



BEFORE THE NATIONAL GREEN TRIBUNAL
EASTERN ZONE BENCH, KOLKATA
IN
Original Application No. 75/2025/EZ

IN THE MATTER OF:
Dipankar Bakshi

Applicant(s)

Vs.

State of West Bengal & Ors.

Respondent(s)

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Mrinal Kanti Biswas

Mrinal Kanti Biswas
Regional Director & Scientist E,
CPCB, Kolkata

Filed through

Anne Bandy

Counsel

Dated: 15/07/2025
Place: Kolkata



15 JUL 2025

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**REPLY ON BEHALF OF THE RESPONDENT No.9 i.e. CENTRAL POLLUTION
CONTROL BOARD (CPCB)**

1. That, the Hon'ble National Green Tribunal (Eastern Zone Bench, Kolkata) (hereinafter referred to as the "Hon'ble NGT") vide order dated 06.05.2025 in Original Application No. 75 of 2025 (EZ), has impleaded Central Pollution Control Board (hereinafter referred to as "CPCB") as Respondent No. 9 and directed to file response in the instant matter. Thereby, the reply is made in this instant Original Application in succeeding paragraphs.
2. That, at the outset, the Answering Respondent i.e., CPCB denies all claims, contentions, allegations and averments against it in the above Original Application contrary to anything stated or submitted in this reply. Nothing in the Original Application may be deemed to have been accepted or admitted by the Answering Respondent for want of a specific denial or non-traverse, save and except any averment which has been expressly admitted hereinafter.
3. That, CPCB is a statutory Board constituted under the Water (Prevention and Control of Pollution) Act, 1974 (hereinafter referred to as "the Water Act, 1974"). It performs the functions under the Water Act, 1974, the Air (Prevention and Control of Pollution) Act, 1981 (hereinafter referred to as "the Air Act, 1981") and the Environment (Protection) Act, 1986 (hereinafter referred to as "the E(P) Act, 1986").
4. The State Pollution Control Boards (hereinafter referred to as "SPCBs") and Pollution Control Committees (hereinafter referred to as "PCCs") have been constituted in States/Union Territories under the Water Act, 1974 and the



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Air Act, 1981 and are empowered to implement the provisions of these Acts in respect of territories falling in their respective Territorial Jurisdiction.

5. That, the instant matter is related to allegations of sound pollution, air pollution and other environmental pollution from grill factory M/s Biswakarma Associates i.e., Respondent No. 11 and godown M/s Ramesh Enterprise i.e. Respondent no. 12, allegedly established within residential premises at Barasat, North 24 Parganas, West Bengal. It is alleged that M/s Biswakarma Associates utilizes one drilling machine, one small grinding machine, one cutting machine and one welding machine and a hammer and during the operation, due to hammering, cutting and other activities, considerable noise is created. It is also alleged that M/s Ramesh Enterprise, is running without valid trade license, is engaged in godown activities involving use of gunny bags made from jute and woven plastics and causing dust pollution.

PARA WISE REPLY: -

6. That, no comments are offered by the answering respondent herein over the averments made in the Paragraph No. 1, 2 and 4 of the Original Application being introductory in nature.
7. That, the averments made in Paragraph No. 3, 5 and 6 are regarding allegations of causing sound and other environmental pollution by Respondent No. 11 and Respondent No. 12. In this regard, it is humbly submitted that Ministry of Environment, Forest and Climate Change, Government of India has notified the Noise Pollution (Regulation and Control) Rules, 2000, under the Environment (Protection) Act, 1986. The said rules prescribe ambient air quality standards in respect of noise for various category of areas/zones; responsibility as to enforcement of noise control measures; restrictions on the use of loud speakers, horns; sound emitting construction equipment; complaints to be made to the authority; power to prohibit etc. continuance of music, sound or noise; etc. As per rule 2(C) of Noise Pollution (Regulation and Control) Rules, 2000 "authority" means and includes any authority or officer authorized by the Central Government, or as the case may be, the State Government in accordance with the laws in force and includes a District Magistrate, Police Commissioner, or any other officer not below the rank of the Deputy Superintendent of Police designated for the maintenance of the ambient



air quality standards in respect of noise under any law for the time being in force.

It is further humbly submitted that a person may, if the noise level exceeds the ambient noise standards by 10 d B(A) or more given in the corresponding columns against any area/zone (or, if there is a violation of any provision of these rules regarding restrictions imposed during night time) make a complaint to the authority, as prescribed under Rule 7 of the said rules. Further, the authority shall act on the complaint and take action against the violator in accordance with the provisions of Rule 8 of the said rules and any other law in force.

As per Rule 8(1) of the Noise Pollution (Regulation and Control) Rules, 2000, "If the authority is satisfied from the report of an officer in-charge of a police station or other information received by him (including from the complainant) that it is necessary to do so in order to prevent annoyance, disturbance, discomfort or injury or risk of annoyance, disturbance, discomfort or injury to the public or to any person who dwell or occupy property on the vicinity, he may, by a written order issue such directions as he may consider necessary to any person for preventing, prohibiting, controlling or regulating:-

- a) The incidence or continuance in or upon any premises of -
 - i. any vocal or instrumental music,
 - ii. sounds caused by playing, beating, clashing, blowing or use in any manner whatsoever of any instrument including loudspeakers, (public address systems, horn, construction equipment, appliance or apparatus) or contrivance which is capable of producing or re-producing sound, or
 - iii. Sound caused by bursting of sound emitting fire crackers, or
- b) The carrying on in or upon, any premises of any trade, avocation or operation or process resulting in or attended with noise.

Further, it is humbly submitted that as per the modified direction dated 07/03/2016 issued by CPCB under section 18(1)(b) of the Water Act, 1974 and the Air Act, 1981 to all the SPCBs/PCCs regarding harmonization of classification of Industrial Sectors under Red/Orange/Green/White "Grill Manufacturing (Dry Mechanical Process)" is categorized under "Orange" category and units without painting operations shall be categorized as "White" category. Recently, during February, 2025, CPCB has revised the methodology for classification of sectors. As per the revised classification,



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"Grill Manufacturing (Dry Mechanical Process)" is classified under "Green" category. The said revised classification-2025 has been circulated to all the SPCBs/PCCs for implementation vide CPCB direction dated 12.02.2025 under Section 18(1)(b) of the Water Act, 1974 and the Air Act, 1981. Orange/Green category of industrial sectors are required to obtain Consent to Establish (hereinafter referred to as 'CTE') and Consent to Operate (hereinafter referred to as 'CTO') from the concerned SPCB/PCC and shall comply with the conditions laid down in CTE and CTO .

8. That, the averments made under Paragraph No. 7 to 9 is about the complaint made by the applicant to the Respondent No. 3, 5, 7 and 10. In this regard, no comments are offered by the Answering Respondent herein, however, the response of concerned Respondent No. 3, 5, 7 and 10 may please be considered in adjudication of instant matter.
9. That, the averments made under Paragraph No. 10 to 13 are regarding the hearing proceedings allegedly concluded over the complaint by Respondent No. 10 i.e., West Bengal Pollution Control Board (hereinafter referred as WBPCB) on 23rd Jun 2022 and 7th July 2022. It is humbly submitted that, this may suitably be replied by Respondent No.10 i.e. WBPCB and hence, no comments are offered over them by this Answering Respondent.
10. That, no comments are offered by the Answering Respondent herein over the averments made in Paragraph No. 14 of the Original Application, being matter of record.
11. That, no comments are offered by the Answering Respondent herein over the averments made in Paragraph No. 15 to 21 of the Original Application, wherein the proceedings conducted by the grievance officer of Respondent 10 on 6th June 2024 and the statement made by applicant before the ibid authority have been provided. Further, it is humbly submitted that the response of Respondent No.10 i.e. WBPCB may please be considered in this regard for adjudication of instant matter.
12. That, the averments made under Paragraph No. 22 and 23 refers to the measures prescribed by WBPCB to control noise and air pollution by Respondent No. 11 and Respondent No. 12. In this regard, it is humbly submitted that SPCBs/PCCs are the concerned authorities for granting CTE/CTO and to ensure compliance of conditions prescribed therein in their respective State/Union Territory. As the issues raised in the instant



OA falls under the purview of West Bengal Pollution Control Board (WBPCB), therefore, it is respectfully prayed that the Hon'ble NGT may consider the response filed by the concerned Respondent for adjudication of the instant matter.

13. That, no comments are offered by the Answering Respondent herein over the averments made in Paragraph No. 24 to 26 of the Original Application.
14. That, the averments made under Paragraph No. 27 to 30 alleges about the noise pollution and specially air pollution caused by Respondent No. 11 and 12. In this regard, it is humbly submitted that the submission made at Para 7 of the instant reply is reiterated and is not repeated herein for the sake of brevity.
15. That, the averments made under Paragraph No. 31 is about National Clean Air Programme (NCAP). It is humbly submitted that, the Government of India has launched NCAP as a national-level strategy to reduce Particulate Matter levels across 130 non-attainment (cities exceeding National Ambient Air Quality Standards, consecutively for five years) and million plus cities in the country including six non-attainment and million-plus cities of West Bengal, namely Kolkata, Asansol, Barrackpore, Durgapur, Haldia, and Howrah. It is humbly submitted that Barasat area (Barasat Municipality) of West Bengal is not a non-attainment city.

Air Quality Monitoring (AQM) Cells have been constituted in the Urban Local Bodies (ULBs) of above mentioned six nos. of non attainment cities of West Bengal, to implement ground-level actions for reduction of Particulate Matter.

16. That the averments made under Paragraph No. 32 to 34 is regarding the allegations made by the applicant against CPCB and WBPCB for not taking any immediate preventive steps to stop such pollution. In this regard, it is humbly submitted that the allegations against the Answering Respondent are denied in totality. Further, the applicant has himself submitted in the instant original application that WBPCB, the proper state body responsible for handling the complaints of applicant, has responsibly acted and have conducted multiple hearings over the complaint made by the applicant and have also carried out inspection of the alleged units.
17. That, with regard to the averments made in Paragraph No. 35 to 38 of the Original Application concerning the allegations of Environmental pollution by R-11 and R-12, it is humbly submitted that the submissions made at



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Para 7 of the instant reply is reiterated and are not repeated herein for the sake of brevity.

18. That the averments made under Paragraph No. 39 to 41 is about the complaint made by the applicant about mentioned grievance to Respondent No. 3, 5, 7 and 10. It is humbly submitted that, this may suitably be replied by the concerned Respondent No. 3, 5, 7 and 10 and thereby, no comments are offered over the same by this Answering Respondent.
19. That the averments made under Paragraph No. 42 to 52 are regarding the proceedings concluded by WBPCB i.e., Respondent No. 10 over the complaint against Respondent No. 11 and 12 on 7th July 2022 and 6th June 2024. It is also brought out by the applicant that WBPCB also carried out inspection of the alleged unit and observations are summarized herein. It is humbly submitted that, this may suitably be replied by Respondent No.10 i.e. WBPCB and hence, no comments are offered over the same by this Answering Respondent.
20. That the averments made under Paragraph No. 53 to 57 are repetition of averments made by the applicant at para no.17 to 21 of the OA. Therefore, it is submitted that the submission of Answering Respondent herein made at para 11 of the reply may kindly be considered in this regard.
21. That, with regard to the averments made in Paragraph No. 58 to 62 of the Original Application, it is humbly submitted that the submission made at Para 7 of the instant reply stands reiterated and is not repeated herein for the sake of brevity.
22. That the averments made under Paragraph No. 64 to 73 are repetition of averments made by the applicant at para no. 26 to 35 of the OA. Therefore, it is submitted that the submission of answering respondent herein made at para 12 to16 of the reply may kindly be considered in this regard.
23. That, no comments are offered by the answering respondent herein over the averments made in para 74 to 84 of the Original Application.
24. That, with regard to the grounds for filing this application provided at Para 1 to XXXVIII under the heading GROUNDS of OA, limitation clause, prayer clause and Interim Relief of the OA it is humbly submitted that submissions made in preceding paras may please be considered and are not repeated herein for the sake of brevity.
25. That, the Answering Respondent herein craves leave of the Hon'ble NGT to file additional response / reply, if required, in future.



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26. That in light of the above submissions, it is respectfully submitted that this Answering Respondent i.e. CPCB, shall abide by all the order(s) or direction(s) passed by this Hon'ble Tribunal in the instant Original Application.



Mrinal Kanti Biswas

Regional Director & Scientist 'E'
CPCB, Kolkata



SL No 34 DT 15.07.2025



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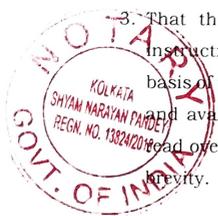
State of West Bengal & Ors.

Respondent(s)

AFFIDAVIT

I, Mrinal Kanti Biswas, Son of Saroj Kumar Biswas aged about 43 years, having office at the Regional Directorate, Central Pollution Control Board, Southend Conclave' Block No.502, 5th& 6th Floor,1582, Rajdanga Main Road, Kolkata-700107, do hereby solemnly affirm and sincerely state as follows: -

1. That the deponent is authorized representative to represent the Respondent CPCB in the present case, and as such, I am well conversant with the facts and circumstances of the present case on the basis of the information derived from the official records, and hence, I am competent and authorized to verify, sign and swear this affidavit on behalf of the Respondent CPCB.
2. That the accompanying reply may be read part and parcel of the present affidavit as I am competent to swear this affidavit.
3. That the accompanying reply has been drafted and filed under my instructions and authority the contents thereof are true and correct on the basis of the record maintained during ordinary course of business of CPCB and available records and documents and the contents of the same are read over and explained to me and are not repeated herein for the sake of brevity.



Identified by me

Ashok Basu

Advocate

Solemnly Affirm & Declarec Before Me on Identification of Ld. Advocate

Sudhy

SHYAM NARAYAN PANDEY
NOTARY, GOVT. OF INDIA
REGN. NO. 13824/2018

15.07.2025

[Signature]
DEPONENT

15 JUL 2025

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VERIFICATION

Verified at Kolkata on this day of 18th July, 2025 that the contents of the above reply are correct and true on the basis of the record of the cases as mentioned in the day-to-day affairs of the CPCB. Nothing has been concealed therefrom or mis-stated.

Verified at Kolkata on this the 18th Day of July, 2025.

Identified by me



Advocate



DEPONENT

