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**BEFORE THE HON'BLE NATIONAL GREEN TRIBUNAL
EASTERN ZONE BENCH, KOLKATA
ORIGINAL APPLICATION NO. 46/2025/EZ
(EARLIER O. A. No. 41/2025/PB)**



In The Matter of:-
Mukul Haloi and Another
..... Applicant

- Versus-

The State of Assam & Ors.
...Respondent(s)

**AFFIDAVIT-IN-OPPOSITION ON BEHALF OF RESPONDENT NUMBER 4
M/S JPIS BRICK MANUFACTURING UNIT NALBARI ASSAM.**

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3.	Copy of the Writ Petition being WP (C) No. 15421/2025 pending before the Hon'ble Gauwahati High Court is annexed herewith Copy of the Order in Writ Petition being WP (C) No. 2782/2024 and WP (C) No. 1409/2025 before the Hon'ble Gauwahati High Court are collectively annexed herewith	'B'	27-66

Filed by:

Sibojyoti Chakrabarti

Mr. SIBOJYOTI CHAKRABARTI,
Advocate,
(M): 9007035534
Email: subho.advocate@gmail.com



02 DEC 2025



-X-

**BEFORE THE HON'BLE NATIONAL GREEN TRIBUNAL
EASTERN ZONE BENCH, KOLKATA
ORIGINAL APPLICATION NO. 46/2025/EZ
(EARLIER O. A. No. 41/2025/PB)**

In The Matter of:-

Mukul Haloi and Another

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**AFFIDAVIT-IN-OPPOSITION ON BEHALF OF RESPONDENT NUMBER 4
M/S JPIS BRICK MANUFACTURING UNIT NALBARI ASSAM.**

I, Parbin Sultana, W/o Jiyaur Pasa, by faith-Islam, by occupation- business and residing at Barama Road, Ward No.-8, Nalbari Town, Nalbari, Assam, Pin: 781335, do hereby solemnly affirm and declare as follows: -

1. That I have received notice issued by the Registry of the Hon'ble National Green Tribunal, Eastern Zone Bench, Kolkata and after receiving the said notice I intend to contest the above referred original application since the allegations leveled against me are all false and fabricated and it has been done at the connivance of local person who is quite influential in nature.

2. That I state that I am the proprietor of M/s JPIS Brick Manufacturing Unit, located at Chengnoi, under Batahgila, District: Nalbari, Assam.

- X -

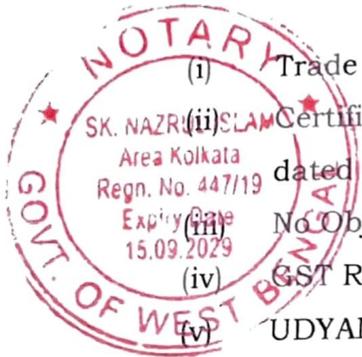
3. That this affidavit-in-opposition is filed in pursuance and compliance to the Solemn Orders dated 03.04.2025 and 24.09.2025 passed by the Hon'ble National Green Tribunal, Eastern Zone Bench, Kolkata.

4. That it is pertinent to mention at this juncture that the instant original application has been registered on the basis of a letter petition received by email dated 27.11.2024 as sent by the applicants to the Tribunal and subsequently it has been registered as O. A. No. 41/2025/PB.

5. That thereafter the matter has been transferred from the Hon'ble Principal Bench, New Delhi to the Hon'ble National Green Tribunal, Eastern Zone Bench at Kolkata and thereafter the matter has been re-numbered as O. A. No. 46/2025/EZ and came up for hearing for the first time on 03.04.2025 before the Hon'ble National Green Tribunal, Eastern Zone Bench, Kolkata.

6. That since no formal original application has been filed by the applicants and on the basis of a letter petition the same has been registered as Original Application this deponent states that all the allegations as stated in the letter petition are denied and disputed unless otherwise specifically dealt with by the deponent.

7. That it is stated that the unit of the deponent possess the following permissions for running of the unit as detailed :

- 
- (i) Trade License issued by Nalbari Zilla Parishad
 - (ii) Certificate issued by the Chief Inspector of Factories, Gwahati, dated 01.11.2023
 - (iii) No Objection for running business by Gram Panchayet
 - (iv) GST Registration Certificate dated 06.05.2025
 - (v) UDYAM Registration MSME Registration Certificate
 - (vi) Consent and Authorization issued by the Pollution Control Board, Assam

- (vii) Consent to Establish granted by the Pollution Control Board, Assam

Photocopies of all the above permissions and letters are collectively annexed herewith and marked with the letter 'A'.

8. That moreover this deponent had filed a writ petition being WP (C) No. 2782/2024 and decided by the Hon'ble Gauhati High Court and another matter being WP (C) No. 1409/2025 before the Hon'ble High Court at Gauwahati.

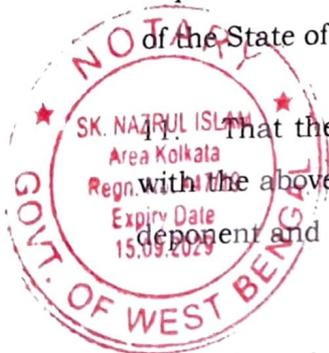
Copy of the Order in Writ Petition being WP (C) No. 2782/2024 and WP (C) No. 1409/2025 before the Hon'ble Gauwahati High Court are collectively annexed herewith and marked with the letter 'B'.

9. That before the Hon'ble High Court at Gauhati the respondent authorities are taking the plea that since in the name of the deponent another matter is pending before this Hon'ble Tribunal and hence the hearing at Hon'ble High Court is also being delayed and the deponent is suffering for the acts and activities of the respondent authorities.

10. That it is clarified by the deponent that the matter in issue is completely different before the Hon'ble High Court at Gauhati in which the deponent has challenged such inaction on the part of the instrumentalities of the State of Assam.

11. That the committee report as filed and taken on record in connection with the above referred original application also clarifies that the unit of the deponent and another one in the name of his wife are not in operation.

12. That after taking into consideration the report of the committee and this affidavit-in-opposition the Hon'ble Tribunal may kindly be pleased to dismiss the instant original application being devoid of any merit with costs.



- X -

13. That it is respectfully prayed before the Hon'ble Tribunal may be pleased to pass such further Order/Orders as is deemed fit for the ends of justice.

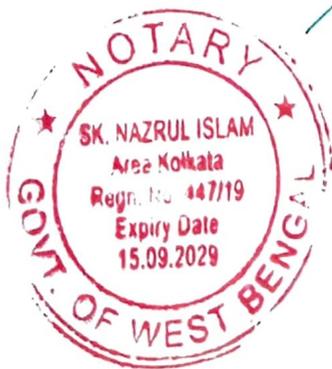
14. That the statements made in paragraph 1 is true to my knowledge and paragraphs 2 to 12, are based on information derived from the record and which I believe to be true and rest thereof are my humble submission before this Hon'ble Tribunal.

M/S J.P.I.S. ENTERPRISE
Parvin Sultana
Proprietor

Deponent

Identified by me

Dr. Joyati Chakrabarti
Advocate 02.12.2025



Solely Affirmed and
Declared before me on the
Identification of the Advocate

[Signature]
Notary

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

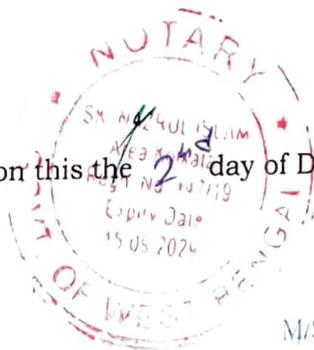
02 DEC 2025



~~XXXXXX~~
Verification

I, the deponent within named do hereby solemnly affirm and verify that the contents of the statements made in the above paragraphs of the affidavit are true and correct to the best of my knowledge and belief. No part of the same is false and nothing material has been concealed therefrom.

Verified at Kolkata, on this the 2nd day of December, 2025.



M/S J.P.I.S. ENTERPRISE
Parbin Sa Hana
Proprietor

Identified by me

Deponent

Sibajati Chakraborti
Advocate 02.12.2025





GOVT. OF ASSAM
OFFICE OF THE CHIEF INSPECTOR OF FACTORIES, ASSAM
NPS International School Lane, Betkuchi, Lokhra, Guwahati-781040.

No. NAL/102

/ 5561

Dated, Guwahati 1 November/2023.

Chief Inspector of Factories, Assam,
Lokhra, Guwahati-40.

To,

✓ The Manager/Occupier,
J P I S ENTERPRISE
Vill-CHENGNOI, NALBARI TOWN, WARD No 8
Pin-781335, Dist-Nalbari,

Sub: Registration & Licensing of Factories under Factories Act.

Ref: Your online Application No. **CIFFRL/2023/00510**

Sir/Madam,

The proposed factory is registered under section 2(m) (i) of the Factories Act 1948 and Licence (No. NAL/102) is granted to **PARBIN SULTANA** occupier for **20** workers and **50** Horse Power for the year ending 31st December, 2024 to **MANUFACTURING OF GRADED RED BRICKS.**

The manufacturing process is not be carried out until the certificate of stability is obtained from competent person and accepted by the undersigned.

Please note that you are to apply for renewal of your licence, not less than 30 days before the expiry of licence.

Yours faithfully,


Chief Inspector of Factories,
Assam, Guwahati-40.

Memo. No. NAL/102

Dated, Guwahati the **November/2023.**

Copy for information to:-

1. The Statistics Section, O/O the Chief Inspector of Factories, Assam.
2. Office File.


Chief Inspector of Factories,
Assam, Guwahati-40.

GOVERNMENT OF ASSAM

Form No.4



सत्यमेव जयते

REGISTRATION AND LICENCE TO WORK A FACTORY

Registration No. NAL/102Fee Rs. 2000/-Serial No. 8503

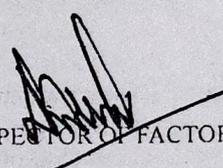
Licence is here by granted to Parbin Sultana, Occupier of JPIS Enterprise, Vill
Nalbari Town, Ward no-8, pin-781335, Dist-Nalbari

valid only for the premises described below for use as a factory employing not more than 20 persons on any
 one day during the year and using motive power not exceeding 50 H.P.

subject to the provisions of the Factories Act, 1948 and the rules made thereunder.

This licence shall remain in force till the Thirty-first day of December, two thousand twenty four.

GUWAHATI:

THE 1/11/2023

 CHIEF INSPECTOR OF FACTORIES, ASSAM.

Description of the licensed premises

This licensed premises shown on Plan No. dated are situated
 in and consist of

Date of renewal	Date of expiry	Signature of licensing authority

N.B. See instructions on the reverse of the licence.

STOP CHILD LABOUR



FORM II
[Rule 18 (1)]
GOVT. OF ASSAM
LO Office(Nalbari)

CERTIFICATE OF REGISTRATION UNDER CONTRACT LABOUR (REGULATION & ABOLITION) ACT, 1970

UAIN : LCFORMEPE/2024/00956
Registration No. : CLL(PE)/2024/501733839985867W7
Date of Issue : 10/12/2024

A Certificate of Registration containing the following particulars is hereby granted under sub-section (2) of section 7 of the Contract Labour (Regulation & Abolition) Act 1970, and the rules made thereunder, to MS JPIS ENTERPRISE

- (1) Nature of work carried on in the establishment :- CIVIL WORKS AND MAN POWER SUPPLY
(2) Names and Addresses of Contractors

S. No.	Name	Address	Nature of Work
1.	TAFAJUL HAQUE	BARAMA ROAD NALBARI	MAN POWER SUPPLY

- (3) Nature of work in which contract labour is employed or is to be employed - CIVIL WORKS AND MAN POWER SUPPLY
(4) Maximum number of contract labour is to be employed on any day through all the contractors - 100 nos.
(5) Other particulars relevant to the employment of contract labour :
(6) Payment Details

GRN AS006306839202425P
CIN 10004672024121002265
Txn Date 10/12/2024
Amount 1400.00
Status Y



(Scan the QR Code for authentication)

LO Office(Nalbari)
Registering Officer

*** This is a computer generated certificate and it does not require a Signature/Seal ***
***Terms & Conditions of this Certificate is enclosed as Annexure-I ***

STOP CHILD LABOUR



Annexure-I
Terms and Conditions of Auto Generation of Certificate/Licenses under EoDE
(GUIDELINES TO THE EMPLOYERS UNDER DIFFERENT LABOUR LAWS, AS APPLICABLE)

The provisions of different labour laws given below are illustrative and not exhaustive and are meant for general guidance.
 (For details please refer to the respective Act and Rules framed thereunder)

❖ **The Minimum Wages Act, 1948 and the Rules framed thereunder.**

The employer has to-

- The wage period with respect to any scheduled employment for which wages have been fixed shall not exceed one month and the wages of a worker in such employment shall be paid on a working day before the expiry of the seventh day after the last day of the wage period.
- Where the employment of any person is terminated by or on behalf of the employer, the wages earned by him shall be paid before the expiry of the second working day after the day on which his employment is terminated.
- The wages of an employed person shall be paid to him without deduction of any kind except those authorised by or under the rules framed thereunder.
- Every employer shall send annually a return in Form III so as to reach the Inspector not later than the 1st February, following the end of the year to which it relates.
- Subject to the provisions of this rule, an employee in a scheduled employment in respect of which minimum rates of wages have been fixed under the Act, shall be allowed a day of rest every week (hereinafter referred to as the 'rest day') which shall ordinarily be Sunday, but the employer may fix any other day of the week as the rest day for any employee or class of employees in that scheduled employment.
- Ensure fixation no. of daily working hours as per provisions of the Act
- Ensure payment to workmen at double the rate of their ordinary wages and to maintain a register of overtime in prescribed format.

Form of registers and records-

A Register of wages shall be maintained by every employer at the establishment and kept in such form as may be notified by the Government.

❖ **The Payment of Wages Act, 1936 and the Rules framed thereunder-**

The employer has to-

- **Responsibility for and method of payment-** The manager of the Factory/Industrial Establishment is responsible for the payment under the Act of wages to persons employed under him, and any contractor employing persons is responsible for payment of persons he employs.
- **Wage-periods shall be fixed for the payment of wages at intervals not exceeding one month.**
- **Wages shall be paid on a working day within 7 days of the end of the wage-period (or within 10 days if 1,000 or more persons are employed). The wages of person discharged shall be paid not later than the second working day after his discharge.**
- **Wages in kind are prohibited.**
- **Fines and deductions-** No deduction shall be made from wages except those authorised under the Act.

❖ **The Payment of Bonus Act, 1965 and the Rules framed thereunder-**
(Application to only where 10 or more persons are employed on any day in the preceding 12 months)

the employer has to-

- Maintain in Form A the record in respect of computation of the Available Surplus in respect of any accounting year.
- Maintain the set on and set off allocable surplus in form B.
- Maintain the record of the bonus paid to the employees for any accounting year in form C.
- Submit Annual return in form D.
- Pay the bonus to the employees within 8 months of the close of the accounting year.

❖ **Contract Labour (Regulation & Abolition) Act, 1970 and the Rules framed thereunder-**

The contractor of the establishment shall provide the following facilities to the contract labour and in case of failure on the part of the contractor to do so the principal employer that is the establishment shall provide the same and may recover the expenses from the contractor as a debt payable by the contractor as let down under section 20 of the Act.

- the licence shall be non-transferable;
- the number of workmen employed as contract labour in the establishment shall not, on any day, exceed the maximum number specified in the licence;
- save as provided in these rules, the fees paid for the grant or as the case may be, for renewal of the licence, shall be non-refundable;
- the rates of wages payable to the workmen by the contractor shall not be less than the rates prescribed under the Minimum Wages Act, 1948 (II of 1948), for such employment where applicable, and where the rates have been fixed by agreement, settlement or award, not less than the rates so fixed;
- in cases where the workmen employed by the contractor perform the same or similar kind of work as the workmen directly employed by the principal employer of the establishment, the wage rates, holidays, hours of work and other conditions of service of the workmen of the contractor shall be the same as applicable to the workmen directly employed by the principal employer of the establishment on the same or similar kind of work :
 - (a) Provided that in the case of any disagreement with regard to the type of work the same shall be decided by the Labour Commissioner (Assam) whose decision shall be final;
 - (b) in other cases the wage rates, holidays, hours of work and conditions of service of the workmen of the contractor shall be such as may be specified in this behalf by the Labour Commissioner (Assam);
- (a) in every establishment where twenty or more women are ordinarily employed at contract labour, there shall be provided two rooms of reasonable dimensions for the use of their children under the age of six years;
- (b) one of such rooms shall be used as a play room for the children and the other as bed room for the children;
- (c) the contractor shall supply adequate number of toys and games in the play room and sufficient number of cots and beddings in the sleeping room;
- (d) the standard of construction and maintenance of the creches shall be such as may be specified in this behalf by the Labour Commissioner (Assam);
- the licensee shall notify any change in the number of workmen or the conditions of work to the licensing officer;
- the Licensee shall within fifteen days of the commencement and completion of each contract work submit a return to the Inspector of the area appointed under Section 28 of the Act, intimating the actual date of the commencement or as the case may be, completion of such work in Form VI A.



❖ **Payment of Gratuity Act, 1972 and the Rules framed thereunder:-**
(Applicable where 10 or more persons are employed on any day in the preceding twelve months).

The employer has to:-

- Give a notice of opening in Prescribed Form to the Controlling Authority within 30 days.
- Give a notice in Prescribed Form to the Controlling Authority in case of any change in the name, address, employer or nature of business.
- Give a notice in Prescribed Form to the Controlling Authority in case of close down business at least sixty days before the intended closure.
- Ensure that a notice is displayed near the main entrance in bold letter in Hindi and in a language understood by at least one third of the employees specifying the name of the officer with designation authorized by the employer to receive on his behalf notice under the Acts or the Rules.
- Ensure that the employees who have rendered continuous service for not less than five years are being paid/shall be paid gratuity on superannuation/retirement/resignation and the nominees of an employee who dies during the service are also being paid/shall be paid gratuity even though five years of service has not been rendered.
- Ensure that the amount of gratuity is/shall be determined by the employer and the notice writing is/shall be given to the person to whom the gratuity is payable and also to the Controlling Authority.
- Ensure that the amount of gratuity is/shall be paid within 30 days from the date if becomes payable as has been laid down under the Act and the Rules.
- Ensure that an abstract of the Act and the Rules made thereunder in Prescribed Form in English and Hindi has been displayed at a conspicuous place.

❖ **The Maternity Benefits Act, 1961 and the Rules framed thereunder:-**

The employer has to-

Ensure to comply to all the provisions under the **Maternity Benefits Act (as amended) 1961.**

❖ **The Child and Adolescent Labour (Prohibition and Regulation) Act, 1986 and the Rules framed thereunder:-**

- Engagement of Child and Adolescent Labour is strictly prohibited as per provisions of the U/s 3 and 3A of the Child and Adolescent labour (Prohibition and Regulation) Act, 1986.

** **Revocation, suspension of licences/registration.—**

- If the licensing officer is satisfied, either on a reference made to him in this behalf or otherwise, that—

(a) a licence/registration granted has been obtained by misrepresentation or suppression of any material fact, or
(b) the holder of a licence/registration has, without reasonable cause, failed to comply with the conditions subject to which the licence has been granted or has contravened any of the provisions of applicable Labour Acts or the rules made thereunder, then, without prejudice to any other penalty to which the holder of the licence may be liable under applicable Labour Acts, the licensing officer may, after giving the holder of the licence an opportunity of showing cause, revoke or suspend the licence.

(Full Signature of the Employer/ Director/Occupier/ Contractor)

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"GOVT OF ASSAM"

"অসম চৰকাৰ"

Office of the

5 NO. PUB BATAHGILA GAON PANCHAYAT

Pitanipara, P.O. - Milanpur

Dist.- Nalbari (Assam)

কাৰ্যালয়

৫ নং পূব বতাহগিলা গাঁও পঞ্চায়ত

পিতনীপাৰা, ডাকঘৰ : মিলনপুৰ

জিলা : নলবাৰী(অসম)

Ref No. - P.B.G.P. — 11/2023 — 2024/044

Date..... 4-10-2023

To Whom it May Concern

Certified that , Miss Parbin Sultana, W/O- Jiyaur Pasa, Nalbari town, ward no-8,
Wishes to establishe a Bricks industry at Chengnoi village under 5 No. Pub-Batahgila G.P.

The Panchayat does not have any objection to establishe the said industry in their land.

Particular of Land :-

Patta no- 292, Dag no- 2556- 3 Bigha.

Patta no- 294, Dag no- 2558- 2 Bigha, 2 Katha, 10 Lecha.

Total- 5 Bigha, 2 Katha, 10 Lecha.

President
5 No. Pub Batahgila G.P.

Secretary
5 No. Pub Batahgila G.P.

789337

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सत्यमेव जयते

Government of India
Form GST REG-06
[Sec Rule 10(1)]

ANNEXURE-A2

-312-

Registration Certificate

Registration Number : 18BCCPS3920E1ZQ

1.	Legal Name	PARBIN SULTANA			
2.	Trade Name, if any	M/s J.P.I.S. Enterprise			
3.	Constitution of Business	Proprietorship			
4.	Address of Principal Place of Business	Ward No 8, Barama Road, Mouza Khata, Nalbari, Assam, 781335			
5.	Date of Liability				
6.	Period of Validity	From	10/02/2021	To	Not Applicable
7.	Type of Registration	Regular			
8.	Particulars of Approving Authority	Assam			
Signature		Signature valid Digitally signed by DE GOODS AND SERVICES TAX NETWORK(4) Date: 2021.02.10 12:00:54 IST			
Name		PRANJAL BHAGABATI			
Designation		Assistant Commissioner of State Tax			
Jurisdictional Office		NALBARI - 1			
9. Date of issue of Certificate		10/02/2021			
Note: The registration certificate is required to be prominently displayed at all places of business in the State.					

This is a system generated digitally signed Registration Certificate issued based on the approval of application granted on 10/02/2021 by the jurisdictional authority.

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Annexure A



सत्यमेव जयते

GSTIN	18BCCPS3920E1ZQ
Legal Name	PARBIN SULTANA
Trade Name, if any	M/s J.P.I.S. Enterprise

Details of Additional Places of Business

Total Number of Additional Places of Business in the State 0



GSTIN

18BCCPS3920E1ZQ

Legal Name

PARBIN SULTANA

Trade Name, if any

M/s J.P.I.S. Enterprise

Details of Proprietor

1



Name

PARBIN SULTANA

Designation/Status

Proprietor

Resident of State

Assam

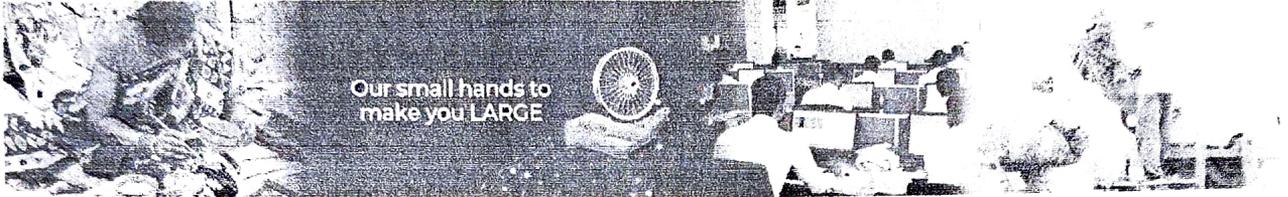


भारत सरकार
Government of India

सूक्ष्म, लघु एवं मध्यम उद्यम विभाग
Ministry of Micro, Small and Medium Enterprises



UDYAM REGISTRATION CERTIFICATE



UDYAM REGISTRATION NUMBER

UDYAM-AS-23-0001663

NAME OF ENTERPRISE

J.P.I.S. ENTERPRISE

TYPE OF ENTERPRISE*

MICRO (Based on FY 2020-21)
(MICRO During FY 2019-20)

MAJOR ACTIVITY

SERVICES (Trading)

SOCIAL CATEGORY OF
ENTREPRENEUR

OBC

NAME OF UNIT(S)

S.No.	Name of Unit(s)
1	J.P.I.S. Enterprise

OFFICIAL ADDRESS OF ENTERPRISE

Flat/Door/Block No.	Ward No. 8	Name of Premises/ Building	Barama Road
Village/Town	Mouza Khata	Block	Nalbari
Road/Street/Lane	Nalbari	City	Nalbari
State	ASSAM	District	NALBARI, Pin 781335
Mobile	9954010049	Email:	jyaurp@gmail.com

DATE OF INCORPORATION /
REGISTRATION OF ENTERPRISE

10/02/2021

DATE OF COMMENCEMENT OF
PRODUCTION/BUSINESSNATIONAL INDUSTRY
CLASSIFICATION CODE(S)

S.No.	NIC 2 Digit	NIC 4 Digit	NIC 5 Digit	Activity
1	46 - Wholesale trade, except of motor vehicles and motorcycles	4663 - Wholesale of construction materials, hardware, plumbing and heating equipment and supplies	46632 - Wholesale of construction materials (sand, gravel etc.)	Trading

DATE OF UDYAM REGISTRATION

24/12/2021

* In case of graduation (upward/reverse) of status of an enterprise, the benefit of the Government Schemes will be availed as per the provisions of Notification No. S.O. 2119(E) dated 26.06.2020 issued by the M/o MSME.

Disclaimer: This is computer generated statement, no signature required. Printed from <http://udyamregistration.gov.in> & Date of printing:- 12/07/2022

For any assistance, you may contact:

1. District Industries Centre: NALBARI (ASSAM)
2. MSME-DFO: GUWAHATI (ASSAM)

Visit :



UDYAM
CHAMPION
with the
Ministry of
MSME



~~17~~
Pollution Control Board, Assam
 (Department of Environment & Forests, Government of Assam)

অসম প্রদূষণ নিয়ন্ত্রণ পৰিষদ

(অসম চৰকাৰৰ বন আৰু পৰিৱেশ বিভাগ)

NABL Accredited Testing Laboratory : Certificate No. TC-11384



LIFE
 Lifestyle for
 Environment

No.WB/KMP/T-210/23-24/05

Dated Guwahati, the 28th Nov 2023

CONSENT TO ESTABLISH

'CONSENT TO ESTABLISH' (CTE), under Section 21 of the Air (Prevention and Control of Pollution) Act, 1981, as amended, and Rules framed there under, is granted to:

- | | | | |
|------|--|---|--|
| i) | Name of the unit | : | M/s JPIS Enterprise. |
| ii) | Name of the Occupier / Applicant and Designation | : | Parbin Sultana, Proprietor. |
| iii) | Address of the unit | : | Village: Chengnoi, Dist- Nalbari, Assam- 781337. |
| iv) | Project cost | : | Rs. 48.61 lakhs. |
| v) | Type of Project/Category | : | Bricks Manufacturing Unit (Orange Category) |
| vi) | Details of Product | : | |

Sl. No.	Product	Production Quantity
1	Clay Bricks	300000 Nos./ month

TERMS AND CONDITIONS:

- The Applicant shall adopt only zig-zag technology or vertical shaft for the production of bricks as per the notification issued by MoEF&CC, GOI vide GSR 143(E) dtd. 22.02.2022.**
- This Consent to Establish (CTE) has been accorded based on the particulars furnished by the applicant vide **Application ID: 2314216** and subject to addition of further or more conditions, if so warranted by subsequent developments. The CTE will automatically become invalid, if any change or alteration or deviation made in actual practice.
- 'Consent to Establish' will be valid till the date of commissioning of the unit or five (5) years whichever is earlier.**
- The CTE may be modified, suspended in whole or in part or withdrawn by the Board during its term for cause including, but not limited to the following:-
 - Violation of any Terms and Conditions of this CTE;
 - Obtaining the CTE by misrepresentation or failure to disclose fully all relevant facts;
 - If any genuine complaint received;
- The unit shall obtain prior 'Consent to Establish' from the Board for any further expansion, alteration, modification, or modernization of the project.
- The project authority shall install a Display Board as per the Board's notification no. PCBA/LGL-95/2021/Notification/01 dtd.11.11.2021 (Appendix-A).
- As per the provisions of the Water (Prevention and Control of Pollution) Act, 1974 as amended and the Air (Prevention and Control of Pollution) Act, 1981, as amended, any Officer, empowered by the Board on its behalf shall have without interruption, the right at any reasonable time to enter the unit for inspection, collection of sample for analysis and may call for any information as deemed necessary. Denial of this right will cause withdrawal of the CTE.

শফিকুল হক

Contd...p/2

- 10 -

-2-



The project proponent shall develop a greenbelt/plantation area with native trees covering at least 33% of the total plot area.

The project authority shall obtain 'Consent to Operate' from the Board before starting the unit.

Specific Conditions:

A) Air Aspects:

1. Type of Fuel (used) : Coal
2. The unit shall comply with the specific standards for emission, as notified by MoEF & CC, GOI vide G. S. R.143 (E), dtd.22.02.2022 as mentioned herein under:

Particulate matter in stack emission	250 mg/Nm ³
Minimum stack height (Vertical Shaft Brick Kilns) - Kiln capacity less than 30,000 bricks per day	14 m (at least 7.5m from loading platform)
- Kiln capacity equal or more than 30,000 bricks per day	16 m (at least 8.5m from loading platform)
Minimum stack height (Other than Vertical Shaft Brick Kilns) - Kiln capacity less than 30,000 bricks per day	24 m
- Kiln capacity equal or more than 30,000 bricks per day	27 m

3. All brick kilns shall use only approved fuel such as Piped Natural Gas, coal, fire wood and/or agricultural residues. Use of pet coke, tyres, plastic, hazardous waste shall not be allowed in brick kilns.
4. Brick kilns shall construct permanent facility (port hole and platform) as per the norms or design laid down by the Central Pollution Control Board for monitoring of emissions.
5. Particulate Matter (PM) results shall be normalized at 4% CO₂ as below:
6. $PM \text{ (normalized)} = (PM \text{ (measured)} \times 4\%) / (\% \text{ of } CO_2 \text{ measured in stack})$, no normalization in case CO₂ measured $\geq 4\%$. Stack height (in metre) shall also be calculated by formula $H=14Q^{0.3}$ (where Q is SO₂ emission rate in kg/hr), and the maximum of two shall apply.
7. Brick kilns should be established at a minimum distance of 0.8 kilometre from habitation and fruit orchards. State Pollution Control Boards/Pollution Control Committees may make siting criteria stringent considering proximity to habitation, population density, water bodies, sensitive receptors, etc.
8. Brick kilns should be established at a minimum distance of one kilometre from an existing brick kiln to avoid clustering of kilns in an area.
9. Brick kilns shall follow process emission/fugitive dust emission control guidelines as prescribed by concerned State Pollution Control Boards/Pollution Control Committees.
10. The ash generated in the brick kilns shall be fully utilized in-house in brick making.
11. All necessary approvals from the concerned authorities including mining department of the concerned State or Union Territory shall be obtained for extracting the soil to be used for brick making in the brick kiln.
12. The brick kiln owners shall ensure that the road utilized for transporting raw materials or bricks are paved roads. Vehicles shall be covered during transportation of raw material/brick.
13. **The unit shall install permanent monitoring platform with proper monitoring facilities as per CPCB Guideline for Emission Regulation Guidelines Part-III (Appendix-B).**

Contd...p/3

-X-

-3-

14. The unit shall comply with the ambient noise level standard, notified by MoEF & CC, GOI vide GSR 7, dated Dec.22, 1998, as mentioned here-in-under:

Limit in dB (A) Leq	
Day Time (6:00am-10:00pm)	Night Time (10:00pm-6:00am)
75	70



15. Coal should be stored under shed.

16. The unit shall ensure that fugitive emissions from its activities are controlled in and around the factory premises by adequate sprinkling of water.

B) Water Aspects:

1. Source of Water (Ground/Surface) : Ground Water
2. i. Water Consumption : 1.7 KLD
ii. Exemption/Permission from CGWA: Not Obtained
3. Permission/exemption shall be obtained from CGWA for extraction of Ground Water, as applicable.
4. i) Storm Water shall not be allowed to mix with effluent, if any, and/or floor washings.
ii) Storm Water within the battery limit shall be channelized through separate drain/pipe passing through an Oil & Grease Catch Pit cum Sedimentation Tank.
5. For storm water discharge, the unit shall meet with the general discharge parameters standard, notified by MoEF&CC,GOI vide **G.S.R.422 (E) dtd. 19.05.1993 (Appendix-C)**.
6. Rain water harvesting facility shall be installed and maintained.

C) Solid Waste Aspects:

1. Adequate facility shall be created for collection, storage, transportation, treatment and disposal of solid waste generated from the unit.
2. Adequate system shall be adopted on reduction of waste generation and enhancement of re-utilization and recycling of waste materials.
3. Solid waste generated in the unit shall be disposed of as per the provisions of Solid Waste Management Rules, 2016.

D) Construction and Demolition Wastes Aspects:

The unit shall comply with the provisions of the Construction and Demolition Wastes Management Rules, 2016 for management of construction and demolition wastes.

The unit shall submit compliance report of the mandated conditions by April 15th every year to Member Secretary, PCBA as well as to Regional Office, Kamrup till the completion of the project. The Board will have the liberty to withdraw the CTE, if adequate pollution control and safety measures are not implemented by the unit.

(Shantanu Kr. Dutta)
Member Secretary

Dated Guwahati, the 28th Nov, 2023

Memo No. WB/KMP/T-210/23-24/05

Copy to:

✓ M/s JPIS Enterprise, Village: Chengnoi, Dist-Nalbari, Assam-781337 for information and compliance of conditions.

Member Secretary

-XX-

নংঃ-

৬২

প্র-পত্র নংঃ ১৬
[নিয়ম ৪৬ব উপ-নিয়ম (৪)]



অনুজ্ঞা পত্র
প্রতিপর্ণ

৬ ক্রিসম পঞ্চায়ত আইন, ১৯৯৪ব ২৫, ৫৭ আৰু ৯৫ ধাৰাৰ অধী

২০২৪ ত সমাপ্ত বৰ্ষ/অৰ্দ্ধ বৰ্ষৰ বাবে সময়- ১-৫-২০২৩ পৰা
 ৩-৩-২০২৪ লৈ এন্থঃ পুঃ বজ্জপ্ৰিসিম গাওঁপঞ্চায়তে
 নামঃ ৬ নং ওসৰ মাতঃ মিত্ৰাৰ
 মৌজাৰ গাওঁত বসবাস কৰা মিঃ পাৰ্শ্ববিন চন্দ্ৰজনাৰ
 পুত্ৰঃ - এ. জিয়াউৰ-ৰাহমান ক অনুমতি প্ৰদান কৰিছে।
 এই অনুজ্ঞা পত্ৰখন এন্থঃ পুঃ বজ্জপ্ৰিসিম গাওঁপঞ্চায়তৰ অধিকাৰ ক্ষেত্ৰৰ ভিতৰত
 তলত উল্লেখ কৰা উদ্দেশ্যৰ বাবে M/S. J.P.I.S. ENTARPRISE
 বৈধ হ'ব। চাপ্লাই কৰা কৰ্মচাৰীক অৰু ইটা কৰি
 নিয়ম কৰা হ'ব। এটা চৌন নামঃ (৩৫২৪)

যিটো বিষয়ৰ বাবে অনুমতি মঞ্জুৰ কৰা হৈছে তাৰ বিৱৰণ	নিৰিখ	প্ৰাপ্ত মাচুলৰ ধন
M/S J.P.I.S. ENTARPRISE ২০২৩-২০২৪ স্ত ৬ নং ওসৰ - ১	২০০০/-	২০০০/-

২০০০/-
(ছই'থবান্ড - চৌন মাত্ৰ)
M. 4-10-2023

চাব মোহৰসহ বিষয়াৰ স্বাক্ষৰ

-22

Translated copy

No: 1/62 [Handwritten]

Form No: 16

[Rule 46 Sub-rule (8)]

LICENSE

(Counterpart)

Under Sections 25, 57, and 95 of the Assam Panchayat Act, 1994

For the year ending 2024 / for the half-year period from 1-4-2023 to 31-3-2024...

Permission is granted by **East Bahjani** Gaon Panchayat...To **Mrs. Parbin Sultana**, residing in the village of **Nalbari, 6 No. Barbhag** Mouza...Husband - **Mr. Riazul Islam**.This license is valid within the jurisdiction of **East Bahjani** Gaon Panchayat...For the purpose mentioned below: **M/S J.P.I.S ENTERPRISE**

Detail of the subject for which permission is granted.	Rate	Amount of Fee Received
M/S J.P.I.S ENTERPRISE 2023 - 2024 Year [Illegible]		
M/S J.P.I.S ENTERPRISE 2023 - 2024 Year [Illegible]		

M/S J.P.I.S ENTERPRISE 2023 - 2024 Year [Illegible]	2000/-	2000/-
---	--------	--------

*[Bedhuwa] Supply and Construction and Brick Kiln (Construction Material Industry Unit - Minor Mineral)

(Two thousand Rupees only)

Date- 04.10.2023

- ২২ -



অসম চৰকাৰ

নলবাৰী জিলা পৰিষদ : নলবাৰী

প্ৰ-পত্ৰ নং : ১৬

[নিয়ম ৪৬ৰ উপ-নিয়ম (৪)]

অনুজ্ঞা পত্ৰ (নথীকৃত)

প্ৰতিপূৰ্ণ

অসম পঞ্চায়ত আইন, ১৯৯৪ নং ২৫, ৫৭ আৰু ৯৫ ধাৰাৰ অধীনত)

২০২৫

ত সমাপ্ত বৰ্ষ/অৰ্দ্ধ বৰ্ষৰ বাবে সময়-

১-৭-২০২৪ ১/২

পৰা

৩০-০৬-২০২৫ ১/২

নলবাৰী

পঞ্চায়ত

লৈ জিলা পৰিষদ / আঞ্চলিক পৰিষদ / গাঁও পঞ্চায়তে

মোতা-মোজাব

নলবাৰী চ নং ওবাৰ্ডে

গাঁওত বসবাস কৰা

শ্ৰী চ পাবৰিন চুলতানা

ব

পুত্ৰ / স্বামী শ্ৰী চ পুত্ৰ

ক অনুমতি প্ৰদান কৰিছে।

এই অনুজ্ঞা পত্ৰখন

নলবাৰী জিলা পৰিষদে

গাঁও পঞ্চায়তৰ অধিকাৰ ক্ষেত্ৰৰ ভিতৰত

তলত উল্লেখ কৰা উদ্দেশ্যৰ বাবে MIS JPIS ENER PRIZE

বৈধ হ'ব। চাপ্লাই জাৰ কৰা কৰ্ম আৰু ইটা জালি
নিষেধ কৰা উদ্দেশ্যে, চিংগে; নলবাৰী

যিটো বিষয়ৰ বাবে অনুমতি মঞ্জুৰ কৰা হৈছে তাৰ বিৱৰণ	নিৰ্দিষ্ট	প্ৰাপ্ত মাতুলৰ ধন
MIS JPIS ENER PRIZE ২০২৪-০২৫ চনৰ বাবে	৩০০০'০০০	৩০০০'০০০

৩০০০'০০০

চাব মোহবসহ বিষয়াৰ স্বাক্ষৰ

Chief Executive Officer
Nalbari Zilla Parishad
Nalbari

~~15~~

Translated copy

No: 1/62 [Handwritten]

Government of Assam

Nalbari Zila Parishad : Nalbari

Form No: 16

[Rule 46 Sub-rule (8)]

LICENSE (RENEWAL)

Counterpart

(Under Sections 25, 57, and 95 of the Assam Panchayat Act, 1994)

For the year ending **2025** / for the half-year period from **1-7-2024 AD**...

Permission is granted by **Nalbari Zila Parishad** / ~~Anchalik Parishad~~ / ~~Gaon Panchayat~~...

To the resident of **Khata Mouza**...

Village **Nalbari 8 No. Ward**, Name: **Mrs. Parbin Sultana**—

Husband: **Md. Riazul Islam**...

This license is valid within the jurisdiction of **Nalbari Zila Parishad**...

For the purpose mentioned below: **MIS JP CENTER PRIZE** [sic]

[Bedhuwa/Sand], Supply and Construction and Brick Kiln Manufacturing Industry, Chengnoi; Nalbari

-X-

Detail of the subject for which permission is granted.	Rate	Amount of Fee Received
M/S J.P.I.S ENTERPRISE 2024 - 2025 Year		
M/S J.P.I.S ENTERPRISE 2024 - 2025 Year	3000.00 Rupees	3000.00 Rupees

-2*

Answer - "B"

155



GAHC010103682024

Application No	Application Received on	Date on which copy was made ready	Fees paid (Rs)	Posting date to Delivery Desk
633871	10/11/2025	10/11/2025	100.00	10/11/2025

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THE GAUHATI HIGH COURT
(HIGH COURT OF ASSAM, NAGALAND, MIZORAM AND ARUNACHAL PRADESH)

Case No. : WP(C)/2782/2024

PARBIN SULTANA
PROPRIETOR, M/S JPIS ENTERPRISE,
W/O- MD. JIYAU PASA,
NALBARI TOWN, WARD NO-8,
P.S AND P.O- NALBARI, DIST- NALBARI, ASSAM, PIN-781335

VERSUS

THE STATE OF ASSAM AND 3 ORS
REP. BY THE COMMISSIONER SECRETARY TO THE GOVT OF ASSAM,
REVENUE AND DISASTER MANAGEMENT DEPARTMENT
, DISPUR, GUWAHATI-781006

2: THE DISTRICT COMMISSIONER
NALBARI
ASSAM
PIN-781335

3: THE CIRCLE OFFICER
NALBARI REVENUE CIRCLE
NALBARI
ASSAM
PIN-781335

4: THE POLLUTION CONTROL BOARD
ASSAM
REP. BY ITS CHAIRMAN
BAMUNIMAIDAM
GUWAHATI-21

5: THE COMMISSIONER AND SECRETARY TO THE GOVT. OF ASSAM
FOREST DEPARTMENT



DISPUR
GUWAHATI-

For the petitioner (s) : Mr. S. Hoque, Advocate

For the respondent (s) : Mr. D. Gogoi, Advocate
Ms. G. Hazarika, Advocate
Mr. B. J. Talukdar, Advocate

BEFORE
HON'BLE MR. JUSTICE DEVASHIS BARUAH
ORDER

16.08.2024

Heard Mr. S. Hoque, the learned counsel appearing on behalf of the petitioner. Ms. G. Hazarika, the learned counsel appears on behalf of the Revenue Department; Mr. B. J. Talukdar, the learned counsel appears on behalf of the respondent Nos.2 & 3 and Mr. D. Gogoi, the learned counsel appears on behalf of the respondent No.5.

2. The petitioner in the instant proceedings has challenged the communication dated 02.03.2024 issued by the Additional District Magistrate, Nalbari whereby the said official had directed the Circle Officer, Nalbari Revenue Circle to seal the premises of the petitioner as well as to take necessary steps for lodging of an FIR of criminal nature of acts and to take necessary action for compliance on the provisions of the prohibitory order under Section 144 Cr.P.C. promulgated vide the office order dated 29.02.2024. In pursuant thereto, the petitioner was informed by the Circle Officer, Nalbari that the premises of its brick kiln establishment would be sealed for violation of the Assam Brick Kilns Establishment and Regulation Rules, 2013. Thereupon, the petitioner



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submitted the representation to the respondent authorities, more particularly to the respondent No.2, however did not receive any favourable result and consequently the petitioner was constrained to approach this Court by filing the instant writ petition.

3. It is seen from the record that notice was issued on 31.05.2024 and the respondents were directed to apprise this Court as to whether the Assam Brick Kilns Establishment Regulation Rules, 2013 have been published and have been given due effect. It is further seen that on various occasions, this Court had granted opportunities to the respondent authorities to place as to whether the Assam Brick Kilns Establishment Rules, 2013 have been notified or not by way of an Official Gazette. Nothing has been placed before this Court inspite of various opportunities. It is however relevant to take note of at this stage that on 14.08.2024, when the matter was listed, this Court adjourned the matter to be taken up today, in view of the Standing Counsel of the Pollution Control Board having not appeared on 14.08.2024. Today also none has appeared on behalf of the Pollution Control Board of Assam.

4. This Court has duly heard the learned counsels appearing on behalf of the parties. The impugned order is based upon certain enquiry report regarding violation of the norms of the Assam Brick Kilns Establishment and Regulation Rules, 2013. As the respondents have failed to show that the said Assam Brick Kilns Establishment and Regulation Rules, 2013 had come into force inspite of various opportunities, the impugned order dated 02.03.2024 which is based upon the Assam Brick Kilns Establishment and Regulation Rules, 2013 cannot stand the scrutiny of law.

5. Accordingly, the impugned order dated 02.03.2024 is therefore set



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aside and quashed.

6. All consequential actions taken on the basis of the said impugned order dated 02.03.2024 is also set aside and quashed. The respondent No.3 is further directed to remove the sealing of the premises of the petitioner which was done on the basis of the impugned order dated 02.03.2024. The same has to be done forthwith and not later than 15 days from the date of service of the certified copy of the instant order to the Respondent No.2.

7. Before parting with the record, this Court however observes and directs that the order so passed herein shall not preclude the Pollution Control Board, Assam to take such action as envisaged under the extant laws.

Sd/- Devasli's Baruah

JUDGE

CS
10-11-2025
Comparing Assistant

CERTIFIED TO BE TRUE COPY	
<i>Barttan Shouse</i>	
Date	<i>10/11/25</i>
Administrative Officer (Judicial)	
Pollution Control Board, Assam	
107/75, BDA, 2023 (Act 17, 2023)	

-3X



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GAHC010045752025



Application No	Application Received on	Date on which copy was made ready	Fees paid (Rs)	Posting date to Delivery Desk
633872	10/11/2025	10/11/2025	100 00	10/11/2025

undefined

THE GAUHATI HIGH COURT
(HIGH COURT OF ASSAM, NAGALAND, MIZORAM AND ARUNACHAL PRADESH)

Case No. : WP(C)/1409/2025

PARBIN SULTANA
PROPRIETOR, M/S JPIS ENTERPRISE, W/O MD. JIYAU PASA, NALBARI
TOWN, WARD NO. 8, P.S. AND P.O.- NALBARI, DIST- NALBARI, ASSAM-
781335

VERSUS

THE STATE OF ASSAM AND 10 ORS.
REPRESENTED BY THE COMMISSIONER AND SECRETARY TO THE GOVT
OF ASSAM, REVENUE AND DISASTER MANAGEMENT DEPARTMENT,
DISPUR, GUWAHATI-06, ASSAM

2: THE COMMISSIONER AND SECRETARY TO THE GOVT OF ASSAM
FOREST DEPARTMENT
DISPUR
GUWAHATI-6
ASSAM

3: THE POLLUTION CONTROL BOARD
ASSAM
REPRESENTED BY ITS CHAIRMAN
BAMUNIMAIDAM
GUWAHATI-21
ASSAM

4: THE MEMBER SECRETARY
POLLUTION CONTROL BOARD
ASSAM
BAMUNIMAIDAM
GUWAHATI-21
ASSAM



5: THE SENIOR ENVIRONMENTAL ENGINEER
REGIONAL HEAD
REGIONAL OFFICE
KAMRUP
ASSAM

6: THE DISTRICT COMMISSIONER
NALBARI DISTRICT
NALBARI
ASSAM-781335

7: THE ADDITIONAL DISTRICT MAGISTRATE
NALBARI DISTRICT
NALBARI
ASSAM-781335

8: THE DIVISIONAL FOREST OFFICER
NORTH KAMRUP DIVISION
RANGIA
ASSAM

9: THE CIRCLE OFFICER
NALBARI REVENUE CIRCLE
NALBARI
ASSAM-781335

10: NAYAN MONI DEKA
S/O MANGALU HALOI
VILL- CHENGNOI
P.S. AND DIST- NALBARI
PIN-781337
ASSAM

11: PRANJAL SHARMA
S/O KHAGESWAR SHARMA
VILL. CHENGNOI
P.S. AND DIST- NALBARI
ASSAM
PIN-781337

Advocate for the Petitioner : MD S HOQUE, MR. M DEKA

Advocate for the Respondent : SC, REVENUE AND DISASTER MANAGEMENT DEPT, SC,
FOREST, SC, P C B A, GA, ASSAM



BEFORE
HONOURABLE MR. JUSTICE KARDAK ETE

ORDER

Date : 09.09.2025

Heard Md. S. Hoque, learned counsel for the petitioner. Also heard Mr. S. S. Roy, learned Government Advocate for the State of Assam and Mr. S. Baruah, learned Standing Counsel, PCBA.

Mr. A. A. Treya, learned counsel appearing on behalf of the newly impleaded respondent Nos. 10 & 11 seeks sometime to file affidavit.

Accordingly, list this matter **after 3 (three) weeks**.

In the meantime, the respondents may file their affidavit.

S.H. Kardak Ete
JUDGE

10-11-2025
Comparing Assistant

10-11-2025
Comparing Assistant

- 24 -

DISTRICT: NALBARI**IN THE GAUHATI HIGH COURT AT GUWAHATI***(The High Court of Assam, Nagaland, Mizoram and Arunachal Pradesh)***(CIVIL EXTRA - ORDINARY JURISDICTION)****WRIT PETITION (C) NO. 1409 OF 2025**

Parbin Sultana

____ Petitioner

-Versus-

The State of Assam & Others

____ Respondents

SYNOPSIS

The petitioner herein is the proprietor of a brick kiln industry namely- M/S JPIS Enterprise at village- Chengnoi under Mouza- Batahghila in the Nalbari district, Assam which was constructed after obtaining necessary "Consent to Establish" from the Pollution Control Board, Assam as well as the guidelines laid down by the Pollution Control Board, Assam for Brick Manufacturing Industries and all other formalities but the Additional District Magistrate, Nalbari vide letter 04-12-2024 had requested the Chairman of the Pollution Control Board, Assam to withdraw the Consent to Establish issued to the petitioner bringing some false and concocted allegations and accordingly, the Member Secretary of the Pollution Control Board, Assam vide his impugned letter dated 05-02-2025 had withdrawn the Consent to Establish (CTE) granted in favour of the M/S JPIS Enterprise vide No. WB/KMP/T-210/23-24/5 dated 28-11-2023 without giving any chance of hearing to the petitioner causing huge financial loss and mental agony and uncertainty to the petitioner. Hence this Writ Petition.

Filed by the petitioner through:

Mritul Deka

Advocate 28/2/25

P-7

DISTRICT: NALBARI**IN THE GAUHATI HIGH COURT AT GUWAHATI***(The High Court of Assam, Nagaland, Mizoram and Arunachal Pradesh)***(CIVIL EXTRA - ORDINARY JURISDICTION)****WRIT PETITION (C) NO. 1409 OF 2025**

Parbin Sultana _____ Petitioner

-Versus-
The State of Assam & Others _____ Respondents**INDEX**

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6.	Annexure- D <i>(Copy of the certificate dated 18-09-2023 Issued by Circle Officer, Nalbari Rev Circle)</i>	37
7.	Annexure- E <i>(Copy of the Minutes dated 01-10-2023)</i>	38-41
8.	Annexure- F <i>(Copy of the NOC dated 04-10-2023 issued by the G.P. Secretary)</i>	42
9.	Annexure- G <i>(Copy of the CTO dated 28-11-2023 issued by the PCBA)</i>	43-45
10.	Annexures- H & I <i>(Copies of the Receipts & Photograph)</i>	46-48
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Filed by the petitioner
through:

Mritunjay Das

Advocate

DISTRICT: NALBARI**IN THE GAUHATI HIGH COURT AT GUWAHATI***(The High Court of Assam, Nagaland, Mizoram and Arunachal Pradesh)***(CIVIL EXTRA - ORDINARY JURISDICTION)****WRIT PETITION (C) NO. 1409 OF 2025**

Parbin Sultana

____Petitioner

-Versus-

The State of Assam & Others

____Respondents

LIST OF DATES

Sl. No.	Date	Particulars
1.	28-11-2023	"Consent to Establish" was Issued by the PCBA,
2.	16-08-2024	Order passed in the W.P.(C) No. 2782/2024.
3.	04-12-2024	Letter issued by the ADM, Nalbari
4.	05-02-2025	Impugned letter Issued by the Member Secretary, PCBA

Filed by the petitioner
through:*Mrifur Datta*

,Advocate

DISTRICT: NALBARI**IN THE GAUHATI HIGH COURT AT
GUWAHATI***(The High Court of Assam, Nagaland Mizoram and Arunachal Pradesh)*

(CIVIL EXTRA - ORDINARY JURISDICTION)

WRIT PETITION (C) NO. 1409 OF 2025CATEGORY OF CASE : Other Settlements
CATEGORY OF CODE : 10148**To,**

The Hon'ble **MR. JUSTICE VIJAY BISHNOI**, the Chief Justice of the Hon'ble Gauhati High Court and His other companion Justices of the said Hon'ble Court.

IN THE MATTER OF:

An application under Article 226 of the Constitution of India praying for issuance of a writ in the nature of Mandamus, Certiorari and/or any other appropriate writ, order or direction of like nature.

-AND-**IN THE MATTER OF:**

For enforcement of the petitioner's rights guaranteed under provisions of the Constitution of India and for enforcement of other legal rights of the petitioner.

Filed by the petitioner through

Mr. Jyoti Deka

Advocate, Date 28/2/25

-AND-

IN THE MATTER OF:

Orders dated 23-12-2024 & 26-12-2024 passed in the Case No. 187(M)/2024 and Order dated 26-12-2024 passed in the Case No. 188(M)/2024 by the Additional District Magistrates, Nalbari

-AND-

IN THE MATTER OF:

Impugned letter dated 05-02-2025 issued by the Member Secretary, Pollution Control Board, Assam withdrawing the Consent to Establish (CTE) granted in favour of the M/S JPIS Enterprise vide No. WB/KMP/T-210/23-24/5 dated 28-11-2023.

-AND-

IN THE MATTER OF:

Violation of the provision of the Assam Agricultural Land (Regulation of Reclassification and Transfer for Non-Agricultural Purpose) Act, 2015.

-AND-

IN THE MATTER OF:

Violation of the principles of natural justice, equity, good conscience, and administrative fair-play.

-AND-

IN THE MATTER OF:

PARBIN SULTANA, 39

Proprietor, M/S JPIS ENTERPRISE
W/o- Md. Jiyaur Pasa,
Nalbari Town, Ward No-8
P.S & P.O-Nalbari
Dist-Nalbari, Assam-781335.

PETITIONER

-VERSUS-

- 1. The State of Assam,**
Represented by the Commissioner &
Secretary to the Govt. of Assam,
Revenue & Disaster Management
Department, Dispur, Guwahati-06.

- 2. The Commissioner & Secretary
to the Govt. of Assam,** Forest
Department, Dispur, Guwahati-6

3. **The Pollution Control Board, Assam**, represented by its Chairman, Bamunimaidam, Guwahati- 21.
4. **The Member Secretary**, Pollution Control Board, Assam, Bamunimaidam, Guwahati-21
5. **The Senior Environmental Engineer**, Regional Head, Regional Office, Kamrup.
6. **The District Commissioner**, Nalbari District, Nalbari, Assam- 781335.
7. **The Additional District Magistrate**, Nalbari District, Nalbari, Assam-781335.
8. **The Divisional Forest Officer**, North Kamrup Division, Rangia, Assam-
9. **The Circle Officer**, Nalbari Revenue Circle, Nalbari, Assam-781335.

 RESPONDENTS

The humble petition of the petitioner above named-

MOST RESPECTFULLY SHEWETH :

1. That the petitioner herein is a permanent resident of Nalbari Town, Ward No. 08, PO & Dist- Nalbari In the state of Assam and as such being a citizen of India by birth, the petitioner is entitled to all the rights, protections and privileges guaranteed under the Constitution of India and other laws framed there under.

2. That the petitioner respect fully begs to state that she is the proprietor of the M/S JPIS Enterprise, a Brick Kiln Industry which is registered under the Micro Small Enterprise Development Act, 2006 bearing Registration No. UDYAM-AS-23-0001663 and GST No. 18BCCPS3920E1ZQ having its registered office at Nalbari Town, Ward No. 08, PO & Dist- Nalbari, Assam- 781335.

Copies of the Registration Certificates are annexed hereto and marked as **ANNEXURES- A1 & A2.**

3. That the petitioner respectfully begs to state that, she had submitted an online application along with supporting documents before the Chief Inspector of Factories, Assam for permission and approval of plant and machinery layout for the purpose of establishing a Brick Kilns Industry under the name and style of M/S JPIS Enterprise at village- Chengnoi under Mouza- Batahghila in the Nalbari district and accordingly after being satisfied, the Chief Inspector of Factories, Assam vide his letter No.

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NAL/99/4079 dated 30-08-2023 had accorded approval to install the plant & machinery and prime movers etc. as per plan.

A copy of the permission dated 30-08-2023 is annexed hereto and marked as **ANNEXURE- B.**

4. That the petitioner respectfully begs to state that the Gaonbura of the village- Chengnoi, Mouza- Batahghila, Dist- Nalbari had also issued No Objection Certificate to the petitioner for establishing the Brick Kilns industry under the name & style of M/S JPIS Enterprise at village- Chengnoi in the Nalbari district on the scheduled plot of land.

A copy of the NOC dated 18-09-2023 is annexed hereto and marked as **ANNEXURE- C.**

5. That the petitioner respectfully begs to state that the proposed plot of land at village- Chengnoi under Batahghila Mouza in the Nalbari district on which the M/S JPIS Enterprise was established by the petitioner was also certified to be non-agricultural land by the Circle Officer as the land is covered with coarse sand as per report of the District Agricultural Officer, Nalbari as well as the Lot Mondol.

A copy of the certificate dated 18-09-2023 is annexed hereto and marked as **ANNEXURE- D.**

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6. That the petitioner respectfully begs to state that a village meeting was held on 01-10-2023 by the villagers of the Chengnoi village in the Nalbari district and in its meeting, the villagers had also agreed on the establishment of the said Brick Kilns industry at village- Chengnoi under Mouza- Batahghila in the Nalbari district.

A copy of the Minutes dated 01-10-2023 is annexed hereto and marked as

ANNEXURE- E.

7. That the petitioner respectfully begs to state that the Secretary of the 5 No. Pub Batahghila Gaon Panchayat had also issued a No Objection Certificate to the petitioner for establishing the Brick Industry at the Chengnoi village under 5 No. Pub-Batahghila Gaon Panchayat in the Nalbari District.

A copy of the NOC dated 04-10-2023 is annexed hereto and marked as

ANNEXURE- F.

8. That the petitioner respectfully begs to state that the Pollution Control Board, Assam had also issued necessary "Consent to Establish" vide No. WB/KMP/T-210/23-24/05 dated 28-11-2023 to the petitioner for establishing the said Brick Kilns industry under the name & style of the M/S JPIS Industries at village- Chengnoi, PS & Dist- Nalbari, Assam under Section 21 of the Air (Prevention of Pollution) Act, 1981 and as per

-X-

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provision of the Assam Brick Kilns Establishment and Regulation Rules, 2013.

A copy of the "Consent to Establish" dated 28-11-2023 is annexed hereto and marked as **ANNEXURE- G.**

9. That the petitioner respectfully begs to state that after obtaining all the necessary permissions from the competent authorities and observing all other formalities, the petitioner had purchased the machineries worth Rs.26,00,000/- and had completed the installation on the said plot of land at village-Chengnoi under Batahghila Mouza in the Nalbari district and had completed its construction works.

Copies of the receipts and photograph of the Brick Kiln are annexed hereto and marked as **ANNEXURES -H & I.**

10. That the petitioner respectfully begs to state that after installation of the machineries, the petitioner's brick industries namely- M/S- JPIS Enterprise was almost completed and made ready for production bricks and accordingly the petitioner had purchased raw materials worth Rs. 1 crore for the production purpose.

11. That the petitioner respectfully begs to state that after completion of the said brick kiln namely- M/S JPIS Enterprise and purchasing all the raw materials, while the petitioner was waiting to apply for obtaining the necessary Consent To Operate (CTO) from the Pollution Control Board,

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Assam for starting the production of bricks, to the utter shock and surprise of the petitioner, the office of District Commissioner, Nalbari had issued a Promulgation of Prohibitory Order u/s 144 Cr.P.C. on 29-02-2024 with the direction- "No dumper/tractor carrying mud/clay and other construction materials will move in Pagladia L/B embankment of Katara, Khat-Katara of Chengnoi village in Nalbari district" in a most illegal and arbitrary manner targeting the petitioner with the ulterior motive to harass the petitioner in running her business.

A copy of the Prohibitory Order dated 29-02-2024 is annexed hereto and marked as **ANNEXURE- J.**

12. That the petitioner respectfully begs to state that being aggrieved at the Prohibitory Order dated 29-02-2024 issued by the office of the District Commissioner, Nalbari, the petitioner had submitted a representation before the District Commissioner, Nalbari on 02-03-2024 requesting her to pass necessary order for allowing to move the vehicle used for construction of the petitioner's industry namely- M/s JPIS Enterprise.

A copy of the representation dated 02-03-2024 is annexed hereto and marked as **ANNEXURE- K.**

13. That the petitioner respectfully begs to state that after submitting the representation dated 02-03-2024, while the petitioner was expecting a sympathetic consideration of the same for enabling her to complete and

start the production of brick kiln- M/S JPIS Enterprise but instead of consideration of the same, the office of the District Commissioner, Nalbari had issued a letter on the same date i.e. 02-03-2024 at 8:19 PM to the Circle Officer, Nalbari Revenue Circle, Nalbari directing him to take necessary action for sealing of the premise of the M/S JPIS Enterprise and had also directed him to lodge an FIR of criminal nature of act and further directed to take necessary action for compliance of the prohibitory order misusing her official power without any basis in a most illegal and arbitrary manner only with the malafide intention to harass the petitioner and to cause financial loss to the petitioner.

A copy of the letter dated 02-03-2024 is annexed hereto and marked as **ANNEXURE- L.**

14. That the petitioner respectfully begs to state that in terms of the letter dated 02-03-2024 issued by the District Commissioner, Nalbari, the Circle officer vide his letter No. NBR-22/2021/Pt-II/134 dated 03-03-2024, had illegally sealed the premise of the petitioner's Brick Kiln namely- M/s JPIS Enterprise whimsically alleging the violation of the Assam Brick Kilns establishment and Regulation Rules, 2013 by the petitioner.

A copy of the Sealing letter dated 03-03-2024 is annexed hereto and marked as **ANNEXURE- M.**

15. That the petitioner respectfully begs to state that after sealing of the premise of the petitioner namely- M/s JPIS Enterprise, the Circle Officer of the Nalbari Revenue Circle had lodged an FIR before the Officer-In-Charge, Nalbari Police Station, Nalbari on 05-03-2024 against the petitioner and her husband for starting the construction of the Brick Kiln without obtaining the mandatory permission from the establishment of the District Commissioner and also alleged violation of the norms and regulation of the Assam Brick Kiln Establishment and Regulation Rules, 2013 and accordingly after receiving said FIR, the Officer-in-Charge, Nalbari Police Station had registered a case being Nalbari PS Case No. 87/2024 u/s- 188/268/290/431 of IPC.

A copy of the FIR dated 05-03-2024 is annexed hereto and marked as **ANNEXURE- N.**

16. That the petitioner respectfully begs to state that being aggrieved at sealing the premise of the petitioner's Brick Kiln for alleged violation of the norms and regulation of the Assam Brick Kiln Establishment and Regulation Rules, 2013 which was never gazette notified, the petitioner had filed a writ petition before the Hon'ble High Court being W.P. C). No. 2782/2024 and accordingly after hearing the parties, the Hon'ble Court was pleased to dispose of the said writ petition vide its order dated 16-08-2024 while setting aside the order dated 02-03-2024 issued by the Additional District Magistrate, Nalbari, the Hon'ble Court was also pleased to direct the Circle Officer, Nalbari Revenue Circle (Respondent No.3) to remove the sealing of the premises of the petitioner which was done on the basis of the

impugned order dated 02-03-2024 within the period of 15 days from the date of receipt of the certified copy of the instant order to the District Commissioner and accordingly, the said premise was unsealed by the Circle Officer, Nalbari Revenue Circle vide his letter dated 06-09-2024.

A copy of the order dated 16-08-2024 passed in the W.P.(C) No. 2782/2024 and letter dated 06-09-2024 are annexed hereto and marked as **ANNEXURES- 01 & 02.**

17. That the petitioner respectfully begs to state that in terms of the order dated 16-08-2024 passed in the WP (C) No.2782/2024, the respondent authority had removed the seal from the petitioner's premises and accordingly the petitioner had restarted the construction of her brick kiln namely M/S JPIS Enterprise at the Chengnoi Village which had already been completed more than 90% and was about to start its functioning.

18. That the petitioner respectfully begs to state that after completing the construction work of the petitioner's brick kilns namely- M/s JPIS Enterprise, while the petitioner had been waiting for necessary "Consent to Operate" from the Pollution Control Board, Assam, suddenly the petitioner had received a copy of an Order dated 23-12-2024 passed in the Case No. 187(M)/2024 by an Additional District Magistrate, Nalbari namely- Rajiv Das under Section 163 of BNS prohibiting the parties from entering and operating the brick kilns from the disputed land until further order which was passed on the basis of the complaint petition filed by (1) Anupam Das & Ors, Village- Chengnoi (2) Kalyan Bhattacharjya & Ors,

President, Veer Lachit Sena, Assam. The said order was passed mentioning the name of the petitioner's husband- Jiaur Pasa as the 2nd Party.

A copy of the order dated 23-12-2024 is annexed hereto and marked as **ANNEXURE- P.**

19. That the petitioner respectfully begs to state that a memorandum based on which the order was passed by the Additional District Magistrate, Nalbari on 23-12-2024 was sent to the petitioner along with the copy of the order, and the memorandum was submitted by one Kalyan Kumar Bhattacharyya, President, Veer Lachit Sena, Nalbari District Committee dated 19-12-2024 before the District Commissioner, Nalbari which was received by the Office of the District Commissioner, Nalbari on 23-12-2024. The memorandum dated 19-12-2024 did not have any specific allegation against the petitioner nor the complaints were directed to the tractors or the dumpers used by the petitioner and also did not quote the village where the said industry is located. In fact, the memorandum categorically mentioned about seeking a permanent solution to the problem of destructions made by the infestation of elephants in the Nalbari district. The memorandum specifically states that the infestation of elephants in Nalbari started in last year only. The said complainant through the memorandum demands about setting up an Elephant Squad in Nalbari district, demanded compensation for people whose houses/crops have been damaged, demanded an enquiry in an incident where the Headmaster of Katahkuchi Krishnaguru Vidyajyoti LP School was physically

abused by a forest guard of Rangia Forest Division and also demanded exemplary punishment against the forest guard, along with demanding ban on movement of tractors and dumpers on the embankment towards the North of the River which the elephants follow on its way back and also shut the high voltage electric lights of brick kiln after sunset. The memorandum did not complain about a particular brick kiln, did not name a particular embankment or did not even propose taking coercive action against any particular brick kiln except shutting off high voltage lights.

It is also to be stated that the memorandum dated 19-12-2024 was addressed to the District Commissioner, Nalbari and received at the Office of the District Commissioner, Nalbari on 23-12-2024 and was not forwarded to any Additional District Magistrate, Nalbari with any direction, however, the Additional District Magistrate, Nalbari issued the impugned order in Case No. 187(M)/2024 on 23-12-2024 on the same day of receiving the memorandum, without issuing any notice to the petitioner.

A copy of the Memorandum dated 19-12-2024 is annexed hereto and marked as **ANNEXURE- Q.**

20. That the petitioner respectfully begs to state that another complaint based on which the order was passed by the Additional District Magistrate, Nalbari on 23-12-2024 was sent to the petitioner along with the copy of the order, and the complaint was submitted by one Anupam Das and others on 20-12-2024 before the District Commissioner, Nalbari and it was received by the Office of the District Commissioner, Nalbari on 23-12-2024.

The complaint was made by the residents of Chengnoi and Khudra Katra Village of Nalbari stating that one Jiyaur Pasa in violation of The Assam Brick Establishment and Regulation Rules, 2013 was setting up a brick kiln. It was also stated in the complaint that the said brick kiln and the dumpers and tractors carrying raw materials for another stone quarry being set up at Khudra Katra (which has not even become functional) is damaging the embankment from Khat-Katra to Jamtola and there are threats that there could be breach on embankment during next flood. To the best of the knowledge of the petitioner, none of the signatories of the complaint dated 20-12-2024 belongs to Chengnoi village.

A copy of the complaint dated 20-12-2024 is annexed hereto and marked as **ANNEXURE- R**

21. The petitioner respectfully begs to state that the brick kiln does not belong to Jiyaur Passa and huge numbers of tractors and dumpers are seen over the embankments in Nalbari belonging to various industries and the complainants have not been able to substantiate that the tractors or dumpers making movement over the embankment belongs to the petitioner. Also, the complaints raised by Anupam Das did not call for any action as the brick kiln did not belong to Jiyaur Passa and also because in WP (C) 2782/2024, a similar subject matter had already been dealt with by this Hon'ble High Court.

22. That the petitioner respectfully begs to state that subsequently, Additional District Magistrate, Nalbari namely- Rajib Kr. Das had issued

another Order on 26-12-2024 in the said Case No. 187(M)/2024 including some additional complainants as the 1st Party and the petitioner as the 2nd Party without mentioning about the earlier order dated 23-12-2024. It is now clear that the whole Nalbari District Administration kept themselves busy putting their entire efforts and energy to shut down the brick kiln of the petitioner as no other orders were passed between orders in i.e. Case No. 187(M)/2024 dated 23-12-2024 and Case No. 188(M)/2024 dated 26-12-2024 by two different court of the Additional District Magistrate pertaining to the same subject matter.

In this order, two additional parties were added namely- Divisional Forest Officer, North Kamrup Division, Rangia and Pankaj Kumar Dutta, Senior Environmental Engineer, Regional Head, RO, Kamrup apart from the President of Veer Lachit Sena, Nalbari Committee and Anupam Das. The order was passed u/s 163 BNSS.

A copy of the order dated 26-12-2024 is annexed hereto and marked as **ANNEXURE- S.**

23. That the petitioner respectfully begs to state that after passing of the said orders dated 23-12-2024 & 26-12-2024 by the Additional District Magistrate, Nalbari namely- Rajib Kr. Das in Case No. 187(M)/2024, another Additional District Magistrate, Nalbari namely- Ashutosh Deka had issued another impugned order on 27-12-2024 in the Case No. 188/2024 u/s- 152 BNS without changing any contents of the earlier impugned Order

dated 26-12-2024 without applying his mind and only with the malafide intention to harass the petitioner unnecessarily and to cause huge financial loss to the petitioner.

A copy of the order dated 27-12-2024 is annexed hereto and marked as **ANNEXURE- T.**

24. That the petitioner respectfully begs to state that being aggrieved at the purported action on the part of the Additional District Magistrates passing those order dated 23-12-2024 and 26-12-20224 in the Case No. 187(M)/2024 and order dated 27-12-2024 passed in the Case No. 188(M)/2024 against the petitioner's Brick Kiln intentionally harassing the petitioner , the petitioner had approached before the Hon'ble Gauhati High Court by filling a writ petition being W.P.(C) No. 50/2025 which is still pending before the Hon'ble High Court.

25. That the petitioner respectfully begs to state that the said Additional District Magistrate, not stopping at initiating the above two (2) proceedings against the petitioner's brick kiln, had again vide his letter dated 04-12-2024 had requested the Chairman, Pollution Control Board, Assam to withdraw the "Consent to Establish" granted to the petitioner in respect of her said brick kiln bringing some false and fabricated statement in the said letter.

A copy of the letter dated 04-12-2024 is annexed hereto and marked as **ANNEXURE- U.**

26. That the petitioner respectfully begs to state that In terms of the letter dated 04-12-2025 Issued by the Addl. District Magistrate, Nalbari, the Member Secretary of the Pollution Control Board, Assam vide his Impugned letter dated 05-02-2025 had withdrawn the Consent to Establish (CTE) granted In favour of the M/S JPIS Enterprise vide No. WB/KMP/T-210/23-24/5 dated 28-11-2023 In a most illegal and arbitrary manner without giving any chance of hearing to the petitioner causing Immense hardships, uncertainty and mental agony to the petitioner.

A copy of the Impugned letter dated 05-02-2025 is annexed hereto and marked as

ANNEXURE-V.

27. That the petitioner respectfully begs to state that although the petitioner while applying for the Consent to Establish for the petitioner's Brick Kiln namely- M/s JPIS Enterprise at the Chengnoi village In the Nalbari District before the Pollution Control Board, Assam had submitted her application for granting Consent to Establish (CTE) along with all the necessary particulars and after being fulfilled all the requirement for establishment of the Brick Kiln and after verifying all the documents submitted by the petitioner, the Member Secretary of the Pollution Control Board, Assam was pleased to grant the Consent to Establish vide No. WB/KMP/T-210/23-24/5 dated 28-11-2023 in favour of the petitioner's Brick Kiln and accordingly after completion of the construction of the Brick Kiln, while the petitioner had submitted an application for granting Consent to Operate (CTO) before the Member Secretary of the Pollution Control



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Board, Assam but despite of the same, instead of bothering hearing the petitioner or issuing any show cause for her defence, the Member Secretary of the Pollution Control Board, Assam had issued the impugned letter dated 05-02-2025 withdrawing the Consent to Establish did not even bother to issue a show cause or any other kind of chance for defence to the petitioner in terms of the letter dated 04-12-2024 and as such the impugned letter dated 05-02-2025 issued by the Member Secretary, Pollution Control Board, Assam withdrawing the Consent to Establish is ex-facie illegal and is liable to be set aside and quashed for the ends of justice.

28. That the petitioner respectfully begs to state that although it was incumbent on the part of the Member Secretary of the Pollution Control Board, Assam to verify veracity of the complaint of the Additional District Magistrate, Nalbari before issuing the impugned letter dated 05-02-2025 withdrawing the Consent to Establish although he had sufficient time to call the petitioner to defy the allegations brought by the Addl. District Magistrate, Nalbari but the said Member Secretary of the Pollution Control Board, Assam without verifying anything or offering any chance of hearing, had issued the said impugned letter dated 05-02-2025 causing undue hardships and uncertainty to the petitioner and as such the same is liable to be interfered by this Hon'ble Court for the ends of justice.

29. That the respectfully begs to state that since the said Brick Kiln industry was established over a plot of land measuring 3 Bigha covered by Patta No. 292 & Patta No. 2556 and another adjacent plot of land measuring 2 Bigha 2 Katha 10 Lecha covered by Patta No. 294 & Dag No.

2558 totalling 5 Bigha 2 Katha 10 Lechas at village- Chengnoi under Mouza- Batahghila in the Nalbari district, the husband of the petitioner had wanted to re-classify the said land to non-agricultural land and for that purpose, the District Agricultural Officer, Nalbari vide his letter dated 12-09-2023 had forwarded his report to the Circle Officer, Nalbari Revenue Circle for reclassification of the said plot of land of the petitioner's husband, Md. Jiyaur Pasa since the said land was .

A copy of the report dated 12-09-2023 is annexed hereto and marked as **ANNEXURE- W.**

30. That the petitioner respectfully begs to state that after obtaining all the necessary particulars from all the concerned authority for reclassification of the said land measuring 3 Bigha covered by Patta No. 292 & Patta No. 2556 and another adjacent plot of land measuring 2 Bigha 2 Katha 10 Lecha covered by Patta No. 294 & Dag No. 2558 totalling 5 Bigha 2 Katha 10 Lechas at village- Chengnoi under Mouza- Batahghila in the Nalbari district, the petitioner had submitted his application before Nalbari District Administration on 19-01-2024 vide application No. RECL/06/203/2024 and another on 03-02-2024 vide application No. RECL/06/205/2024 for re-classification of the Patta Land on which the petitioner's Brick Kiln had been established.

Copies of the acknowledgements are annexed hereto and marked as **ANNEXURE- X1 & X2.**

31. That the petitioner respectfully begs to state that although the said land is not under any significant cultivation since last 10 years as the lands are covered with coarse sand as per report of the District Agricultural Officer, Nalbari as well as the Lot Mondol Report and the petitioner's husband had submitted all the necessary particulars for re-classification of the said land along with requisite fees but the District Commissioner, Nalbari had rejected the application No. RECL/06/205/2024 on 21-12-2024 although the stipulated delivery date was 05-03-2024 and had kept pending more than 9 months with the intention to harass the petitioner. Another application No. RECL/06/203/2024 dated 19-01-2024 is still under process.

Copies of the Application tracking are annexed hereto and marked as **ANNEXURE- Y1 & Y2.**

32. That the petitioner respectfully begs to state that although it was incumbent on the part of the District Administration, Nalbari to grant the re-classification of land of the petitioner's husband on which the said Brick Kiln had been established but the District Commissioner, Nalbari had rejected the re-classification application in a most illegal and arbitrary manner.

33. That the petitioner respectfully begs to state that the said Brick Kiln namely, M/s JPIS Enterprise had been established on private Patta land of her husband which is free from any kind of dispute and it was also certified by the Circle Officer of the Nalbari Revenue Circle vide his certificate dated 18-09-2023 certifying that the said land is not under any significant cultivation since last 10 years as the lands are covered with coarse sand as per report of the District Agricultural Officer, Nalbari as well as the Lot Mondol Report but the District Commissioner, Nalbari, in a most illegal and arbitrary manner, had rejected the re-classification application of the petitioner's husband.

34. That the petitioner respectfully begs to state that the Section 4 (1) of the Assam Agricultural Land (Regulation of Reclassification and Transfer for Non-Agricultural Purpose) Act, 2015 states as-

"4. (1) Such land which is recorded as agricultural land but has already become unfit for agricultural purposes or where there has been no agricultural activity for at least ten years preceding the date of application for permission, shall only be reclassified or reclassified-cum-transferred for intended non-agricultural purposes with the prior approval of the Deputy Commissioner."

In the instant case, although the local Gaonbura, District Agricultural Officer, Nalbari, the Lot Mondol and the Circle Officer, Nalbari Revenue Circle had certified that the said plot of lands on which the petitioner's Brick Kiln was established was not under any significant cultivation since last 10 years as the lands are covered with coarse sand but the District Commissioner, Nalbari had whimsically rejected the application for re-

classification of the said land and as such the same is liable to be interfered by this Hon'ble High Court for the ends of justice.

35. That the petitioner respectfully begs to state that the Section 8(1) of the Assam Agricultural Land (Regulation of Reclassification and Transfer for Non-Agricultural Purpose) Act, 2015 states as- ***"If any agricultural land mentioned under sub-section (1) of section 4 is put to non-agricultural purpose without obtaining the permission as required under clause (i) of section 3, the land shall be deemed to have been reclassified into non-agricultural purpose and upon such deemed reclassification, the Deputy Commissioner shall impose and realize a fine equal to two times the Reclassification Premium chargeable while according No objection Certificate (NOC) under sub-section (7) of section 5 for 'reclassification' under clause (i) of section 6 and in such manner as may be prescribed"*** and in the instant case, the application No. RECL/06/203/2024 was submitted on 19-01-2024 and the application No. RECL/06/205/2024 was submitted on 03-02-2024 for re-classification of the those plots of land and although the same was rejected by the District Commissioner, Nalbari but as per Section 8(1) of the Assam Agricultural Land (Regulation of Reclassification and Transfer for Non-Agricultural Purpose) Act, 2015 is deemed to be re-classified.

36. That the petitioner respectfully begs to state that knowing the provisions of the Assam Agricultural Land (Regulation of Reclassification and Transfer for Non-Agricultural Purpose) Act, 2015, the District Magistrate, Nalbari vide his letter dated 04-12-2024 h

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the Chairman, Pollution Control Board, Assam to withdraw the "Consent to Establish" granted to the petitioner in respect of her said brick kiln bringing some false and fabricated statement in the said letter and the Member Secretary of the Pollution Control Board, Assam had also, without making any enquiry or issuing any show cause to the petitioner, the Member Secretary of the Pollution Control Board, Assam vide his impugned letter dated 05-02-2025 had withdrawn the Consent to Establish granted to the petitioner's Brick Kiln namely- M/s JPIS Enterprise causing huge financial hardships and mental agony to the petitioner at such a stage, while the petitioner was eagerly waiting for granting Consent to Operate from the Pollution Control Board, Assam and as such the purported actions of the Member Secretary of the Pollution Control Board, Assam withdrawing the "Consent to Establish" is liable to be interfered by this Hon'ble High Court for the ends of justice.

37. That the petitioner respectfully begs to state that although the Assam Brick Kiln Establishment and Regulation Rules, 2013 have not yet been gazette notified but the Nalbari District Administration have consistently been harassing the petitioner in the name of violation of the provision of the Assam Brick Kiln Establishment and Regulation Rules, 2013 only with the ulterior motive to harass the petitioner and to cause financial loss to the petitioner and as such the purported action of the Nalbari District Administration is liable to be Interfered by this Hon'ble High Court for the ends of justice.

38. That the petitioner respectfully begs to submit that she had already spent her whole life savings and had also borrowed money for the construction of the said Brick Kiln and had also purchased raw materials for the production purpose worth of 1 crore rupees and under such circumstances, if the said premise is kept sealed, the raw materials will be destroyed or may be stolen which will cause huge financial loss to the petitioner and as such the purported action of the respondent authorities sealing the premise of the M/S JPIS Enterprise are liable to be interfered by this Hon'ble Court for the ends of justice.

39. That the petitioner respectfully begs to submit that the instant case is a fit case wherein this Hon'ble High Court may be pleased to invoke its extraordinary jurisdiction under Article 226 of the Constitution of India; intervene in the matter in an appropriate manner and pleased to grant adequate relief as prayed for setting aside and quashing impugned letter dated 05-02-2025 issued by the Member Secretary, Pollution Control Board, Assam withdrawing the Consent to Establish (CTE) granted in favour of the M/S JPIS Enterprise vide No. WB/KMP/T-210/23-24/5 dated 28-11-2023.

40. That the petitioner submits that In the present case when Rules provides for liberal approach, the procedure, methodology and the process adopted in withdrawing the "Consent to Establish" the petitioner's brick kiln namely- M/S JPIS Enterprise is based on arbitrary and capricious standards to harass the petitioner in a discriminatory manner, which is not

permissible in a democratic society and as such the same is liable to be interfered by this Hon'ble Court.

41. That the action of the state respondents not being confined and structured by rational, relevant and non-discriminatory standard or norms, rather it being a departure from the standard and norms, the aforesaid action of the Respondent authorities is liable to be interfered with by this Hon'ble Court.

42. That the Petitioner has no other adequate, equally efficacious alternative remedy available to it and the reliefs prayed for, if allowed, shall be just, proper and adequate.

43. That the petitioner submits that he had not approached before any other court of law including this Hon'ble High Court challenging the subject matter of the present writ petition.

44. That the petitioner demanded justice and the same have been denied to him.

45. That this application is made bonafide and for ends of justice.

PRAYER

In the premises aforesaid, it is respectfully prayed that your Lordships may be pleased to admit this petition, call for the records and issue a Rule calling upon the Respondents to show cause as to why-

- (i). a writ in the nature of Certiorari should not be issued for setting aside and quashing the Impugned letter dated 05-02-2025 issued by the Member Secretary, Pollution Control Board, Assam withdrawing the "Consent to Establish" (CTE) granted in favour of the M/S JPIS Enterprise vide No. WB/KMP/T-210/23-24/5 dated 28-11-2023i and/or;

- (ii). a writ in the nature of Mandamus shall not be issued commanding/directing the Respondent authorities not to cause unnecessary harassment to the petitioner bringing false and fabricated allegations against the petitioner and allow the petitioner to operate her Brick kiln namely- M/s JPIS Enterprise and / or Pass such other order or orders as the Hon'ble court

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may deem fit and proper in the facts and circumstances of the case.

-AND-

Pending disposal of the Rule, Your Lordships may be pleased to stay the operation of the impugned letter dated 05-02-2025 Issued by the Member Secretary, Pollution Control Board, Assam withdrawing the Consent to Establish (CTE) granted in favour of the M/S JPIS Enterprise vide No. WB/KMP/T-210/23-24/5 dated 28-11-2023i and/or and / or pass any such further order(s) as your Lordships may deem fit and proper in the interest of justice.

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

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AFFIDAVIT

I, Parbin Sultana, W/o- Md. Jiyaur Pasa, aged about 38 years, a resident of Nalbari Town, Ward No. 8, P.O.& PS- Nalbari, District- Nalbari in the state of Assam do hereby solemnly affirm and state as follows:-

1. That I am the petitioner in the instant petition and as such, I am fully acquainted with the facts and circumstances of the case. I am also competent to swear this affidavit. I may be contacted on 99540-10049
2. That the statements made in affidavit and in the accompanying petition at Paragraphs-**1, 4, 5, 6, 7, 9, 10, 11, 12, 13, 14, 16, 18, 19, 20, 21 & 24 to 29 & 30-37** are true to my knowledge and those made in Paragraphs-**2, 3, 8, 15, 17, 22 & 23** are being matters of record are true to my information derived there from which I believe to be true and the rests are my humble submissions before this Hon'ble Court.
3. That the mobile number in which I can be contacted is **9954010049** and if during the pendency of the instant proceedings, there is a change in my contact number, I undertake to inform the Registry of this Hon'ble Court.

-: OATH :-

"I swear that this my declaration is true, that it conceals nothing, and that no part of it is false, so help me God."

And I sign this affidavit on this the 28th Day of February, 2025 at Guwahati.

Identified by me

Advocate's Clerk.

DEPONENT

Solemnly affirmed before me this day, I certify that I read over and explained the contents to the declarant and that the declarant seemed perfectly to understand them.



**BEFORE THE HON'BLE
NATIONAL GREEN TRIBUNAL**

**EASTERN ZONE BENCH,
KOLKATA**

**ORIGINAL APPLICATION NO.
46/2025/EZ
(EARLIER O. A. No. 41/2025/PB)**

In The Matter of:-

Mukul Haloi and Another

..... Applicant

- Versus-

The State of Assam & Ors.

...Respondent(s)

**AFFIDAVIT-IN-OPPOSITION ON
BEHALF OF RESPONDENT
NUMBER 4 M/S JPIS BRICK
MANUFACTURING UNIT NALBARI
ASSAM.**

Filed by:

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