. Div) 3rd Court at Barulpur

TS No: 582 of 2021

Handwritten note:
কম্পিউটার
কম্পিউটার
কম্পিউটার



Sima Kayal

.....Plaintiff

-V/S-

Arup Mondal & another

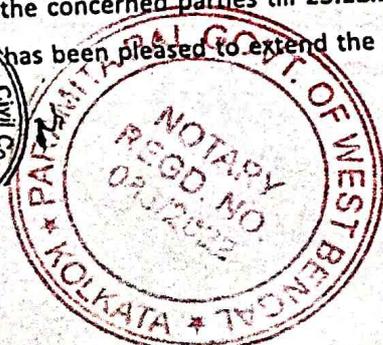
.....Defendant

17 APR 2023

An application u/s of 151 of C.P.C for Police help

The plaintiff states as follows:-

1. That the plaintiff has filed the above noted suit, before the Ld. Court for declaration and for permanent Injunction against the defendant in respect of the suit property described in the schedule here under and the said suit is still pending before the Ld. Court.
2. That in the said suit plaintiff has filed one application U/o 39 rule 1 and 2 read with sec 151 of C.P.C, praying for temporary Injunction over the suit property described in schedule given here under.
3. That the Ld. Court after perusal of said application and relevant documents and after hearing the submissions on behalf of the plaintiffs, was pleased to pass an order of Ad-interim injunction on 24.11.21 passed an order of ad-interim injunction in the following terms "that status-quo over the B schedule property in terms of nature, character, possession and title must be maintained by both the concerned parties till 23.12.2021." On the prayer of plaintiff the Ld. Court has been pleased to extend the said order of injunction time to time. The said



— Sima Kayal

17 APR 2023

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122

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[Signature]
Advocate

order is still in force. The notices of said injunction order have duly been served upon the defendants namely, Arup Mondal and Aparna Mondal and they are well aware about the existence of said order against them in respect of the schedule B property.

4. That the defendant is thus well aware about the existence of said order against them in respect of the schedule B property. In spite of the knowledge said Aparna Mondal and Arup Mondal by violating the Ld. Court's order of injunction are now trying to make changes in the nature and character of the suit property by making forceful construction thereupon. They are not obeying / complying with the order of injunction passed by the Ld. Court.

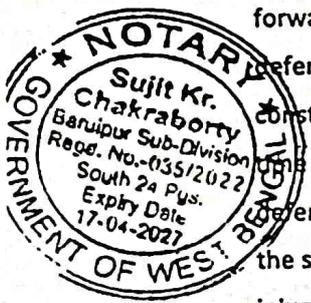
5. That the defendants are desperate in nature and have no respect for law and they are attempting to make construction thereon. The defendants have collected building construction materials and threatening to start construction soon.

6. That on 14/04/2023 the defendants and their associates attempted to start illegal construction work over the suit property but on the resistance put forward by the plaintiff, they could not succeed in their illegal attempt. The defendants have threatened the plaintiff that by any means they will make construction on the schedule suit property. This plaintiff apprehends that at any time the defendants may again make attempt to start construction work. If the defendant succeeds in his illegal attempt the nature character and possession of the suit property will be changed and the plaintiff will suffer irreparable loss and injury. The said defendants are required to be restrained from violating Ld.

17 APR 2023 Court's order of injunction. The police administration is required to enforce the said order of injunction by restraining the defendants from committing any wrong. The violation of Court's order in itself is a crime.

7. The plaintiff has already lodged a complaint through his Ld. Advocate before the Joynagar P.S. on 14/04/2023 and informed the whole matter but the police authority has not taken any steps yet. The order of injunction is needed to be

Sima Nayal



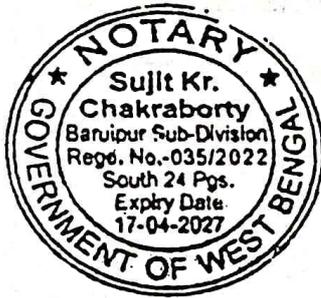
120

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Advocate

17 APR 2023

implemented over the suit property strictly, otherwise the order of injunction will be violated and the injunction order will become futile. To protect and preserve the suit property, implementation of the order of injunction with the help of police assistance is necessary.

Under the aforesaid circumstances the order of injunction can only be implemented with police assistance.



17 APR 2023

Therefore it is prayed that Your Honour may be kind enough to pass necessary direction upon SP Baruipur Police District and I/C Joynagar P.S. to implement the order of injunction passed by the Ld. Court on over the suit property described in schedule hereunder strictly and to make ensure that the order of injunction be complied by both the parties and / or, pass such other order/ orders as Your Honour may deem fit and proper.

And for this act of kindness your petitioner as in duty bound shall ever pray.

Schedule A

All that piece and parcel of land measuring 2.891 decimal comprising in a portion of L.R dag no: 2381 recorded under L.R Khatian no: 8098 of Mouza Majilpur, J.L No: 19 together with two storied building standing thereon being holding no: 169/1, Haridas Dutta Road, Ward no: 6, Jaynagar-Majilpur Municipality under P.S Joynagar, South 24 Parganas butted and bounded by-

On the North: JabaPurkait
On the South: Common Passage
On the East: SallenRoy
On the West: Arup Mondal

Delineated in colour green in the sketch map hereunder.



— Sima koyal

17 APR 2023

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Schedule-B

All that piece and parcel of land measuring 4feet X 46 feet out of 2.132 decimal comprising in a portion of L.R dag no: 2380, 2381, recorded under R.S. Kh no. 890, L.R Khatlan no: 5692, of Mouza Majllpur, J.L No: 19 being holding no: 169, Haridas Dutta Road, Ward no: 6, Jaynagar-Majllpur Municipality under P.S Joynagar, South 24 Parganas butted and bounded by-

On the North: L.R. Dag No. 2382

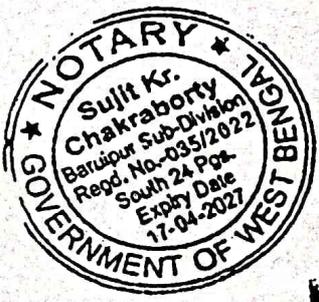
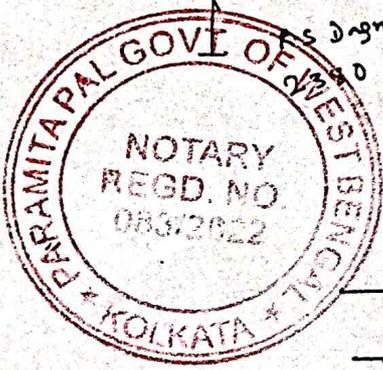
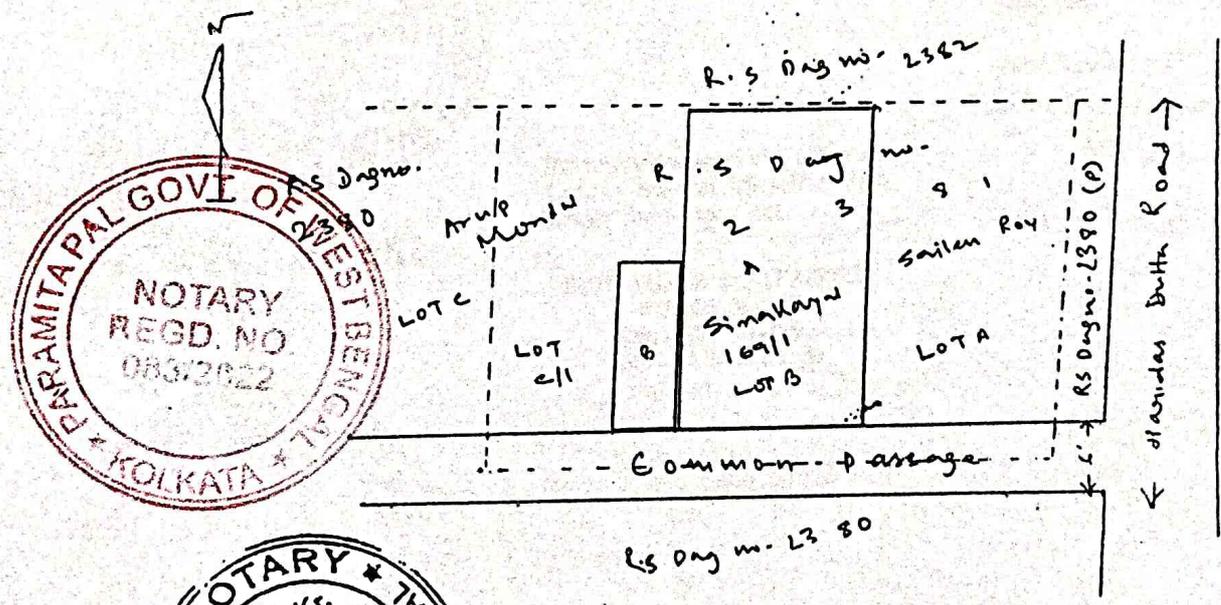
On the South: Common Passage

On the East: SimaKayal

On the West: Part of L.R. Dag No. 2380

Shown and Delineated in colour red in the sketch map hereunder.

Sketch Map

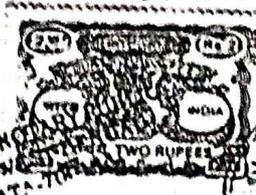


7 APR 2023

— Sima Kayal



BEFORE THE NOTARY
GOVT. OF WEST BENGAL
KOLKATA

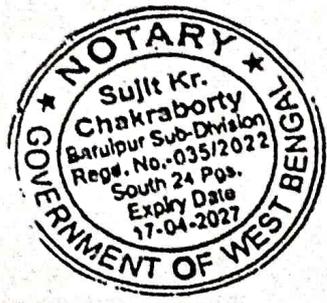


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[Signature]
[Signature]

I, Sima Kayal, W/O Sanjit Kumar Kayal, Aged about - 43 YEARS, by occupation - Housewife, Of, 169/1 Haridas Dutta Road, Ward no: 6, P.O. Joynagar-Majllpur, P.S Joynagar, south 24 Parganas PIN:- 743337, do hereby solemnly affirm and declare as follows:-

1. That I am the plaintiff of this suit.
2. That I am well conversant with the facts and circumstances of the present suit.
3. All the statements made and contained in the application marked 'A' are true to my knowledge and belief.



17 APR 2023

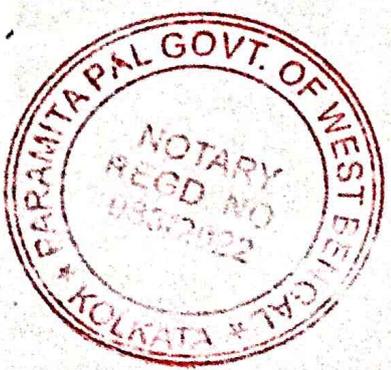
Solemnly declared and affirmed before me on identification under the Notary Act.

SUJIT KUMAR CHAKRABORTY
NOTARY PUBLIC
Regd. No.- 035/2022
Govt. of West Bengal

- Sima Kayal
Deponent

Identified by me
[Signature]
Advocate

WB-550/09



Compared and Examined by

[Signature]
Comparing Clerk
Copying Department, Civil Court
Barulpur, South 24 Parganas

26/04/23

Certified to be a true copy

[Signature]
Head Comparing Clerk
Barulpur Civil Court.
Authorised u/s 76 Evidence Act, 1973
2/09/23

DISTRICT : 24 PARGANAS (SOUTH).

IN THE HIGH COURT AT CALCUTTA
Constitutional Writ Jurisdiction

Appellate side

~~126~~
123
Borah
Ashraf Haldar
A.D. Cal.



W.P.A. No. 12156 of 2023.

In the Matter of :-
An Application under Article 226 of
the Constitution of India.

A N D

In the Matter of :-
Sima Kayal,
Wife of Sanjit Kumar Kayal,
Residing at Village - Mazilpur
Kayalpara, 169/1, Haridas Dutta
Road, Post Office - Joynagar Mazilpur,
P.S. Joynagar, District : South 24-
Parganas, Pin No 743337.

..... Petitioner.

-: Versus :-

25521

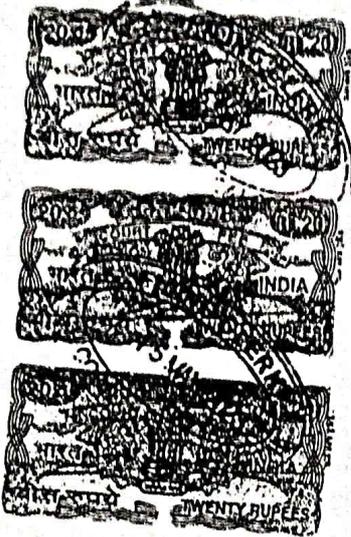
1. The State of West Bengal,
service through the Secretary,
Department of Home(Police),
having its office at Nabanna,

At
26/6/23



124

Shibpur, Howrah-711102.



2. The Superintendent of Police
Barulpur Police District, P.O. and P.S.
Barulpur, District : 24-Parganas
(South), PIN-700144.

3. The Inspector-in-Charge,
Joynagar Police Station,
District : 24-Parganas (South)
PIN-743337.

4. Arup Mondal,
Son of Sanjay Mondal,
5. Aparna Mondal,
Wife of Arup Mondal,
Both residing at 169/1C, Haridas
Dutta Road, Ward No. 6, P.O.
Joynagar- Majilpur, P.S. Joynagar,
District : 24-Parganas (South)
PIN-743337.

.....

....Respondents.



Atc
26/6/23

128/125

Filed By Officer or Advocate	Serial No.	Date	Office notes, reports, Orders or proceedings with signature
---------------------------------	---------------	------	---

(1)

18.08.2023
Court No. 13
Item No. 7
AP

WPA 19166 of 2023

Alma Kayal
Vs.
The State of West Bengal & Ors.

Mr. Bounak Bhattacharya
Mr. Bounak Mondal
Mr. Abhirup Halder

... For the Petitioner.

Mr. Amiteah Banerjee
Mr. Buddhadev Adak

... For the State.

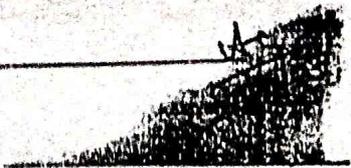
Mr. Soumen Bhattacharya
Mr. Ankan Das

... For the Private Respondent.

1. The petitioner is aggrieved that despite an order dated 25th April, 2023 in TS.No.582 of 2021 passed by the Civil Judge (Junior Division), 3rd Court, Barulpur, South 24-Parganas directing to implement the ad interim injunction order dated 24th November, 2021, the private respondents are continuing with construction and violating the said order.

2. The petitioner is stated to have lodged complaint with the Superintendent of Police, Barulpur Police District, South 24-Parganas against the IC, Joynagar Police Station. The petitioner is stated to have been abused and shouted at by the IC, Joynagar Police Station. It is submitted by the petitioner that the SDPO visited the police station and appropriately admonished the IC, Joynagar Police Station.

✓



129 126

Filed by Office or Advocate	Serial No.	Date	Office notes, reports, Orders or proceedings with signature
			<p>3. The Superintendent of Police, Baruipur Police District, South 24-Parganas shall take note of the above.</p> <p>4. Joynagar Police shall strictly enforce the order of ad interim injunction and ensure that there is absolutely no construction in any form on the said land.</p> <p>5. The IC, Joynagar Police Station shall submit a detailed report before the Court below regarding any activity on the suit property since after 24th November, 2021. Let such report be filed within ten days from the date of receipt of a copy of this order.</p> <p>6. The Court below may take appropriate steps on any application that may be filed by the writ petitioner under Order 39 Rule 2(a) of the CPC.</p> <p>7. It appears from the submissions of the State that the Joynagar Police has already registered FIR 180/2023 under sections 188, 323, 354, 506 of the IPC against the private respondents and a third person.</p> <p>8. With the aforesaid directions, the writ petition shall stand disposed of.</p> <p>9. There shall be no order as to costs.</p> <p>10. All parties shall act on the server copy of this order duly downloaded from the official website of this Court.</p> <p style="text-align: right;"><i>Sd/- R. Mantha, J.</i> (Rajasekhhar Mantha, J.)</p>



26/6/23

080/2/10559/23

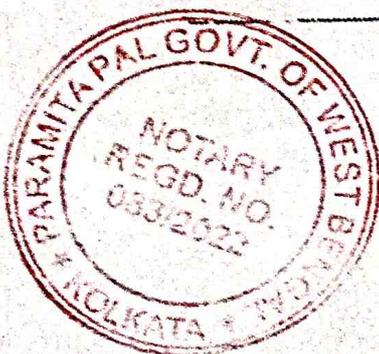
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- 1. Date of application for Certified Xerox Copy: 20/6/23
- 2. Date of making the charges: 26/6/23
- 3. Date of delivery in charges in Court for: 26/6/23
- 4. Date of which the Certified Xerox Copy is ready for delivery: 26/6/23
- 5. Date of which the Certified Xerox Copy is delivered to the Applicant

Rajyans Roy Choudhury
Assistant Registrar
High Court at Calcutta
Additional Under Section 76 of the
Inquisitor Act, 1872
(Act of 1872)
26.06.23



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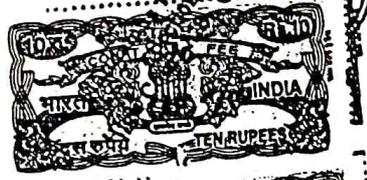
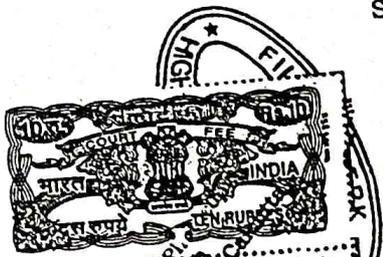
Brought
Lawyer Member
ADVOGATE

DISTRICT : 24-PARGANAS (SOUTH).

IN THE HIGH COURT AT CALCUTTA

Special Civil Jurisdiction

Appellate Side



C.P.A.N. No. 1651 of 2023.

In the Matter of :-
An application under Article
215 of the Constitution of
India;

And

In the Matter of :-
An application under the
Contempt of Courts Act 1971.

And

In the Matter of:
W.P.A. 12156 of 2023;

And

In the Matter of :
Wilful, deliberate and
contumacious violation of the

21444

19.02.2024



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129

order passed by His Lordship the Hon'ble Justice Rajasekhar Mantha in W.P.A. 12156 of 2023 dated 15th June, 2023.

And

In the Matter of :

Wilful, deliberate and contumacious violation of the solemn order dated 15th June, 2023 passed by His Lordship the Hon'ble Justice Rajasekhar Mantha in W.P.A. 12156 of 2023 (Sima Kayal -Vs.- The State of West Bengal & Ors) in the following manner -

- i) By not complying with the solemn order dated 15th June, 2023 passed by His Lordship the Hon'ble Justice Rajasekhar Mantha in W.P.A. 12156 of 2023 (Sima Kayal -Vs.- The State of West Bengal & Ors);
- ii) By not strictly enforcing the order of ad-interim injunction and ensuring that there is absolutely no construction in any form on the said;
- iii) By not submitting a detailed report before the Court below regarding any activity on the suit property



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19.02.2024

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since after 24th November,
2021 within ten days from the
date of receipt of this order ;

A n d

In the Matter of :-

Sima Kayal,
Wife of Sanjit Kumar Kayal,
residing at Village - Mazilpur
Kayalpara, 169/1, Haridas
Dutta Road, Post Office -
Joynagar Mazilpur, P.S.
Joynagar, District : South 24-
Parganas, Pin No 743337.
..... Petitioner.

:- Versus :-

1. The State of West Bengal,
service through the Secretary,
Department of Home(Police),
having its office at Nabanna,
Shibpur, Howrah-711102.
2. The Superintendent of
Police Baruipur Police District,
P.O. and P.S. Baruipur,
District : 24-Parganas (South),
PIN-700144.



19.02.2024

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3. The Inspector-in-Charge,
Joynagar Police Station,
District : 24-Parganas (South)
PIN-743337.

4. Arup Mondal,
Son of Sanjay Mondal,
5. Aparna Mondal,
Wife of Arup Mondal,
Both residing at 169/1C,
Haridas Dutta Road, Ward No.
6, P.O. Joynagar- Majilpur,
P.S. Joynagar, District : 24-
Parganas (South)
PIN-743337.

.....Respondents.

A n d

In the Matter of :-
Sima Kayal,
Wife of Sanjit Kumar Kayal,
residing at Village - Mazilpur
Kayalpara, 169/1, Haridas
Dutta Road, Post Office -
Joynagar Mazilpur, P.S.



19.02.2024

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Joynagar, District : South 24-
Parganas, Pin No 743337.

... ..Petitioner.

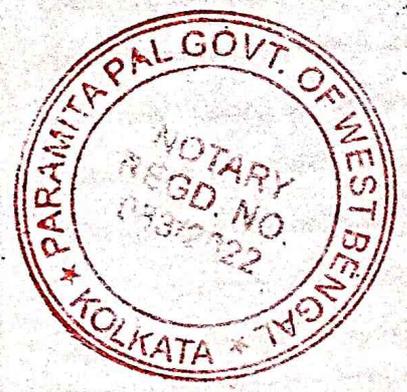
-: Versus :-

1) Mr. Rakesh Chattopadhyay,
Inspector-in-Charge,
Joynagar Police Station,
District : 24-Parganas (South)
PIN-743337.

2). Mr. Partha Sarathi Pal,
Inspector-in-Charge,
Joynagar Police Station,
District : 24-Parganas (South)
PIN-743337

..... Contemnor/
Respondent No. 3.

By
19.02.2024



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Noting by Office
or Advocate

Serial
No.

Date

Office notes, reports, Orders or proceedings with signature

09.02.2024.
Item No. 08.
Court No. 13
ap

CPAN 1651 of 2023
In
W.P.A. No. 12156 of 2023

Sima Kayal
Versus

Mr. Rakesh Chattopadhyay, Inspector-in-charge,
Joynagar Police Station & Anr.

Mr. Sounak Bhattacharya,
Mr. Sounak Mondal.

...For the petitioner.

Mr. Amitesh Banerjee, Id. Sr. Standing Counsel,
Mr. Suddhadev Adak.

...For the State.

1. Affidavit-of-service filed in Court today be taken on record.
2. Contempt is alleged of the order dated 15th June, 2023 passed by this Court.
3. Inspector-in-charge, Joynagar Police Station is represented.
4. It appears from the report of the Inspector-in-charge, Joynagar Police Station that as on date there is no construction. Photographs produced by the petitioner indicates that construction has been going on indiscriminately.
5. A report of the Commissioner appointed by the Court below indicates that there has been fresh construction as on 5th February, 2024.
6. This Court is of the clear view that the construction is in violation of the order of the Civil Court and that of this Court.
7. In that view of the matter, this Court directs the Inspector-in-charge, Joynagar Police Station to



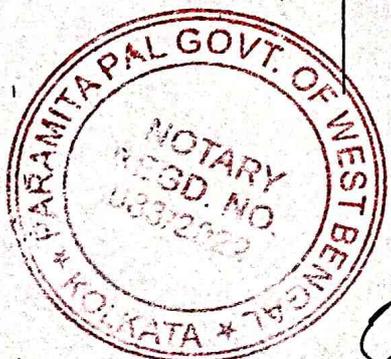
09.02.2024

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M. - Noting by Office or Advocate	Serial No.	Date	Office notes, reports, Orders or proceedings with signature
			<p>demolish the construction, if any, made on the property after the order dated 18th June, 2023 passed in Title Suit No. 582 of 2021. For the purpose of carrying out this Court's order, the petitioner shall render necessary assistance to the police including the costs of any machinery and men. The demolition shall occur in presence of sufficient police personnel from the Inspector-in-charge, Joynagar Police Station.</p> <p>8. The petitioner shall be entitled to recover his costs as costs in the suit in the Court below.</p> <p>9. Inspector-in-charge, Joynagar Police Station shall further demolish the construction, if any, is carried out and submit a detailed report to the Civil Court.</p> <p>10. In that view of the matter, CPAN 1651 of 2023 shall stand disposed of.</p> <p>11. Rule, if any, shall stand discharged.</p> <p>12. There will be no order as to costs.</p> <p>13. All parties are directed to act on a server copy of this order duly downloaded from the official website of this Court.</p>

Sd/- R. Mantha, J.
(Rajasekhar Mantha, J.)



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19.02.2024

CHC/D/2608/2024

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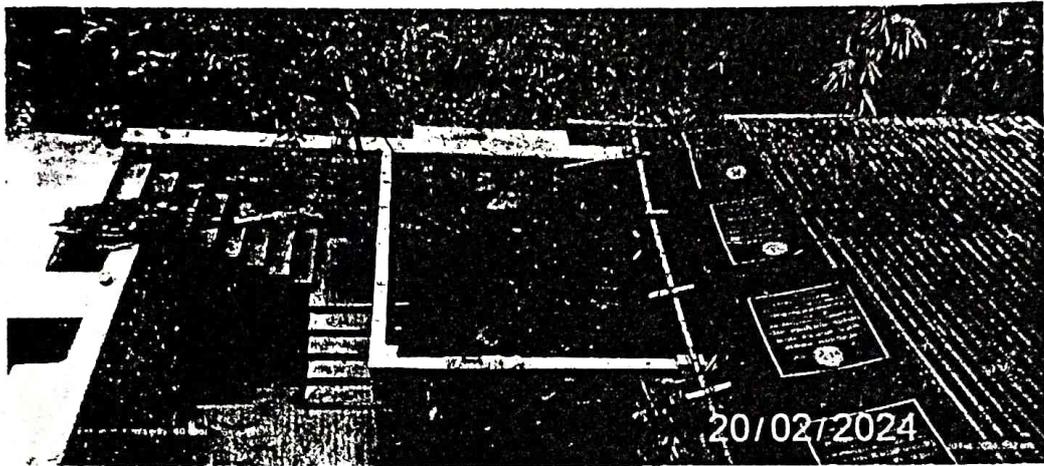
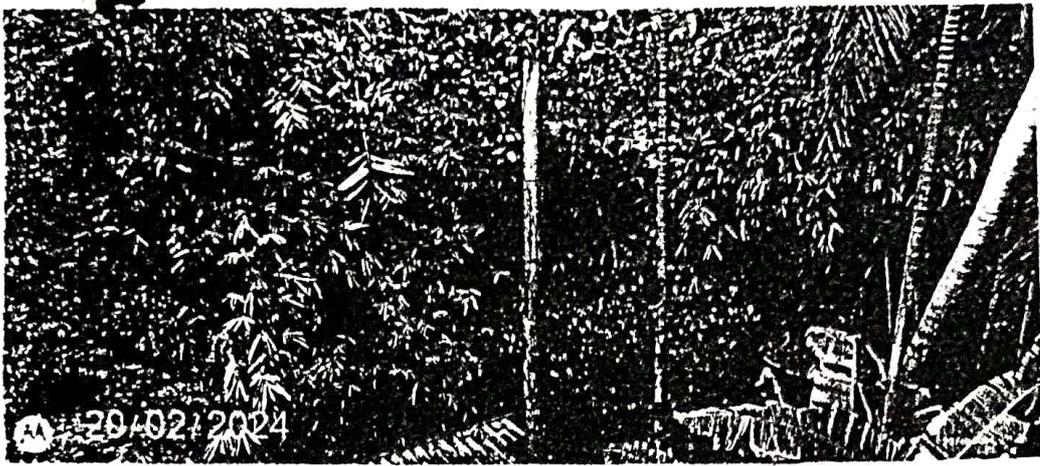
- 1. Date of application for Certified Xerox Copy..... 15.02.2024
- 2. Date of notifying the charges in 19.02.2024
- 3. Date of Putting in Charges in Court fee Stamp..... 19.02.2024
- 4. Date of when the Certified Xerox Copy was ready for delivery..... 19.02.2024
- 5. Date making over the certified Xerox Copy to the applicant

Certified to be a true copy
Arindam Chakraborty 19/02/2024.
Assistant Registrar / Section Officer
High Court, Appellate Side Calcutta
Authorised Under Section 76 of the
India Evidence Act, 1872
(Act 1 of 1872)



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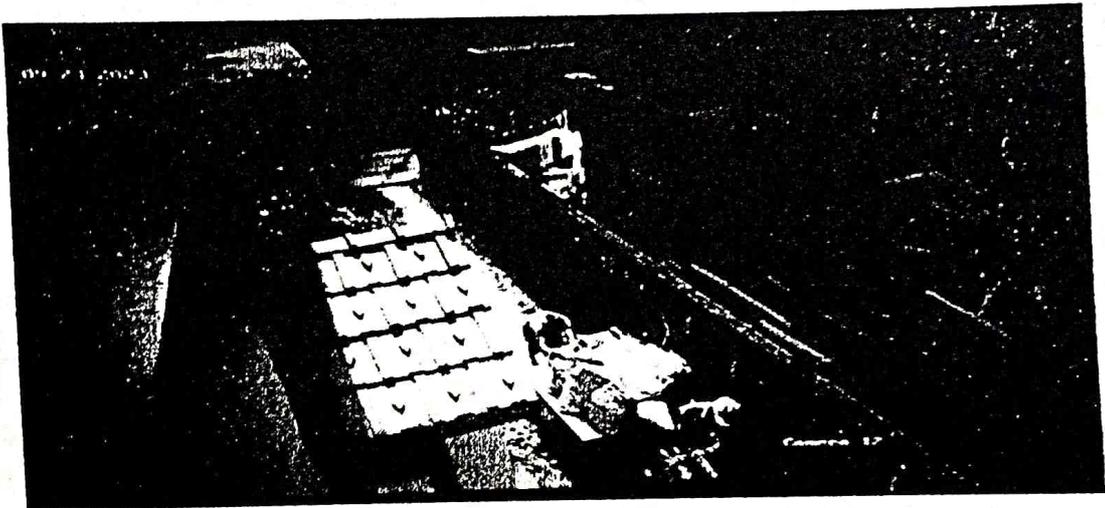
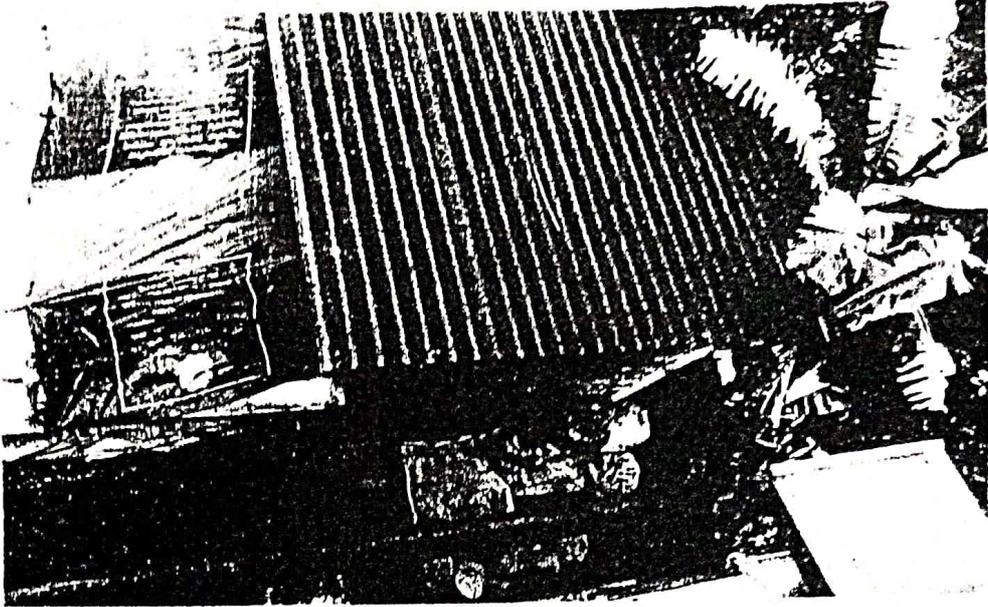


Annexure..... Pu
 To in paragraph..... 20
 Forgoing Petition affirmed
 by Smt. F. Kr. Kayal
 In this..... 20 Day of..... March 2024

[Signature]
 Commissioner of Affidavit
 High Court, Appellate Side
 Calcutta

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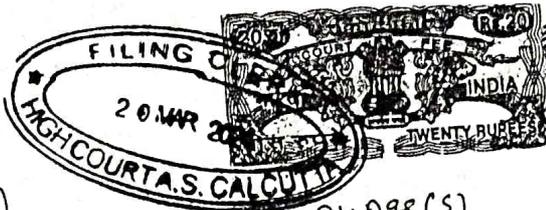
Annexure - A3.

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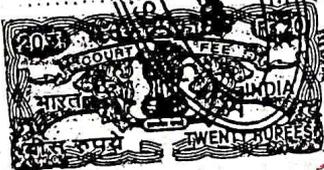
04/09/2024

*Substantive
Panchajanya*



DISTRICT : KOLKATA 24 Pgs (S)

IN THE HIGH COURT AT CALCUTTA
CONSTITUTIONAL WRIT JURISDICTION
APPELLATE SIDE



16058

W.P.A. No. 9423 of 2024

In the matter of:

An application under article 226 of
the Constitution of India.

-And-

In the matter of:

Sonjit Kumar Kayal,
son of Kundu Pada Kayal, 169/1-
B, Haridas Dutta Road, Ward no.6,
P.O. - Joynagar - Majilpur, P.S.-
Joynagar, South 24 - Parganas -
743337

.....Petitioner

- Versus -

1. The West Bengal Pollution Control Board, Service Through the Chairman, Paribesh Bhawan, 10A, Block - LA, Sector - III, Bidhannagar, Kolkata - 700106.



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20/09/2024

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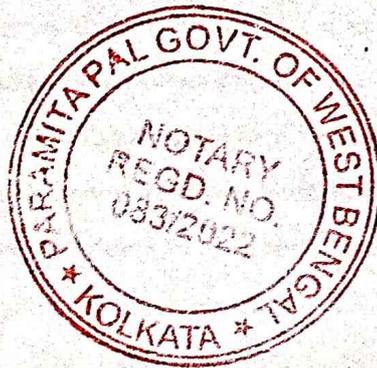
2. The Inspector - in - Charge,
Joynagar Police Station, District -
24 Parganas South, Pin-743337.

3. Joynagar Majilpur Municipality,
through the Executive Officer, 14
N.S.C Road, P.O. Joynagar,
Majilpur, P.S. Joynagar, South 24
Parganas-743337.

4. Arup Mondal proprietor of M/s
Maa Kali Food Product, 169/1C,
Haridas Dutta Road, Hazipara, P.S.
Joynagar, District- South24
Parganas, PIN 743337

.....Respondents.

To.



Ru
20/09/2024

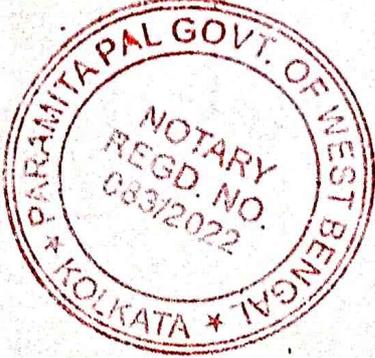
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Noting by Office or Advocate	Serial No.	Date	Office notes, reports, Orders or proceedings with signature
		04.09.2024 Court No.09 Item no.42 CP	<p style="text-align: center;">WPA No, 9423 of 2024</p> <p style="text-align: center;">Sonjit Kumar Kayal Vs. The West Bengal Pollution Control Board & ors.</p> <p>Ms. Paushall Banerjeefor the Petitioner.</p> <p>Mr. Arjun Ray Mukherjee Mr. J. Medhifor the respondent no.1.</p> <p>The petitioner alleges non-compliance of the order of the National Green Tribunal by the Pollution Control Board.</p> <p>Learned advocate for the Pollution Control Board submits that the respondent no. 4 has the consent to operate, which was obtained on February 27, 2024. The Pollution Control Board further submits that an inspection was held on an earlier occasion and fine was imposed.</p> <p>The other prayers of the petitioner cannot be entertained in this writ petition. The petitioner is at liberty to approach the appropriate authority with the allegation of unauthorized construction.</p> <p>The Pollution Control Board is directed to maintain a vigil and hold periodical inspections to ensure that the respondent no. 4 operates in accordance with law.</p> <p>The writ petition is disposed of accordingly.</p>



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20/09/2024

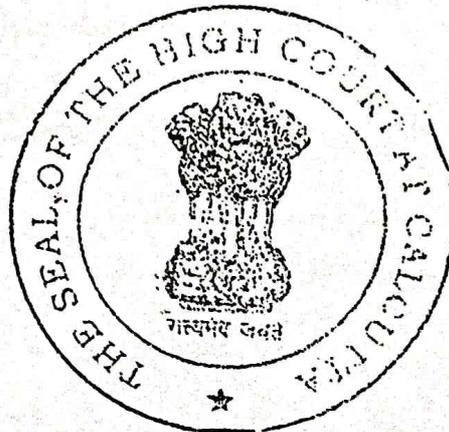
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Noting by Office or Advocate	Serial No.	Date	Office notes, reports, Orders or proceedings with signature
			<p>There shall be no order as to costs.</p> <p>Parties are directed to act on the basis of the server copy of this order.</p> <p><i>Sd/ S. Sankar, J.</i> (Shamp Sarkar, J.)</p> <p><i>Ru</i> <i>20/09/2024</i></p> 

CHC/D/16754/24

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1. Date of application for Certified Xerox Copy..... 16/09/2024
2. Date of notifying the charges in 19/09/2024
3. Date of Plaintiff's Charge in Court for 19/09/2024
4. Date of when the Certified Xerox Copy was ready for delivery..... 20/09/2024
5. Done making over the certified Xerox Copy to the applicant

Certified to be a true copy
 Sanjay Prasad Mitra 20.09.2024
 Assistant Registrar / Section Officer
 High Court, Appellate Side Calcutta
 Authorised Under Section 73 of the
 India Evidence Act. 1872
 (Act 1 of 1872)



Arup Mondal - 'Ary'

H/A

Date: 17.12.2024 143

From:

Sonjit Kumar Kayal, son of Kundu Pada Kayal,
169/1- B, Haridas Dutta Road, Ward no.6,
P.O. Joynagar Majilpur, P.S Joynagar,
South 24 Parganas- 743337

To

1. The Chairman,
The West Bengal Pollution Control Board,
Paribesh Bhawan, 10A, Block LA,
Sector III, Bidhannagar, Kolkata-700106.

2. The Inspector in Charge
Joynagar Police Station,
District 24 Parganas South,
Pin-743337.

3. Executive officer
Joynagar Majilpur Municipality
14 N.S.C Road, P.O. Joynagar, Majilpur,
P.S. Joynagar, South 24 Parganas-743337.

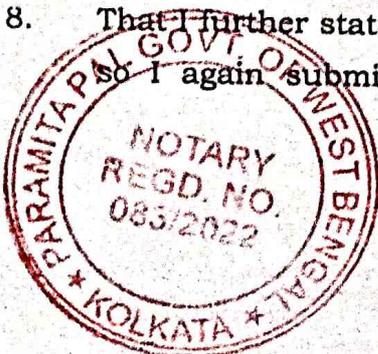


Dear Sir(s),

1. That one Arup Mondal the proprietor of M/s Maa Kali Food Product, 169/1C, Haridas Dutta Road, Hazipara, P.S. Joynagar, District- South 24 Parganas, PIN- 743337 a chanachur factory having their principal places of business as stated herein above and herein after referred to as the said factory.
2. That I am the neighbour of the said factory inasmuch as said factory is only four feet away from my house.

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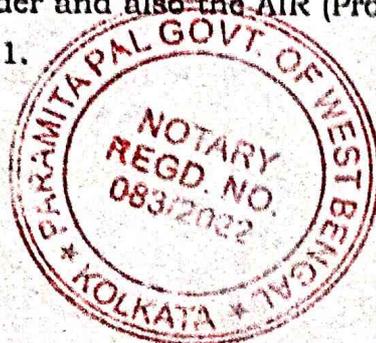
3. That since the said factory was operating without any valid licenses and the use of coal fired mud oven for manufacturing "chanachur" and is creating immense air pollution in the entire area specifically as the residence of the under signed is adjacent to the factory, I am seriously affected.
4. That pursuant to my complaint dated 22.11.2019, the Authority on 17.01.2020 heard me, however the owner of the factory did not participate in the proceeding and eventually a direction for inspection was held.
5. That Subsequently on 18.02.2020, I submitted a representation before the Chairman Pollution Control Board to take further action in the matter, as no steps were taken by the Pollution Control Board.
6. That I state, that I am a patient of septoplasty and underwent surgery several times before and during 2019. The polluted environment and the smoke of the illegal "chanachur" factory of Arup Mondal enters my house, as because the distance between the illegal chanachur factory and my house is 3 meters. Shulphur Dioxide, Nitrogen Oxides and carbon Dioxide are emitted from coal combustion. The illegal Chanachur Factory is using coal fired mud oven without any pollution control devices within its residential premises to cause pollution. The smoke emitted from the coal fired kitchen of the illegal chanachur factory is entering the my house and it is effecting the my health.
7. That I state that my health is constantly deteriorating due to the pollution caused by the illegal Chanachur factory.
8. That I further state, that as no action was taken by Arup Mondal so I again submitted another representation dated 8.04.2023



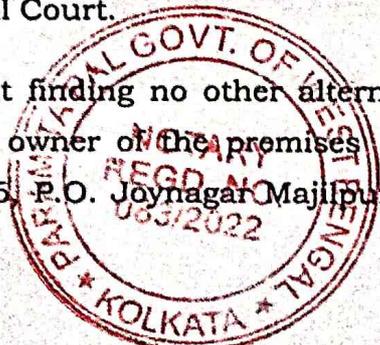
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before your good office urging you to take action against the illegal business of Chanachur factory.

9. That I state that after making several representations, on 6th June 2023, an inspection was carried out by you, but again no such prompt action was taken. Subsequently on 18.07.2023, I, submitted the third representation before You and sought details of the report of yours regarding the inspection of the illegal Chanachur factory and the action taken by you, but to no such feedback was shared from your end.
10. That again on 18.08.2023, I submitted my forth representation before respondent no.1 depicting the inaction on the part of your good office.
11. That you sent a notice to me on 14.08.2023 to appear before your good office on 24.08.2023 at around 12.45 pm.
12. That I state that I appeared before Your Good Office on 24/08/23. The record of the proceedings dated 24/08/23 brought on record the fact that the chanachur factory was operating illegally without any Consent from the State Board. It was directed by your good office, that Arup Mondal can operate only with all statutory licenses and with proper pollution control device with cleaner fuel.
13. That on 28.08.2023, I again submitted my forth representation before you stating that even after Your directions on 24/08/23 that Arup Mondal is the illegally operating the chanachur factory violating the Environment (Protection) Act 1986 and rule made thereunder and also the AIR (Protection and Control of Pollution) Act, 1981.



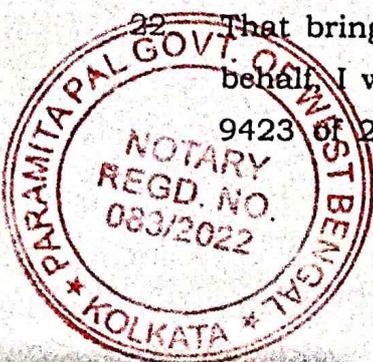
14. That on 29.09.2023, I submitted my fifth representation before you, submitting that the respondent unit have obtained a trade license for shop for snacks, but the unit is operating a chanachur factory illegally without any intervention from any of the respondent authorities.
15. That I filed an Original application being OA no.174/2023 before the Hon'ble National Green Tribunal Eastern Zone Bench affirmed on 18.10.2023. The Hon'ble Tribunal vide judgement pronounced on 12.02.24 directed you to stop operation of the unit until the licenses are granted by the State Board and also to take appropriate action if the unit is operating in violation of the orders of the Hon'ble Tribunal.
16. That further state that the unit is operating in violation of the orders of the Hon'ble Tribunal, using coal fired oven, creating pollution and flouting the laws. I again informed You through letter dated 02.03.2024 and communicated the order to through letter dated 12.02.2024.
17. That I state that the construction on the premises of Arup Mondal i.e. L.R.Khatian no.5692, Mouza- Majilpur, being holding no.169, Haridas Dutta Road, Ward no.6, Jaynagar Majilpur Municipality under P.S. Joynagar, South 24 Parganas is an illegal construction. An ad interim injunction was passed by the Ld Civil Judge (Junior Division) 3rd Court Baruipur vide order dated 24/11/21 in T.S.No.582/2021 and it was directed to be implemented again vide order dated 25/04/23. The accused being a habitual offender did not comply with the orders of the Civil Court.
18. That finding no other alternative, my spouse Sima Kayal being the owner of the premises 169/1-B, Haridas Dutta Road, Ward no.6, P.O. Joynagar Majilpur, P.S. Joynagar, wherein the Under



signed resides, filed an Writ Petition before this Hon'ble High Court being WPA No.12156/23 and in the matter of Sima Kayal vs The State of West Bengal. Hon'ble Justice Rajshekar Mantha in the matter of WPA No.12156/23 vide order dated 15.06.2023 directed strict enforcement of order dated 24.11.2023 passed by the Ld Civil Judge.

19. That Arup Mondal did not also comply with the order of this Hon'ble High Court and I was forced to file a Contempt Application being CPAN 1651/2023 in the matter of WPA 1256/23 and Hon'ble Justice Mantha vide order dated 09.02.2024 directed demolition of the construction on the said premises.
20. That I further communicated the orders of this Hon'ble High Court to You through letter dated 02.03.2024 stating the fact that the construction is an illegal construction therefore no license should be granted to the Arup Mondal, moreover he in violation of the Order dated 12.02.2024 in OA 174/23 of the Hon'ble Tribunal is operating illegally. But all the pleas of the Under signed before the respondent authorities are in vain. You have failed to take steps against the erring unit. No closure order was ever issued by you despite of the violations of the respondent unit.
21. That your good office should have directed closure of the Chanachur Factory immediately as it is operating illegally without any consent from the State Board and also operating from an illegal premises against which demolition order have already been issued by this Hon'ble High Court.

22. That bring aggrieved and dissatisfied with the conduct on your behalf, I was compelled to file a Writ Petition Being W.P. A. No. 9423 of 2024 before the Hon'ble Justice Shampa Sarkar. The



matter was taken up for consideration by the Hon'ble Court on 04.09.2024, and on the said date the Hon'ble Justice Shampa Sarkar was pleased to pass an order directing the Pollution Control Board to "to maintain a vigil and hold periodical inspections to ensure" the Chanachur Factory is operated in accordance with law .

23. It is pertinent to mention here that initially for few days that the factory stopped using coal combustion but has again started using coal without taking necessary step from erecting of chimney as directed by the Authority.
24. At present the factory is operating from 4.30 am to 10.30 pm by emitting smoke, Sulphur Dioxide, Nitrogen Oxides and carbon Dioxide are emitted from coal combustion.
25. In spite of the same till date no steps have been taken on your behalf to stop the illegal functioning of the Chanachur Factory which is creating immense air pollution in the entire area by emitting Sulphur Dioxide, Nitrogen Oxides and carbon Dioxide are emitted from coal combustion.
26. That I am utterly shocked and disappointed by seeing the negligent conduct on your behalf even after having directions from the Hon'ble High Court.

Hence, you are requested to act accordingly and take necessary steps to stop the illegal business that is creating Pollutions.

Thanking you.

Sonjit Kumar Kayal
Sonjit Kumar Kayal



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SNPL SPEED POST

ID-4000530591 Contract No.-40321452

No. EW133418M72IN

DATE 18/12/24

WEIGHT 35 GMS

CHARGE Rs. 18/-

Customer Code No-400530591
BOB, Barabazar H.P.O
KOLKATA - 700 007

SPEED POST RECEIPT

Bill No.

TO The Chairman	
The W. B. Pollution Control Board,	
10A, Block, LA, Sector-III	
Kolkata	PIN 7 0 0 1 0 6
SENDER Sonjit Kumar Rayal	
South 24 Parganas Pin-743337	

SNPL SPEED POST

No. EW133418M66IN

DATE 18/12/24

WEIGHT 35 GMS

CHARGE Rs. 41/-

Customer Code No-400530591
BOB, Barabazar H.P.O
KOLKATA - 700 007

SPEED POST RECEIPT

Bill No.

TO The Inspector in charge	
Soyraagar P. S	
24 Parganas (S)	
	PIN 7 4 3 3 3 7
SENDER Sonjit Kumar Rayal	
Head 24 Parganas (S) Pin-743337	

SNPL SPEED POST

ID-4000530591 Contract No.-40321452

No. EW133418M90IN

DATE 18/12/24

WEIGHT 35 GMS

CHARGE Rs. 41/-

Customer Code No-400530591
BOB, Barabazar H.P.O
KOLKATA - 700 007

SPEED POST RECEIPT

Bill No.

TO Executive officer	
Soyraagar Municipal Municipality	
14, NIS, C Road,	
South 24 Parganas	PIN 7 4 3 3 3 7
SENDER Sonjit Kumar Rayal	
South 24 Parganas Pin-743337	



154 150



India Post
Dak, Post, and Parcel



You are here Home >> Track Consignment

Track Consignment

[Quick help](#)

* Indicates a required field.

* Consignment Number

EW133418490IN

[Track More](#)

Booked At	Booked On	Destination Pincode	Tariff	Article Type	Delivery Location	Delivery Confirmed On
Barabazar H O	18/12/2024 19:01:30	743337	41.30	Inland Speed Post	Joynagar Majilpur SO	20/12/2024 11:50:38

Event Details For : EW133418490IN

Current Status : Item Delivered(Addressee)

Date	Time	Office	Event
20/12/2024	11:50:38	Joynagar Majilpur SO	Item Delivered(Addressee)
20/12/2024	09:08:19	Joynagar Majilpur SO (Boat Number:3)	Item Delivered [To: Ms (Addressee)]
20/12/2024	08:31:47	Joynagar Majilpur SO	Out for Delivery
20/12/2024	07:53:26	Joynagar Majilpur SO	Item Received
19/12/2024	19:06:35	Sealdah RMS TMO	Item Dispatched
19/12/2024	18:26:52	Sealdah RMS TMO	Item Received
19/12/2024	17:43:57	SMO SEALDAH RMS TMO	Item Dispatched
19/12/2024	17:41:47	SMO SEALDAH RMS TMO	Item Received
19/12/2024	17:36:17	Sealdah ICH	Item Dispatched
19/12/2024	16:36:48	Sealdah ICH	Item Bagged
19/12/2024	14:28:40	Sealdah ICH	Item Received
19/12/2024	13:39:16	Sealdah ICH	Item Received
19/12/2024	11:58:14	SMO SEALDAH RMS TMO	Item Dispatched
19/12/2024	11:44:06	SMO SEALDAH RMS TMO	Item Received
19/12/2024	09:54:54	KOLAP TMO	Item Dispatched
19/12/2024	09:24:02	KOLAP TMO	Item Received
19/12/2024	06:28:15	Kolkata NSH	Item Dispatched



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EW133418486IN

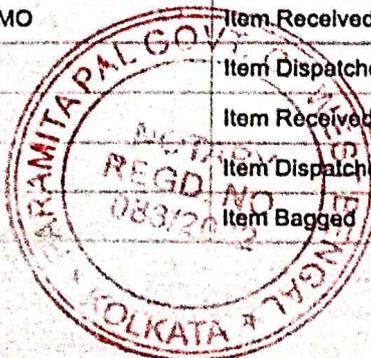
Track More

Booked At	Booked On	Destination Pincode	Tariff	Article Type	Delivery Location	Delivery Confirmed On
Barabazar H O	18/12/2024 19:01:30	743337	41.30	Inland Speed Post	Joynagar Majilpur SO	20/12/2024 11:10:31

Event Details For : EW133418486IN

Current Status : Item Delivered(Addressee)

Date	Time	Office	Event
20/12/2024	11:10:31	Joynagar Majilpur SO	Item Delivered(Addressee)
20/12/2024	08:37:35	Joynagar Majilpur SO	Out for Delivery
20/12/2024	07:53:26	Joynagar Majilpur SO	Item Received
19/12/2024	19:06:35	Sealdah RMS TMO	Item Dispatched
19/12/2024	18:26:52	Sealdah RMS TMO	Item Received
19/12/2024	17:43:57	SMO SEALDAH RMS TMO	Item Dispatched
19/12/2024	17:41:47	SMO SEALDAH RMS TMO	Item Received
19/12/2024	17:36:17	Sealdah ICH	Item Dispatched
19/12/2024	16:36:48	Sealdah ICH	Item Bagged
19/12/2024	14:28:40	Sealdah ICH	Item Received
19/12/2024	13:39:16	Sealdah ICH	Item Received
19/12/2024	11:58:14	SMO SEALDAH RMS TMO	Item Dispatched
19/12/2024	11:44:06	SMO SEALDAH RMS TMO	Item Received
19/12/2024	09:54:54	KOLAP TMO	Item Dispatched
19/12/2024	09:24:02	KOLAP TMO	Item Received
19/12/2024	06:28:15	Kolkata NSH	Item Dispatched
19/12/2024	05:48:45	Kolkata NSH	Item Bagged



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* Consignment Number

EW133418472IN

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Booked At	Booked On	Destination Pincode	Tariff	Article Type	Delivery Location	Delivery Confirmed On
Barabazar H O	18/12/2024 19:01:30	700106	17.70	Inland Speed Post	Bidhan Nagar IB Market SO	19/12/2024 15:16:27

Event Details For : EW133418472IN

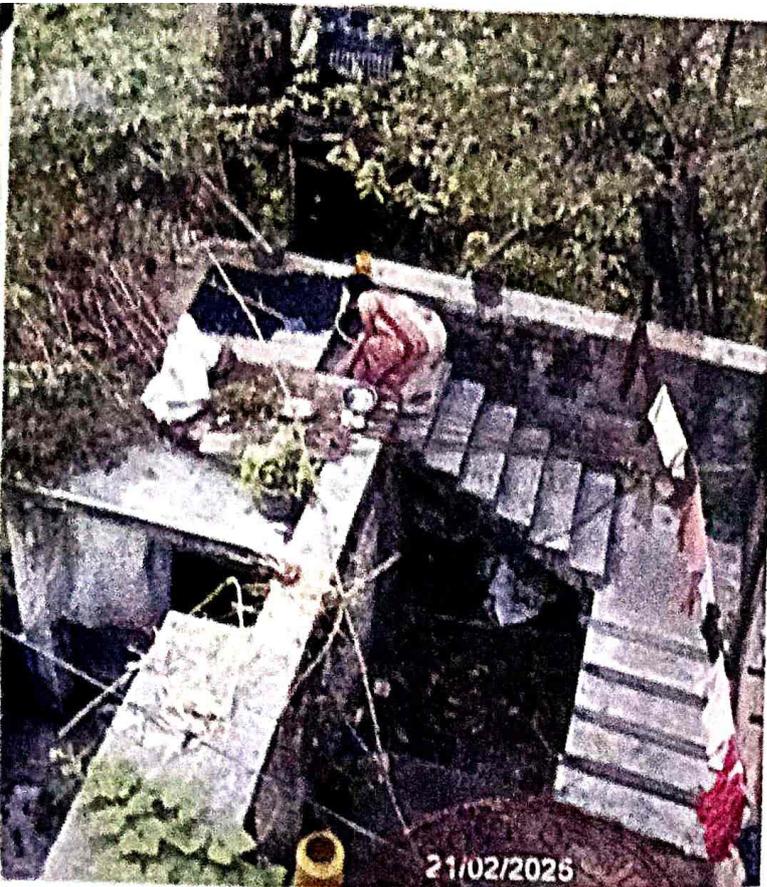
Current Status : Item Delivered(Addressee)

Date	Time	Office	Event
19/12/2024	15:16:27	Bidhan Nagar IB Market SO	Item Delivered(Addressee)
19/12/2024	09:54:18	Bidhan Nagar IB Market SO	Out for Delivery
19/12/2024	08:52:43	Bidhan Nagar IB Market SO	Item Received
18/12/2024	19:34:59	Barabazar H O	Item Bagged
18/12/2024	19:34:07	Barabazar H O	Item Dispatched
18/12/2024	19:01:30	Barabazar H O	Item Booked

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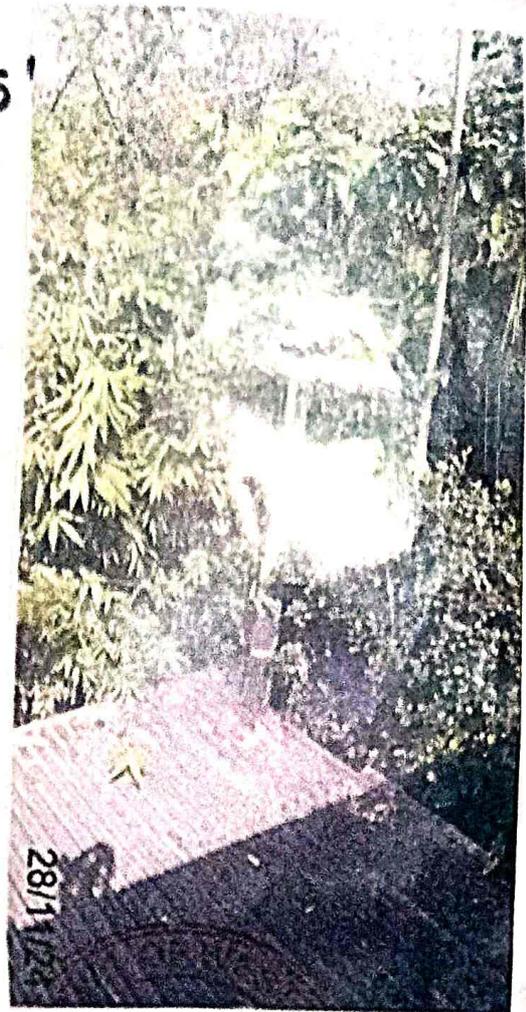
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Annex-A5

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1581



PARAGITA PAL GOVT. OF WEST BENGAL
NOTARY
REGD. NO. 121
GEOURIA



PARAGITA PAL GOVT. OF WEST BENGAL
NOTARY
REGD. NO. 121
GEOURIA

No objection
Advocate Chakrabarty
Advocate
24.04.2025

VAKALATNAMA

NATIONAL GREEN TRIBUNAL
EASTERN ZONAL BENCH

In the KOLKATA at

Be fore Ld..... Judge

Suit/Case No. O.A

at 2025

Signature

Sonjit Kumar Kayal

Sonjit Kumar Kayal

-vs-

West Bengal Pollution Control
Board & Ors

Plaintiff
Application
Application

Defendant
Opp. Party
Respondent

KNOW ALL MEN by these

that I/We

do hereby in my / our name and my / (our behalf constitute and appoint Sri

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

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

Date. 25/4/2025

ADVOCATES-

Nilanjana Pal
Advocate

Enrollment No. WB/199/2009
Mobile - 9933768756

Dipankar Thakur
Rajarhat, Advocate
Kolkata - 700136
M-9434214268
dipak1989thakur
@gmail.com

THE HONORABLE
JUDGE

25/11/1911

Received and accepted.

Nilanjana Pal
Advocate

25/11/1911

Received and accepted.