

S.I. No. 187

**BEFORE THE NATIONAL GREEN TRIBUNAL
EASTERN ZONE BENCH KOLKATA
MEMORANDUM OF APPLICATION**

(Under Section 18(1) read with Sections
14/15 of National Green Tribunal Act, 2010)

Original Application No. 204 of 2025/EZ



In The Matter of:-

An Application under section 18(1),
read with sections 14/15 of the
National Green Tribunal ACT, 2010;
And

In The Matter of:-

M/s. Greenzen Bio Private Limited
and Another

... Applicants

-Versus-

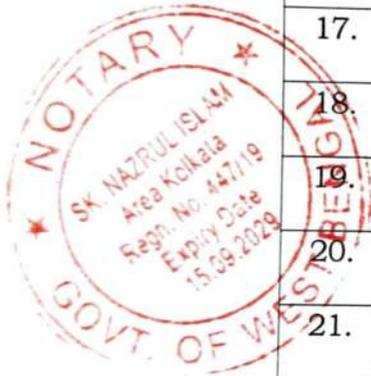
The State of West Bengal and
Others

... Respondents

Sl. No.	DESCRIPTION	Annexure	Page Nos.
1.	Synopsis.		1-6
2.	List of Dates.		7-9
3.	Memorandum of Application		10-57
4.	A copy of the Bio-Medical Waste Management Rules, 2016.	P-1	58-69
5.	Copies of some of the Office Memorandums.	P-2	70-72
6.	A copy of the Office Memo dated 22 nd January, 2016.	P-3	73-76

04 NOV 2025

7.	A copy of the Agreement dated 19th February, 2016.	P-4	77-85
8.	A copy of the authorization dated 26th July, 2019.	P-5	86*
9.	A Copy of the Consent to operate.	P-6	87-88
10.	A copy of the letter dated 6th January, 2023.	P-7	89-92
11.	A copy of the Government order dated 21st February, 2024.	P-8	93-94
12.	A copy of the Government order dated 27th December, 2024.	P-9	95-97
13.	A Copy of the Authorization.	P-10	98-101
14.	A Copy of the Consent to Operate dated 3rd May, 2024.	P-11	102-105
15.	Copy of the annual report along with forwarding letter dated 7th August, 2020.	P-12	106-110
16.	A copy of the annual report along with forwarding letter dated 20th July, 2022.	P-13	111-113
17.	A copy of the annual report along with forwarding letter dated 23rd April, 2023.	P-14	114-117
18.	A Copy of the Consent to Establish dated 13th September, 2023.	P-15	118-122
19.	A Copy of the Consent to Establish dated 1st September, 2023.	P-16	123-131
20.	A status of the rejection as obtained from website.	P-17	132
21.	Copy of the Government order dated 14th October, 2022.	P-18	133-134
22.	A copy of the Revised Guidelines.	P-19	135-147
23.	A copy of the order dated 3rd March, 2025.	P-20	148
24.	A copy of the Consent to Operate dated 6th March, 2025.	P-21	149-156
25.	A copy of the Authorization dated 6th March, 2025.	P-22	157-159
26.	Copy of the supplementary affidavit without annexure.	P-23	160-169
27.	A copy of the application being CAN 1 of 2025.	P-24	170-188
28.	A copy of the objection filed by the petitioners therein to application being	P-25	189-211



	CAN 1 of 2025, affirmed on 14th July, 2025.		
29.	A copy of the affidavit-in-opposition, without annexure filed by CPCB.	P-26	212-225
30.	A copy of the affidavit-in-reply filed by the applicants/ petitioners.	P-27	226-234
31.	A copy of the affidavit-in-opposition filed by WBPCB.	P-28	235-269
32.	A copy of the affidavit-in-reply, without annexure filed by the applicants.	P-29	270-279
33.	Copy of the order dated 23 rd September, 2025.	P-30	280-302
34.	Vakalatnama		

ADVOCATE's Details

Parna Mukherjee

PARNA MUKHERJEE

Advocate

High Court, Calcutta

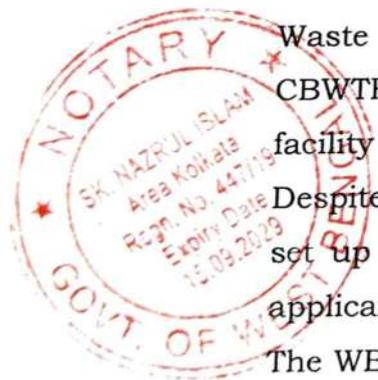
Mobile: 9330120322

Email: mukherjeeparna308@gmail.com

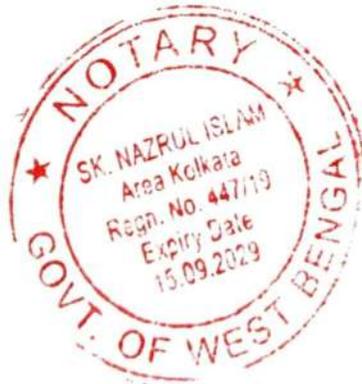


SYNOPSIS

The applicant No. 1, Greenzen Bio Pvt. Ltd., is a company engaged in Bio-Medical Waste Management and operates a Common Bio-Medical Waste Treatment Facility (CBWTF) at Mouza-Binnaguri, District Jalpaiguri since 2009, authorized and consented by the West Bengal Pollution Control Board under the Bio-Medical Waste Management Rules, 2016. Pursuant to Government Orders and agreements with the Health Department, the applicants have been allotted hospitals across several North Bengal districts for collection, treatment, and disposal of bio-medical waste. Despite having valid Authorization and Consent to Operate till 2029 and catering to 8745 operational beds, the respondents have allowed another proposed CBWTF—Unique Universal Bio-Waste LLP—within 16.6 km of the applicants' existing facility, violating the 75 km radial distance rule under the BMWM Rules, 2016 and CPCB guidelines, without conducting the mandatory gap analysis. The applicants, operators of an existing Common Bio-Medical Waste Treatment Facility (CBWTF) at Fulbari Canal Road, Jalpaiguri, state that under the Bio-Medical Waste Management Rules, 2016 and CPCB Guidelines, no new CBWTF can be established within a 75 km radius where an existing facility operates for over 10,000 beds and has adequate capacity. Despite this, the respondent authorities allowed respondent No. 9 to set up a new CBWTF at Kaluabari, Rajganj, within 16.6 km of the applicants' facility, without conducting the mandatory gap analysis. The WBPCB initially rejected the respondent's application for Consent to Operate on 31st December 2024, but later, during the pendency of the applicants' writ petition (W.P.A. No. 443 of 2025) challenging the Environmental Clearance dated 1st September 2023 and Consent to Establish dated 13th September 2023, the same authorities hurriedly issued a new Consent to Operate and Authorization on 6th March



2025. The applicants contend that these actions violate the BMWM Rules, 2016, and CPCB Guidelines, and are therefore illegal, arbitrary, and liable to be set aside. The applicants submit that the West Bengal Pollution Control Board (WBPCB) has acted in gross violation of the Bio-Medical Waste Management Rules, 2016 and CPCB Guidelines by permitting respondent no. 9 to establish a new Common Bio-Medical Waste Treatment Facility (CBWTF) within 16.60 km of the applicants' existing CBWTF, which presently caters to only 8,745 beds—below the mandatory minimum of 10,000 beds. Despite having knowledge of this, the WBPCB falsely represented that the applicants serve 23,000 beds. The impugned decision of the committee dated 31st August 2022, and subsequent grant of Consent to Operate to respondent no. 9, are arbitrary, unreasonable, and contrary to environmental norms. The Hon'ble High Court, by order dated 23rd September 2025 in W.P.A. No. 443 of 2025, dismissed the writ petition only on the ground of alternative remedy while keeping all issues open to be decided by the appellate authority, before which the present matter is now pending.



6

SHORT SYNOPSIS

The applicant No. 1, Greenzen Bio Pvt. Ltd., operates a Common Bio-Medical Waste Treatment Facility (CBWTF) at Mouza-Binnaguri, District Jalpaiguri since 2009, duly authorized and consented by the West Bengal Pollution Control Board under the Bio-Medical Waste Management Rules, 2016. Despite holding valid Authorization and Consent to Operate till 2029 and catering to 8,745 operational beds across North Bengal districts, the WBPCB has permitted respondent no. 9, Unique Universal Bio-Waste LLP, to establish another CBWTF at Kaluabari, Rajganj—only 16.6 km away—without conducting the mandatory gap analysis and in clear violation of the 75 km radial distance requirement under the BMW Rules and CPCB Guidelines. The WBPCB, despite earlier rejecting the respondent's application on 31st December 2024, subsequently granted Consent to Operate and Authorization on 6th March 2025 during the pendency of the applicants' writ petition. These arbitrary and illegal actions, supported by false representations regarding the applicants' bed coverage, were challenged in W.P.A. No. 443 of 2025, which was dismissed only on the ground of alternative remedy, leaving all issues open before the jurisdictional appellate authority.



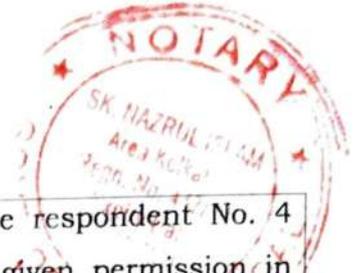
7



LIST OF DATES

Date	Events
28 th March, 2016	The Ministry of Environment, Forest and Climate Change, Government of India by a Gazette Notification promulgated the Bio-Medical Waste Management Rules, 2016 (hereinafter referred to as the 'said Rules, 2016).
31 st March, 2010	A Memo continuation of such services was allowed and subsequent extensions were granted till 2016.
22 nd January, 2016	The Deputy Secretary, Health & Family Welfare Department, Government of West Bengal, by an Office Memo No. HF/O/MS/19/W-99/08 (Part-1) published that as per provisions of the Bio-Medical Wastes (Management and Handling) Rules, 1988.
19 th February, 2019	The said Agreement.
26 th July, 2019	In such Authorization, the number of Health Care Facilities covered under the petitioners' CBWTF was 1077.
5 th August, 2019	The West Bengal Pollution Control Board had by a Memo granted a Consent to Operate to the petitioners' company under Section 25 and 26 of the Water (Prevention & Control of Pollution) Act, 1974 and Section 21 of the Air (Prevention & Control of Pollution) Act, 1981 valid till 31st December, 2022

8



6 th January, 2023	The petitioners informed the respondent No. 4 that such plant cannot be given permission in violation of the BMWM Rules, 2016 and CPCB guidelines wherein the coverage area is well defined.
21 st February, 2024	A Government order No. 35-HS(MS)/HF/O/HS/(MS)/BMW-02/2022 the Special Secretary, Government of West Bengal had allocated different health facilities to the existing CBWTFS.
27 th December, 2024	Government order a reallocation of all Government Health Facilities for lifting, transport and processing and disposal of BMW to the operational CBWTF was issued by the Special Secretary, Government of West Bengal, Health and Family Welfare Department.
3 rd May, 2024 to 30 th April, 2029	The petitioners had applied for necessary authorization before the West Bengal Pollution Control Board, wherein, fresh Authorization was granted to the petitioners CBWTF.
3 rd May, 2024 till 3 rd May, 2029	Petitioners had also applied for a Consent to Operate. A fresh Consent to Operate was granted in favour of the petitioners' CBWTF.
7 th August, 2020	The annual report along with forwarding letter
20 th July, 2022	The annual report along with forwarding letter
23 rd April, 2023	The annual report along with forwarding letter
13 th September, 2023	That despite not fulfilling the distance criteria, the consent to establish was approved in favour of the respondent No. 9.

9

1 st September, 2023	The Consent to Establish dated 1st September, 2023
3 rd March, 2025	Writ Petition being W.P. No. 443 of 2025 was moved before the Hon'ble Court
6 th March, 2025	WBPCB issued Consent to Operate (CTO) and Authorization in favour of respondent no. 9 during pendency of the writ petition.
10 th March, 2025	Hon'ble Court granted liberty to applicants to file supplementary affidavit bringing on record CTO and Authorization dated 6th March, 2025.
30 th April, 2025	Respondent no. 9 filed application being C.A.N. 1 of 2025 in WPA No. 443 of 2025.
8 th July, 2025	CPCB filed Affidavit-in-Opposition in WPA No. 443 of 2025.
14 th July, 2025	Applicants filed objection to C.A.N. 1 of 2025.
14 th August, 2025	Applicants filed reply to Affidavit-in-Opposition of CPCB.
23 rd September, 2025	The Hon'ble Justice Aniruddha Roy in W.P.A No. 443 of 2025 along with I.A No. C.A.N. 1 of 2025 passed an order allowing the said application in part only on the ground of existence of alternative remedy.



10

**BEFORE THE NATIONAL GREEN TRIBUNAL
EASTERN ZONE BENCH KOLKATA
MEMORANDUM OF APPLICATION**

(Under Section 18(1) read with Sections
14/15 of National Green Tribunal Act, 2010)

Original Application No. of 2025/EZ

In The Matter of:-

An Application under section 18(1),
read with sections 14/15 of the
National Green Tribunal ACT, 2010;

And

In The Matter of:-

An Application under the provisions
of Environment (Protection) Act,
1986;

And

In The Matter of:

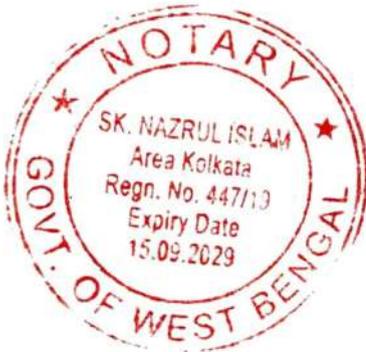
An Application under Bio Medical
Waste Management Rules, 2016

And

In The Matter of:-

1. M/s. Greenzen Bio Private
Limited a Private Limited Company
duly incorporated and registered
under the Companies Act, 1956
represented by its Managing

Director, namely Vineeta
Biswas, w/o Sri Rama
-kanth Biswas having its
Registered office at Radha
Apartment, Iskon Mandir Road,
2nd Floor, Siliguri



Darjeeling, West Bengal, Pin -
734001.

Email: greenzenaccounts@gmail.com

2. Vineeta Burman, Wife of Sri
Ramakant Burman, Director of
M/s. Greenzen Bio Private Limited,
residing at 397/1/1, Dakshindari
Road, Dum Dum, North 24-
Parganas, Kolkata - 700048.

Email: vineetasutodia@gmail.com

... Applicants

-Versus-

1. The State of West Bengal,
service through the Principal
Secretary, Department of Health &
Family Welfare, Government of
West Bengal, having office at
"Swasthya Bhawan" GN-29, Salt
Lake, Sector-V, District- North24-
Parganas, Kolkata- 700091.

Email: prin.secy.wbhealth@gmail.com

2. The Secretary, Department of
Health & Family Welfare,
Government of West Bengal,
having office at "Swasthya
Bhawan" GN-29, Salt Lake, Sector-



12

V, District - North 24-Parganas,
Kolkata- 700091.

Email: prin.secy.wbhealth@gmail.com

3. The State Environment
Impact Assessment Authority,
Department of Environment,
Government of West Bengal, 5th
Floor, Pranisampad Bhawan,
Block- LB-II, Salt Lake, Sector-III,
Bidhannagar, Kolkata - 700106;
Email: ps.seia@gov.in

4. The Chief Environment Officer
and Member Secretary, State
Environment Impact Assessment
Authority, Department of
Environment, Government of West
Bengal, 5th Floor, Pranisampad
Bhawan, Block LB-II, Salt Lake,
Sector-III, Bidhannagar, Kolkata -
700106.

Email: ms.wbpcb@gov.in



5. The Central Pollution Control
Board, Ministry of Environment,
Forest & Climate Change,
Government of India, Parivesh
Bhawan, East Arjun Nagar, Delhi -
110032.

Email: ccb.cpcb@nic.in

6. The Secretary, Ministry of Environment Forest & Climate Change, Office at "Indira Paryavaran Bhawan", Jorbagh Road, Delhi-110003,

Email: secy-moef@nic.in.

7. The West Bengal Pollution Control Board, Paribesh Bhawan, 10A, Block-LA, Sector-III, Salt Lake, Kolkata - 700106;

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

8. The Member Secretary, West Bengal Pollution Control Board, Paribesh Bhawan, 10A, Block-LA, Sector-III, Salt Lake, Kolkata - 700106.

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

9. The Member Secretary, State Level Expert Appraisal Committee, West Bengal, having office at Paribesh Bhawan, 10A, Block-LA, Sector-III, Salt Lake City, Kolkata: 700106.

Email: Not known

10. Unique Universal Bio-Waste LLP, having office at Canal Road, Opposite 3 No. Bridge, towards Sharda Sishu Tirtha, School, Village - Dangapara, Mouza - Binnaguri, Post Office - Balaram, Police Station - New Jalpaiguri, Balaram, Jalpaiguri, Rajganj, West Bengal, Pin - 735135.

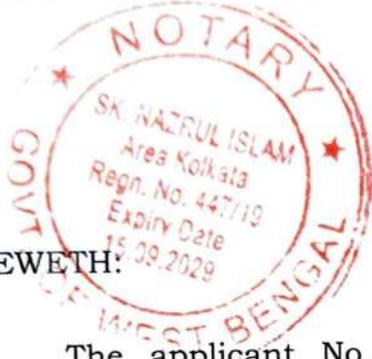
Email: Not Known

... Respondents



1A

TO
THE HON'BLE CHAIRPERSON AND HIS COMPANION MEMBERS
OF THE NATIONAL GREEN TRIBUNAL.



SHEWETH:

The humble application on behalf
of the applicant as above named
most respectfully

1. The applicant No. 1 is a private limited Company duly incorporated and registered under the Companies Act, 1956 and an existing Company within the meaning of the Companies Act, 2013 (hereinafter referred to as the "said Company"). The applicant No.2 is a Director of the applicant No. 1 company and is a peace loving and law-abiding citizen of India and residing at the address stated in the cause title hereinabove. The applicant is interested in the protection of the environment and in protection of the right to a clean environment guaranteed to him by the Constitution of India under Article 21 and in performance of his duty under Article 51. It is submitted that the present applicants have been seeking appropriate directions against the arbitrary action of the state respondents and its instrumentalities and the Pollution Control Board in allowing a CBWTF to be set up in violation of Bio-Medical Waste Management Rules, 2016 and the CPCB Revised Guidelines. The inaction and incorrect action of the respondent authorities over the last couple of years the applicants are suffering from the vices of illegality, irrationality and/or procedural impropriety.

2. That the address of the applicants are as stated in the cause title of the original application for service of notices.

3. That the address of the respondents are as stated in the cause title of the original application for service of notices.

FACTS IN BRIEF:-

1. The applicant No. 1 Company deals with Bio-Medical Waste Disposal. As such the said Company provides services relating to Waste Management including Bio-Medical Waste. The applicants state that the applicants' company is an Operator of a Common Bio-Medical Waste Treatment Facility (hereinafter referred to as 'CBWTF'). The applicant's company as such, owns or controls a Common Bio-Medical Waste Treatment Facility at for collection, reception, storage, transport, treatment, disposal or any other form of handling of Bio-Medical waste.

2. The applicants state that the Ministry of Environment, Forest and Climate Change, Government of India by a Gazette Notification dated 28th March, 2016 promulgated the Bio-Medical Waste Management Rules, 2016 (hereinafter referred to as the 'said Rules, 2016').

A copy of the Bio-Medical Waste Management Rules, 2016 is annexed and marked as annexure "P-1".

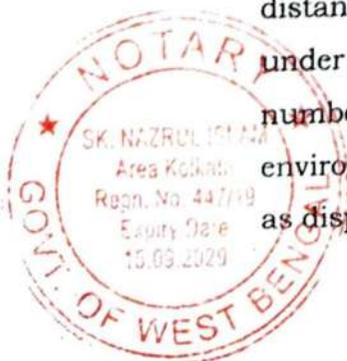
3. The applicants state that as per Rule 3(n) of the said Rules, 2016 defines 'Operator' as an Operator of Common Bio-Medical Waste Treatment Facility means a person who owns or controls a Common Bio-Medical Waste Treatment Facility (CBWTF) for the collection, reception, storage, transport, treatment, disposal or any other form of handling of Bio-Medical Waste.



4. The applicants state that Rule 5 the said Rules, 2016 defines the duties of the Operator of a Common Bio-Medical Waste Treatment Facility. It is one of the duty of the Operator to take all necessary steps to ensure that the Common Bio-Medical Waste collected from the occupier is transported, handled, stored, treated and disposed of, without any adverse effect to the human health and the environment, in accordance with these rules and guidelines issued by the Central Government or, as the case may be, Central Pollution Control Board from time to time, etc. That being an 'Operator' of a CBWTF besides the above an operator shall have several other duties including providing training to workers, ensure occupational safety, maintain a log book, etc.

5. The applicants state that the applicant Company has set up a plant at Mouza- Binnaguri, J.L. No. 3, Site No. 12, Post Office- Fulbarihat, Police Station- Bhaktinagar, District -Jalpaiguri, Pin- 734015, being a CBWTF operating since January, 2009 for the purpose of collection, reception, storage, transport, treatment, disposal or any other form of handling of Bio-Medical Waste from the nearby Hospitals covering an area of 75 kms radius extended to 150 kms. radius from the plant of the applicants.

6. The applicants state that it had decided to set up the CBWTF for the Jalpaiguri district and the surrounding area so that the bio-medical waste may be collected properly and disposed of keeping in mind that the environment is not compromised. The concept of distance analysis, number of beds for one CBWTF was re-defined under the CPCB guidelines to facilitate a CBWTF with the minimum number of beds and at the same time not to create a burden upon the environment by setting up more than one CBWTF in the surrounding as disposal of bio-medical waste is hazardous.



17

7. The applicants state that by a Memorandum dated 28th May, 2009 the OSD & EO Deputy Secretary had engaged the applicants' company and others for collection, treatment of bio-medical waste in Siliguri region. That by a Memo dated 31st March, 2010 continuation of such services was allowed and subsequent extensions were granted till 2016.

Copies of some of the Office Memorandums are annexed and collectively marked as annexure **"P-2"**.

8. The applicants state that the Deputy Secretary, Health & Family Welfare Department, Government of West Bengal, by an Office Memo No. HF/O/MS/19/W-99/08 (Part.-1) dated 22nd January, 2016 published that as per provisions of the Bio-Medical Wastes (Management and Handling) Rules, 2016 all Health Care Establishment are to ensure proper disposal of the Bio-Medical Waste generated by them either on their own or through a Common Bio-Medical Waste Treatment Facility (CBTF). So far 3 CBWTFs have been rendering these services in different regions being M/s. Medicare Environmental Management Pvt. Ltd., M/s. West Bengal Waste Management Ltd. and the applicants company M/s. Greenzen Bio Pvt. Ltd. The Finance Department, government of West Bengal advised for engagement of more agencies in consultation with West Bengal Pollution Control Board (hereinafter referred to as 'WBPCB'). WBPCB has recommended the names of 6 facilities vide their Memo No. 245/1S-74/2001 (pt.-vi) dated 10th September, 2015. Accordingly, area allocations amongst the 6 agencies were specified by DHS, West Bengal in consultation with WBPCB. Such 6 agencies are the applicants M/s. Greenzen Bio Pvt. Ltd. for Zone-1, Jalpaiguri, M/s. West Bengal Waste Management Ltd. for Zone-2, Haldia, M/s. Medicare Environmental Management Pvt. Ltd. for Zone-3, Raniganj,

15

M/s. Medicare Environmental Pvt. Ltd. for Zone-4, Kalyani, M/s. Medicare Environmental Pvt. Ltd. for Zone-5, Belgachia and M/s. Greentech Environ Management Pvt. Ltd. for Zone-6, Mograhat. Such agencies will enter into fresh agreement with the Hospital Administration Branch of the Directorate as approved by DHS. The clauses, terms and conditions appearing in the body of the Agreement will form part of the order.

A copy of the Office Memo dated 22nd January, 2016 is annexed and marked as annexure "P-3".

9. The applicants state that pursuant to the Office Memorandum dated 22nd January, 2016, the applicants had entered into an Agreement with the Health Department and started operating their CBWTF at Mouza- Binnaguri, J.L. No. 3, Site No. 12, Post Office- Fulbarihat, Police Station- New Jalpaiguri, District -Jalpaiguri, Pin- 734015.

A copy of the Agreement dated 19th February, 2016 is annexed and marked as annexure "P-4".

10. The applicants state that pursuant to the agreement with the health department, the said Company was allotted Hospitals in the District of Coochbehar, Siliguri, Jalpaiguri, Darjeeling, Malda, Uttar Dinajpur, Dakshin Dinajpur namely North Bengal Medical College and Hospital, Malda Medical College and Hospital, Raiganj Government Medical College & Hospital, M.J.N. Medical College & Hospital, District Hospital Balurghat, Neotia Getwel (A Unit Of Ambuja Neotia Healthcare Venture Limited), Anandaloke Medical Centre Pvt Ltd., North Bengal Clinic Pvt.Ltd., Maharaja Agrasen Hospital, Desun Hospital (A Unit Of PN Memorial Neuro centre And Research Institute Limited) etc. As per the 2016 Agreement, the applicants' Company



was rendering services to around 21986 hospital beds till 2022 for the District of Coochbehar, Siliguri, Jalpaiguri, Darjeeling, Malda, Uttar Dinajpur, Dakshin Dinajpur. That with the applicants being first to operate the CBWTF at Jalpaiguri area, it had catered to about 21986beds which was drastically reduced after other plant was set up at Malda and that also number of beds reduced subject to only billing for operational beds as per newly inducted midnight census.

11. The applicants state that for operating the CBWTF, the applicant No. 1 had obtained Authorization from the West Bengal Pollution Control Board dated 26thJuly, 2019 vide Memo No. 33/2S (BM) -2453/2008 (Pt.1) valid till 31stDecember, 2022. The authorization dated 26th July, 2019 was obtained for the handling, transport and disposal of Bio-Medical Waste in a Common Treatment Facility. The applicants had obtained the Authorization from the West Bengal Pollution Control for operating a facility for generation, collection, reception, treatment, storage, transport and disposal of Bio-Medical Waste as per the Bio-Medical Waste Management Rules, 2016. The applicants had obtained the authorization for operating their CBWTF at Fulbari Canal Road, P.O. – Fulbari, P.S.- Bhaktinagar, District – Jalpaiguri, Pin – 734015. In such Authorization dated 26th July, 2019, the number of Health Care Facilities covered under the applicants' CBWTF was 1077. The installed treatment and disposal capacity is BMW from 15000 beds and BMW from non-bedded units as per Schedule-I of the Rules. The area of distance covered by CBWTF is 150 kms. and the quantity of Bio-Medical Waste to be handled, treated or disposed is 3750 kgs. Per day.

A copy of the authorization dated 26thJuly, 2019 is annexed and marked as annexure "P-5".

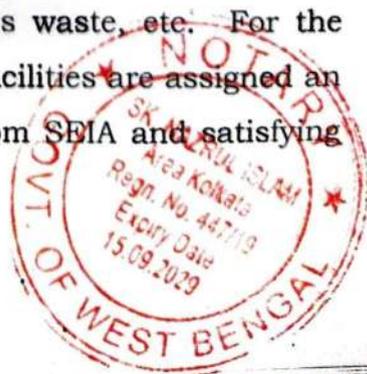


12. The applicants state that the West Bengal Pollution Control Board had by a Memo dated 5th August, 2019 granted a Consent to Operate to the applicants' company under Section 25 and 26 of the Water (Prevention & Control of Pollution) Act, 1974 and Section 21 of the Air (Prevention & Control of Pollution) Act, 1981 valid till 31st December, 2022.

A Copy of the Consent to operate is annexed and marked as annexure "P-6".

13. The applicants state that after having entered into the Agreement with health department to provide Bio-Medical Waste Treatment facility in North Bengal, the applicants were operating with the authorization and the consent to operate granted by the West Bengal Pollution Control Board. The area in which the applicants were collecting the Bio-Medical Waste covers Hospitals within a radius of 75 kms. from their plant. The then number of beds covered by the applicants' CBWTF were around 21986 for the districts of Coochbehar, Siliguri, Jalpaiguri, Darjeeling, Malda, Uttar Dinajpur and Dakshin Dinajpur in the year 2016 and it was almost that till 2024 and presently the applicants are operating for only 8745 (2023) beds which is much beyond its minimum eligibility.

14. The applicants state that the Bio-Medical Waste Management Rules, 2016 as gazette by the Government of India, Ministry of Environment, Forest & Climate Change by Notification dated 28th March, 2016 clearly and categorically provides the necessity of operating a CBWTF for handling of hazardous waste, etc. For the purpose of handling the same, the treatment facilities are assigned an area after obtaining environment clearance from SEIA and satisfying other criteria.

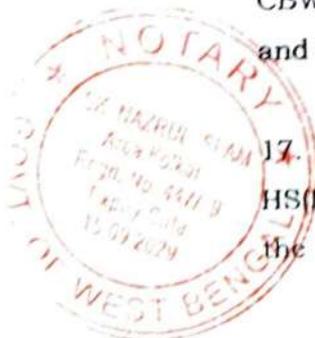


15. The applicants state that they came to learn that a CBWTF being Unique Universal Bio-Waste LLP being the respondent No. 9 had submitted their application before the State Environment Impact Assessment Authority on 22nd November, 2022 for setting up a CBWTF at Village - Kaluabari, P.O. Debithakurbari, P.S. Rajgunj, Mouza - Chhatgujriimari, Pargana Baikunthapur, District - Jalpaiguri, West Bengal. The applicants have indicated that the radial distance of the proposed plant is 16.60 kms. from the applicants' existing plant and as such, there is violation of the BMWM Rules, 2016. The applicants on 6th January, 2023 informed the respondent No. 4 that such plant cannot be given permission in violation of the BMWM Rules, 2016 and CPCB guidelines wherein the coverage area is well defined.

A copy of the letter dated 6th January, 2023 is annexed hereto and marked as annexure "P- 7".

16. The applicants state that despite the existing CBWTF of the applicants, the application of respondent No. 9 was allowed without conducting gap analysis. That SPCB/PCC is required to conduct gap analysis w.r.to coverage area of the bio-medical waste generation and also projected over a period of next ten years, adequacy of existing treatment capacity of the CBWTF in each coverage area of radius 75 km. That the SPCBs and PCCs shall conduct the gap analysis and based on the gap analysis, action plan for development of new CBWTFs is required to be prepared and submitted to MoEF and CC and CPCB within six months' time.

17. The applicants state that by a Government order No. 35-HS(MS)/HF/O/HS/(MS)/BMW-02/2022 dated 21st February, 2024 the Special Secretary, Government of West Bengal had allocated



different health facilities to the existing CBWTFs. That the rate for the bedded facilities will be determined on the basis of the total number of occupied beds as per the 'daily midnight census of patient count' for the reference month of respective health facilities.

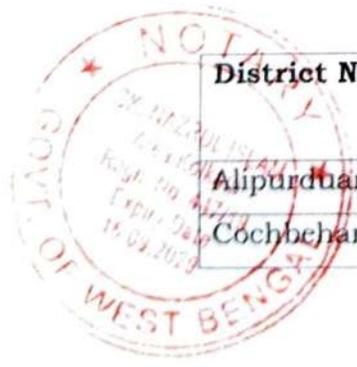
A copy of the Government order dated 21stFebruary, 2024 is annexed and marked as annexure "P-8".

18. The applicants state that by a Government order dated 27thDecember, 2024 a reallocation of all Government Health Facilities for lifting, transport and processing and disposal of BMW to the operational CBWTF was issued by the Special Secretary, Government of West Bengal, Health and Family Welfare Department. That the re-allocation was made based on the distance criteria, and as per decision taken in the SLAC meeting held on 4.10.2024. It is pertinent to mention that that M/s Unique Universal since has not set up any plant, therefore no Government health facilities were allotted to it.

A copy of the Government order dated 27thDecember, 2024 is annexed and marked annexure "P- 9".

19. The applicants state that the number of beds after Government order dated 27thDecember, 2024, are re-allocated in the manner stated herein below, with the total strength of 8745 operational beds for the applicants at present.

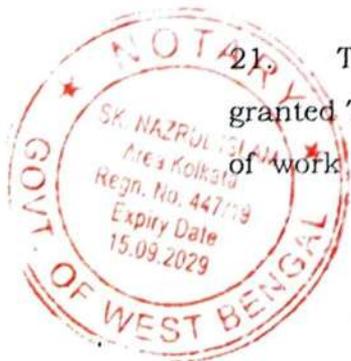
District Name	Private Beds	Actual billing beds (based on midnight census)	Total
Alipurduar	619	93933	1552
Cochbehar	1046	1298	2344



District Name	Private Beds	Actual billing beds (based on midnight census)	Total
Darjeeling	1244	1508	2752
Kalimpong	102	237	339
Uttar Dinajpur	0	265	265
Total	3309	5436	8745

20. The applicants are operating their CBWTF since 2009. For the purpose of establishing the CBWTF several stages have to be gone into before the plant can be made operational. The process is detailed herein starting with preparation of ToR Application, whereby an application of ToR, specifically addressing the requirements for B1 category bio-medical waste treatment facilities-Include preliminary project details such as proposed location, technology to be used, waste generation estimates, Pre-feasibility Report, proposed ToR by the PP, and initial environmental concerns. Thereafter submission of ToR Application wherein the applicant will submit the application for Terms of Reference (ToR) to the Parivesh Portal 2.0 [Application for ToR (Category A, B1, and B2 violation)/EC (Category B2) – Form-1]. The subsequent stage is ToR review. Herein, the Regulatory Authority i.e., SEAC committee reviews the ToR application and published a minutes in Agenda. As per schedule mentioned in minutes, presentation about the proposed project is to be done by the proponent or engaged consultant held in Paribesh Bhaban. That next is ToR Issuance, i.e. if satisfied, the SEAC advised SIAA for issues Terms of Reference (ToR) within 60days of Form-1 application.

21. The applicants state that in the process after an applicant is granted ToR, it can move towards EC Application. Outlining the scope of work for preparing the Environmental Impact Assessment (EIA)



report tailored to B1 category standards. Thereafter, Baseline Study (3 months) to be done. Thereafter, draft EIA Report is to be prepared.

22. The applicants state that in the next stage the Public Hearing shall be arranged to gather feedback from stakeholders and local communities in a systematic, time bound and transparent manner ensuring widest possible public participation at the project site(s) or in its close proximity District -wise, by the concerned State Pollution Control Board (SPCB) or the Union Territory Pollution Control Committee (UTPCC). Then the Final EIA report is to be prepared.

23. The applicants state that thereafter submission of Environmental Clearance Application, to submit the DPR, EIA report, and other required documents tailored to B1 category standards to the regulatory authority. Include the prescribed application form and fees specific to B1 category requirements. The detailed review is carried on and the Regulatory authority conducts a detailed review of the DPR, EIA report, and public feedback specific to B1 category standards. Then site visits may be conducted to assess actual conditions and compliance with proposed plans.

24. The applicants state that in the next step Environmental Clearance Decision is taken. The Regulatory authority i.e., SEAC evaluates all inputs (technical reports, environmental assessments, public feedback) specific to B1 category criteria and decides on granting environmental clearance. If clearance is granted, the authority specifies any conditions or modifications required to comply with environmental regulations and then advised to SEIAA to grant EC Certificate. Next is followed by implementation Phase wherein implement necessary modifications or conditions as specified in the environmental clearance.



25. The applicants state that for Obtaining CTE (Consent to Establish), after EC is granted, the applicant will have to apply for CTE application in OCMMS (Online Consent Management & Monitoring System) Portal. To apply firstly the applicant has to add industry details as well as occupier details and register in the portal. Then the applicant will get the user Id & password. After that, by login with user id & password, the application form is opened. The applicant will have to fill the form properly, submit the required and additional documents and then final submission to be done. After submission of the application, if any scrutiny is given by the SPCB in the application form, the applicant will have to reply for the scrutiny properly. After completion of the scrutiny process, the applicant gets payment option and after few days of payment, the applicant will get CTE certificate from SPCB in the web-portal.

26. The applicants state that for Obtaining CTO (Consent to Operate), after CTE is granted, the applicant will have to apply CTO application in OCMMS (Online Consent Management & Monitoring System) Portal. After submission of the application, if any scrutiny is given by the SPCB in the application form, the applicant will have to reply to the scrutiny properly. After completion of the scrutiny process, payment option are opened. After few days of payment, CTO certificate from SPCB is uploaded in the web-portal.

27. The applicants state that for the purpose of obtaining Authorization, after CTO is granted, the applicant will have to apply for Authorization in OCMMS Portal. It is pertinent to mention that for West Bengal Projects, at first the applicant will have to register in Silpasathi Portal for Applying CTE as well as CTO application. In Silpasathi Portal, Common Application Form to be filled, then by clicking CAF form, it is directed to OCMMS Portal.



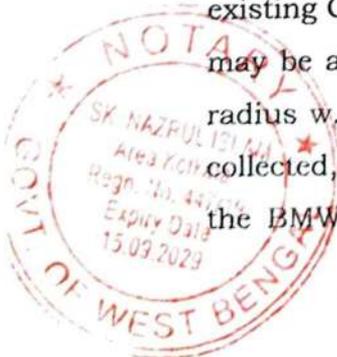
28. The applicants state that while operating as a CBWTF since the authorization has expired the applicants had applied for necessary authorization before the West Bengal Pollution Control Board, wherein, fresh Authorization was granted to the applicants CBWTF for the period 3rd May, 2024 to 30th April, 2029.

A Copy of the Authorization is annexed and marked as annexure **"P- 10"**.

29. The applicants state that they had also applied for Consent to Operate. A fresh Consent to Operate was granted in favour of the applicants' CBWTF valid from 3rd May, 2024 till 3rd May, 2029.

A Copy of the Consent to Operate dated 3rd May, 2024 is annexed and marked as annexure **"P-11"**.

30. The applicants state that the CBWTF of the applicants are already existing at Fulbari Canal Road, Bhaktinagar presently serving to only 8745 operational beds, which is much below the minimum bed numbers of 10000. Moreover, in the event the applicants' falls short of 10000 beds within 75 Kms radius it can extent upto 150 km radius to work for the maximum 10000 beds. That as per the revised guidelines the coverage area of a CBWTF is defined and a CBWTF located within the respective State/UT shall be allowed to cater healthcare units situated at a radial distance of 75 KM. However, in a coverage area where 10,000 beds are not available within a radial distance of 75 KM. existing CBWTF in the locality (located within the respective State/UT) may be allowed to cater the healthcare units situated up to 150 KM radius w.r.to its location provided the bio-medical waste generated is collected, treated and disposed of within 48 hours as stipulated under the BMW Rules. Other than the health care facilities, number of



beds also comes as a criteria while deciding the coverage area. In case, number of beds is exceeding >10,000 beds in a locality (i.e. coverage area of the CBWTF under reference) and the existing treatment capacity is not adequate, in such a case, a new CBWTF may be allowed in such a locality in compliance to various provisions notified under the Environment (Protection) Act, 1986, to cater services only to such additional bed strength of the HCFs located. Herein there is no additional or surplus beds and therefore the respondent No. 9 has no scope or provision to set up a new CBWTF when the existing is working below its capacity.

31. The applicants state that, herein the number of operational beds are much beyond the minimum capacity of 10000 and under such circumstances no new plant can be allowed to be set up within 75 Km radius. Assuming a new CBWTF is set up for the same area then the applicants will operate for around 4500 beds, which is not the purpose defined in the CPCB Guidelines.

32. The applicants state that from the annual report submitted by the applicants for the period 1st January, 2019 to 31st December, 2019 the applicants had worked for total 19076 beds.

Copy of the annual report along with forwarding letter dated 7th August, 2020 is annexed and marked as annexure **"P- 12"**.

33. The applicants state that from the annual report submitted by the applicants for the period 1st January 2021 to 31st December, 2021 it appears that the applicants had worked for total 21201 beds.

A copy of the annual report along with forwarding letter dated 20th July, 2022 is annexed and marked as annexure **"P - 13"**.



34. The applicants state that from the annual report submitted by the applicants for the period 1st January 2023 to 31st December, 2023 it appears that the applicants had worked for total 19636 beds.

A copy of the annual report along with forwarding letter dated 23rd April, 2023 is annexed and marked as annexure "P - 14".

35. The applicants state after a CBWTF is allowed at Malda, the number of beds allotted to the applicants reduces drastically since 2023. That after the Government Order dated 27th December, 2024 the number of beds were further reduced to 8745 and now bills are raised only for functional beds thereby 70% billing is done of the total allotted beds.

36. The applicants state that in the above circumstances the respondent authorities have processed the application of the respondent No. 9 for setting up of a CBWTF at Kaluabari, Rajganj, Baikunthapur within 16.60 kms distance from the CBWTF of the applicants. The same is not only barred under the BMW Rules, 2016 and also specifically clarified in guidelines for managing Bio-Medical wastes.

37. The applicants state that without the gap analysis the respondent No. 9 was allowed to submit TOR and in subsequent steps it was allowed to participate. That despite not fulfilling the distance criteria, the consent to establish was approved in favour of the respondent No. 9 on 13th September, 2023.

A Copy of the Consent to Establish dated 13th September, 2023 is annexed and marked as annexure "P- 15".



38. The applicants state that the Environmental Clearance (EC) was also granted by SEIAA in favour of the respondent No. 9 in violation of the BMW Rules, 2016.

A Copy of the Consent to Establish dated 1st September, 2023 is annexed and marked as annexure **"P- 16"**.

39. The applicants state that the respondent No. 9 has not set up its CBWTF but had applied before the West Bengal Pollution Control Board for issuing the Consent to Operate in favour of the respondent No. 9. That the WBPCB rejected such application on 31st December, 2024.

A status of the rejection as obtained from website is annexed and marked as annexure **"P-17"**.

40. The applicants state that since the respondent No. 9 does not have a CBWTF it cannot apply for a Consent to operate. The respondent No. 9 did not have the Consent to Operate till the date Writ petition was filed and till it was moved on 3rd March, 2025.

41. The applicants state that the Ministry of Environment, Forest and Climate Change by a Government order dated 14th October, 2022 has inter-alia, clarified that new facilities may be allowed on the basis of gap analysis by SPCBs wherever required. That the authority had specifically asked to ensure that gap analysis studies and BMW Rules, 2016 and CPCB guideline provisions must become one of the fundamental grounds of granting ECs to HCFs and CBWTFs.

Copy of the Government order dated 14th October, 2022 is annexed and marked as annexure **"P- 18"**.



42. The applicants state that the State Advisory Committee under the Chairmanship of the respective Health Secretary oversees the implementation of the Rules, 2016. Upon considering several factors including the capacity of the CBWTF to collect and dispose of the required quantity of hazardous waste per day, allots area to ensure treatment and disposal of waste in terms of the Water (Prevention & Control of Pollution) Act, 1974 and shall perform the duties as specified in the Schedule of the Rules, 2016.
43. The applicants state that Rule 7 of the Bio- Medical Waste Management Rules, 2016 provides for treatment and disposal of bio – medical waste. Rule 7(1) provides that Bio-Medical Waste shall be treated and disposed of in accordance with the Schedule-I and in compliance with the standard provided in Schedule-II by the Health Care Facilities and Common Bio-Medical Waste Treatment Facility. Rule 7(3) provides that no occupiers shall establish on-site treatment and disposal facility, if service of Common Bio-Medical Waste Treatment Facility is available at a distance of 75 kms. Rule 7(4) provides in case where service of the Common Bio-Medical Waste Facilities are not available, the occupiers shall set up requisite Bio-Medical Waste Treatment equipment like Incinerator, Autoclaves or Microwaves, Shredder prior to commencement of its operation as per the authorization given by the prescribed Authority.
44. The applicants state that Rule 9 of the Bio- Medical Waste Management Rules, 2016 provides for prescribed Authority.

“9.(1) :The .prescribed authority for implementation of the provisions of these rules shall be the State :Pollution Control Boards in respect of States and Pollution Control Committees in respect of Union territories”.



"10. Procedure for authorization.- Every occupier or operator handling bio-medical waste, irrespective of the quantity shall make an application in Form II to the prescribed authority i.e. State Pollution Control Board and Pollution Control Committee, as the case may be, for grant of authorization and the prescribed authority shall grant the provisional authorization in Form III and the validity of such authorization for bedded health care facility and operator of a common facility shall be synchronized with the validity of the consents.

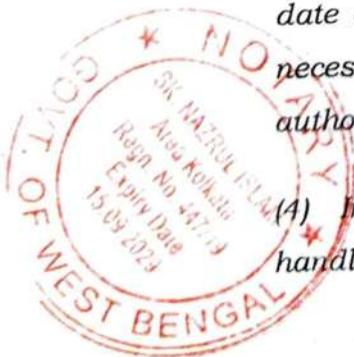
(1) The authorization shall be one time for non-bedded occupiers and the authorization in such cases shall be deemed to have been granted, if not objected by the prescribed authority within a period of ninety days from the date of receipt of duly completed application along with such necessary documents.

(2) In case of refusal of renewal, cancellation or suspension of the authorization by the prescribed authority, the reasons shall be recorded in writing:

Provided that the prescribed authority shall give an opportunity of being heard to the applicant before such refusal of the authorization.

(3) Every application for authorization shall be disposed of by the prescribed authority within a period of ninety days from the date of receipt of duly completed application along with such necessary documents, failing which it shall be deemed that the authorization is granted under these rules.

(4) In case of any change in the bio-medical waste generation, handling, treatment and disposal for which authorization was



earlier granted, the occupier or operator shall intimate to the prescribed authority about the change or variation in the activity and shall submit a fresh application in Form II for modification of the conditions of authorization”.

“11. Advisory Committee :- Every State Government of Union territory, Administration shall constitute an Advisory Committee for the respective State or Union territory under the chairmanship of the respective health secretary to oversee the implementation of the rules in the respective state and to advise any improvements and the Advisory Committee shall include representatives from the Departments of Health, Environment, Urban Development, Animal Husbandry and Veterinary Sciences of the State Government or Union territory Administration, State Pollution Control Board or Pollution Control Committee, urban local bodies or local bodies of Municipal Corporation, representatives from Indian Medical Association, common bio-medical waste treatment facility and non-governmental organization.

(3) The Advisory Committee constituted under sub-rule (1) and (2) shall meet at least once in six months and review all matters related to implementation of the provisions of these rules in the State and Armed Forces Health Care Facilities, as the case may be.

(4) The Ministry of Health and Defence may co-opt representatives from the other Governmental and non-governmental organisations having expertise in the field of bio-medical waste management”.

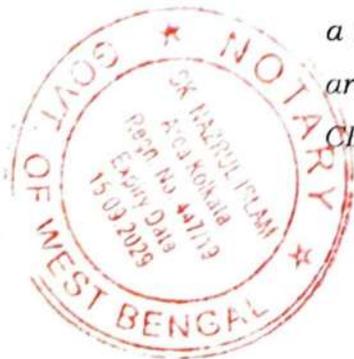


45. Rule 17 of the Bio- Medical Waste Management Rules, 2016 provides for allocation of land for setting up of CBWTF.

46. The applicants state that the revised guidelines for Common Bio-Medical Waste Treatment Facilities specifically provides the criteria for development of a new CBWTF for a locality or region. The guidelines provide that:-

“SPCB/PCC is required to conduct gap analysis w.r.to coverage area of the bio-medical waste generation and also projected over a period of next ten years, adequacy of existing treatment capacity of the CBWTF in each coverage area of radius 75 km.as given in Annexure-I.

All the SPCBs and PCCs shall conduct the gap analysis and based on the gap analysis, action plan for development of new CBWTF is required to be prepared and submitted to MoEF& CC & CPCB within six months' time. In case of States/UTs, where no CBWTF is available, in such a case, SPCB/PCC being prescribed authority under the NMWM Rules is required to submit the detailed proposal to MoEF& CC/MoH& FW through the respective State Government or UT Administration. Also the option of forming association by the group of health care facilities (HCFs) to develop their own CBWTF also be encouraged following these guideline. In case, any coverage area requires additional treatment capacity, in such a case action may be initiated by the prescribed authority for allowing a new CBWTF in that locality without interfering the coverage area of the existing CBWTF and beds covered by the existing CBWTF”.



47. The applicants state that as per the revised guidelines the coverage area of a CBWTF:-

"8. Coverage area of CBWTF:

Suggested coverage area for development of a CBWTF:

a) *A CBWTF located within the respective State/UT shall be allowed to cater healthcare units situated at a radial distance of 75 KM. However, in a coverage area where 10,000 beds are not available within a radial distance of 75 KM. existing CBWTF in the locality (located within the respective State/UT) may be allowed to cater the healthcare units situated up to 150 KM radius w.r.to its location provided the bio-medical waste generated is collected, treated and disposed of within 48 hours as stipulated under the BMWM Rules.*

b) *In case, number of beds is exceeding >10,000 beds in a locality (i.e. coverage area of the CBWTF under reference) and the existing treatment capacity is not adequate, in such a case, a new CBWTF may be allowed in such a locality in compliance to various provisions notified under the Environment (Protection) Act, 1986, to cater services only to such additional bed strength of the HCFs located.*

c) *In case of hilly areas, considering the geography, only one CBWTF with adequate treatment capacity may be developed covering at least two districts to cater treatment services to the HCFs located in the respective Districts. The selection and allocation of site etc. should be done as per the criteria suggested under these guidelines. The treatment charges to be prescribed by the respective SPCB/PCC. in consultation with*



the State Advisory Committee to be constituted under the BMWM Rules by the respective State Government or UT Administration”.

A copy of the Revised Guidelines is annexed hereto and marked as annexure **“P -19”**.

48. The applicants state that in terms of the Bio- Medical Waste Management Rules, 2016, and revised guidelines the applicants are operating for an area being divided into Zones. The permissible limit is decided Zone wise and the Finance Department in consultation with WBPCB had divided the districts in the state of West Bengal Zone wise and allotted Zone -1, Jalpaiguri to the applicants and it covers all district & medical colleges in the districts of Coochbehar, Siliguri, Jalpaiguri, Darjeeling, Malda, Uttar Dinajpur, Dakshin Dinajpur.

49. The applicants state that the Rules, 2016 specifically provides that in a respective area when a CBWTF is functioning, it is to cater to the needs of the surrounding hospitals which comes within the radius of 75 kms from the plant. The same is being inducted so that a CBWTF having incurred a substantial investment for establishing the CBWTF shall be permitted to cater to a minimum of 10000 beds within the radial distance of 75 kms. radius and therefore, no other CBWTF can come up within the 75 kms. radius of an existing CBWTF.

50. The applicants submit that Central Pollution Control Board prepares guidelines and submit it to the Ministry of Environment, Forest and Climate change.

51. The applicants assailing such act of the respondents in allowing a CBWTF to be constructed within 16.6 Km radius of the



36

existing CBWTF of the applicants at Fulbari Canal Road, when admittedly such application of the respondent No. 9 was already rejected by WBPCB on 31st December, 2024, the applicants filed a writ application being W.P.A No. 443 of 2025 before the Hon'ble High Court at Calcutta on 18th February, 2025 praying for setting aside of the Environment Clearance dated 1.9.2023 and Consent to Establish dated 13.9.2023 issued in favour of the respondent No. 9 for setting up of a CBWTF at Kaluabari, Jalpaiguri.

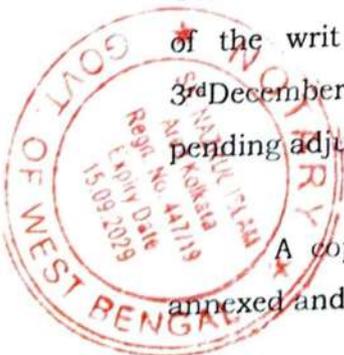
52. The Learned Advocate-on-Record of the applicants in such writ petition thereafter effected service upon all the respondents. The respondents duly received the copy of the writ petition along with the communication letter that the instant writ application shall appear on 3rd March, 2025 or so soon thereafter.

53. The said writ application was taken up for hearing on 3rd March, 2025, when despite service none appeared on behalf of the respective respondents except for the state respondents.

A copy of the order dated 3rd March, 2025 is annexed and marked as annexure **"P-20"**.

54. Subsequently, the applicants have come across a Consent to Operate dated 6th March, 2025 issued by the West Bengal Pollution Control Board in a haste, since the WBPCB was in receipt of the copy of the writ application and despite the CTO being rejected on 3rd December, 2024, the same was re-issued on 6th March, 2025 pending adjudication of the instant writ application.

A copy of the Consent to Operate dated 6th March, 2025 is annexed and marked as annexure **"P-21"**.



37

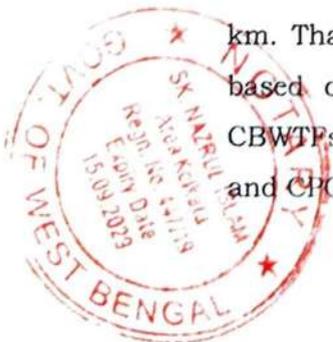
55. That an Authorization dated 6thMarch, 2025 was issued by the West Bengal Pollution Control Board in favour of the respondent No. 9.

A copy of the Authorization dated 6thMarch, 2025 is annexed and marked annexure **"P-22"**.

56. The respondents despite being aware that the writ application being W.P.A. No. 443 of 2025 was filed challenging the grant of Environmental Clearance dated 1stSeptember, 2023 and the Consent to Establish dated 13thSeptember, 2023 had issued the Consent to Operate and Authorization both dated 6th March, 2025.

57. The instant writ petition was taken up for consideration by the Hon'ble Court on 10thMarch, 2025 when the Learned Counsel of the applicants brought the same before this Hon'ble Court during course of hearing. Upon perusing the same, the Hon'ble Court granted liberty to file a supplementary affidavit to bring on record the Consent to Operate dated 6thMarch, 2025 and Authorization dated 6thMarch, 2025.

58. The applicants in this writ application has challenged the application of the respondent No. 9 which was allowed without conducting gap analysis. That SPCB/PCC is required to conduct gap analysis w.r.to coverage area of the bio-medical waste generation and also projected over a period of next ten years, adequacy of existing treatment capacity of the CBWTF in each coverage area of radius 75 km. That the SPCBs and PCCs shall conduct the gap analysis and based on the gap analysis, action plan for development of new CBWTFs is required to be prepared and submitted to MoEF and CC and CPCB within six months' time.

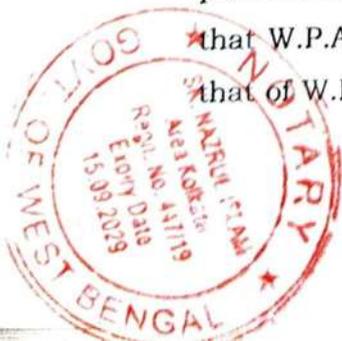


59. The applicants challenged in the writ petition that the respondent authorities have processed the application of the respondent No. 9 for setting up of a CBWTF at Kaluabari, Rajganj, Baikunthapur within 16.60 kms distance from the CBWTF of the applicants. The same is not only barred under the BMW Rules, 2016 and also specifically clarified in guidelines for managing Bio-Medical wastes.

60. The applicants state that the applicants filed a Supplementary Affidavit before the Hon'ble High Court at Calcutta in W.P.A No. 443 of 2025 inter-alia, continuing their prayer for withdrawal of the Environmental Clearance dated 1st September, 2023 and the Consent to Establish dated 13th September, 2023 granted to the respondent No. 9. The applicants stated therein that despite service upon the respondents including the West Bengal Pollution Control Board they decided not to appear before the Hon'ble Court at the time of hearing on 3rd March, 2025 and during pendency of the writ petition issued the Authorization dated 6th March, 2025 and Consent to Operate dated 6th March, 2025 was issued and accordingly prayed for setting aside and withdrawal of the same with immediate effect.

Copy of the supplementary affidavit without annexure is annexed hereto and marked as annexure "P-23".

61. The applicants state that an application being C.A.N. 1 of 2025 was filed on 30th April, 2025 in the said writ application by the respondent No. 9 inter-alia, stating that a more or less similar writ petition being W.P.A No. 1374 of 2023 was filed by the applicants and that W.P.A No. 1374 of 2023 has more or less the same contents as that of W.P.A No. 443 of 2025 and accordingly prayed that W.P.A No.



39

443 of 2025 be dismissed as not maintainable and to protect the right and interest of the respondent No. 9.

A copy of the application being CAN 1 of 2025 is annexed and marked as annexure **"P-24"**.

62. The applicants filed an objection to C.A.N. 1 of 2025 inter-alia, stating that in W.P.A No. 1374 of 2023 the applicants assailed the recommendation by their representation dated 6th January, 2023, which was not considered and has lost its effect by then. In such writ application the petitioners/applicants have challenged the EC dated 1st September, 2023 and CTO dated 30th September, 2023, which are subsequent development and therefore the two cause of action in the two writ applications are different from each other.

63. That the parties to the writ application W.P.A No. 1374 of 2023 are not the same, as in the present writ application and the cause of action is also not same as in W.P.A No. 1374 of 2023 the applicants prayed for setting aside the recommendation process of respondent No. 9, whereas in the writ application the petitioners/applicants prayed for setting aside of the Environmental Clearance dated 01.09.2023 and the setting aside of the consent to establish dated 13th September, 2023 and also by the supplementary affidavit the petitioners/applicants have prayed for setting aside of the authorization dated 6th March, 2025 and Consent to Operate dated 6th March, 2025, which were issued tactfully by WBPCB without appearing in the writ application.

A copy of the objection filed by the petitioners therein to application being CAN 1 of 2025, affirmed on 14th July, 2025 is annexed and marked as annexure **"P-25"**.



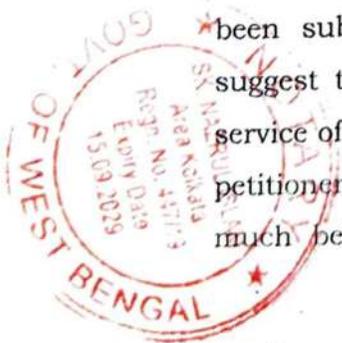
64. The applicants state that the respondent No. 5 in the capacity of the Central Pollution Control Board used an Affidavit-in-Opposition in W.P.A No. 443 of 2025 affirmed on 8th July, 2025 affirmed inter-alia, stating that the process of establishment of CBWTF is regulated by WBPCB and each bigger district can have two CBWTFs. It referred to a clarification, which is an internal document and not supported by any explanation as it is not supported by the prevailing Act and Rules for establishing a CBWTF. CPCB stated the duties of WBPCB but has not explained its involvement.

A copy of the affidavit-in-opposition, without annexure filed by CPCB is annexed and marked as annexure "P-26".

65. The applicants had filed their reply affirmed on 14th August, 2025 to the affidavit -in-opposition filed on behalf of Central Pollution Control Board stating that CPCB has not denied the applicants allegation of the respondent No. 9 establishing a CBWTF within 16.6 Kms of the applicants' existing CBWTF in violation of BMW Rules, 2016. That in the writ application being W.P.A No. 1374 of 2023 the applicants prayed for setting aside of the recommendation granted to M/s. SNG Enviro Solutions Private Limited and also staying the recommendation process of the respondent No. 9. By order dated 20th November, 2023 the writ application was disposed off with the observation that if the petitioners'/applicants case is regularized and the petitioners'/applicants' obtain an authorization to operate after all the proceedings are over, the petitioners/applicants may approach the authorities for necessary orders. On this pretext the Hon'ble Court held that the challenges to the writ petitioners are baseless and unfounded.



66. That both the West Bengal Pollution Control Board and Central Pollution Control Board take decision along with the Secretary, Health and Family Welfare Department, Government of West Bengal for granting recommendation and authorization for setting up of a Common Bio-Medical Waste Treatment Facility in such an area, which is subject to scrutiny before setting up of a CBWTF. It is specifically provided in the Revised Guidelines for Common Bio-medical Waste Treatment and Disposal Facilities as notified and published by the Central Pollution Control Board under the Ministry of Environment, Forest and Climate Change for setting up of a CBWTF, which shall be allowed to cater to healthcare units situated at radial distance of 75 Kms and such coverage area, where 10000 beds are not available, then such CBWTF may be allowed to cater the healthcare units situated up to 150 Kms radius. Thus, this is not in doubt that the petitioners' area is covered till 75 Kms radial distance extended to 150 Kms and the same is not disputed by the answering respondent. That as per the revised guidelines as relied on by the answering respondent, such modification nowhere provides the need for a new CBWTF within 16.6 Kms of the existing CBWTF. Rather, it insists on the coverage area of 75 Kms radius and based on gap analysis report the existing CBWTF may also be granted an extension of its area. That from the annexure 'B' and 'C' it appears that that the gap analysis had non-uniformity in data and approach and therefore it was requested to be revised. On reading of the same, it nowhere appears that the CPCB has suggested the setting up of a CBWTF which 16.6 Kms of the existing one. No such report to that effect has been submitted. Moreover, such report of gap analysis nowhere suggest that the requirement of a new CBWTF, due to inadequate service of the petitioners' CBWTF. That CPCB has not denied that the petitioners' CBWTF is covering 8745 beds and also admitted that it is much below the minimum number of beds a CBWTF should be



42

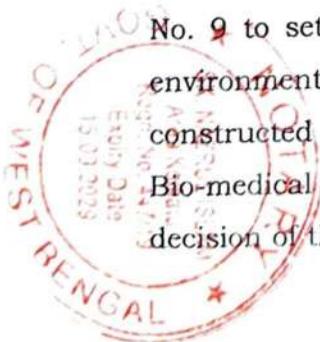
allotted. The petitioners disclosed the number of beds they provided service to since 2019 to 2023 and then at present providing service to only 8745 beds and such facts are not denied at all by the answering respondent.

A copy of the affidavit-in-reply filed by the applicants/petitioners is annexed and marked as annexure **"P-27"**.

67. The applicants state that the respondent No. 6 being the West Bengal Pollution Control Board filed an affidavit-in-opposition inter-alia, referring to a Health Department meeting dated 31st August, 2022 and relying on the same allowed another CBWTF to be constructed within 16.6 km of the applicants; existing CBWTF.

A copy of the affidavit-in-opposition filed by WBPCB is annexed and marked as annexure **"P-28"**.

68. The applicants filed an affidavit-in-reply inter-alia stating denying that WBPCB purpose for setting up a CBWTF within 16.60 kms of an existing CBWTF is to encourage better practice of Bio-medical waste disposal. Rather it is on record that such action of the WBPCB has violated the rules, which provide that a CBWTF must cater to a minimum of 10000 beds. Whereas, with such irrational decision of the WBPCB the number of beds to which the petitioner now caters to it 8745. Therefore, the idea of allowing the respondent No. 9 to set up a CBWTF so close to the existing one has created environmental hazards as the plants itself are allowed to be constructed at areas away from human inhabitation as disposal of Bio-medical waste is supposed to cause health impact. The impugned decision of the committee dated 31st August, 2022 is taken grossly in



43

violation of the BMW Rules, 2016 and CPCB guidelines, which till date provides the minimum requirement of 10000 beds for a CBWTF.

A copy of the affidavit-in-reply, without annexure filed by the applicants is annexed and marked as annexure "P-29".

69. The applicants state that the petitioners were catering to 21886 beds in the year of 2022, which has now drastically fallen to only 8745 beds since December, 2023, which is much below the minimum bed of 10000. That in the event a CBWTF falls short of 10000 beds per day, it can extend its radius from 75 Kms to 150 Kms. Thus, it nowhere justifies the action of the respondent to allow setting up of a new CBWTF within 16.60 Kms of an existing CBWTF, which is operating below the minimum allotment of 10000 beds per day. The respondent is aware of the exact beds to which the petitioners is providing service i.e. 8745 after the Government order dated 27th December, 2024 was passed. Despite having knowledge of the same, the respondent has suppressed in this paragraph the actual number of beds and deliberately stated that the petitioners are operating for 23000 beds, which is absolutely a false statement made before the Hon'ble Court. The decision of the State Government in the presence of the Chairman of the State Level Advisory Committee is grossly violative of the Rules and Guidelines as there is no scope to set up more than one CBWTF, when the existing CBWTF is functioning below 10000 beds i.e. 8745 as the petitioners are functioning today. Thus, the decision dated 31st August, 2022 is bad in law, dehors the principle of natural justice, unreasonable and in violation of the existing Rules and Guidelines.

The applicants state that the WBPCB seems to explain the purpose of issuing Consent to Operate. A Consent to Operate is not



44

issued as a casual approach, but is issued for a specific purpose. It is very surprising to notice that the answering respondents wrote that the Consent to Operate issued in favour of the petitioner 'is nothing but a mere renewal of the Consent to Operate earlier granted in favour of the petitioners' CBWTF.' 'Such renewal however, does not prevent the Pollution Control Board from issuing CTO in favour of the private respondent No. 9 in any manner' Thus the explanation taken by WBPCB is that petitioners' CTO is a mere renewal and that is a deciding factor for issuing another CTO in favour of the respondent No. 9.

71. The applicants state that by an order dated 23rd September, 2025 passed by the Hon'ble Justice Aniruddha Roy in W.P.A No. 443 of 2025 along with I.A No. C.A.N. 1 of 2025 allowed the application being I.A No. C.A.N. 1 of 2025 in part only on the ground of existence of alternative remedy. The Hon'ble Court clarified that the objection on the ground of suppression of material fact as alleged by the respondent No. 9 in the CAN application stands rejected. Resultantly the W.P. No. 443 of 2025 stands dismissed only on the ground of existence of alternative remedy. However, it is made clear that the applicants being the writ petitioners therein shall be at liberty to file the statutory appeal before the jurisdictional appellate forum within a period of 6 weeks from date. In the event such an appeal is filed, the jurisdictional appellate authority shall registered the same forthwith and shall proceed with the same and come to its logical conclusion strictly in accordance with law, as expeditiously as possible. The Hon'ble Court made it clear that it has not gone into the merit with the rival contentions of the parties to the writ petition and all point are kept open for the parties to urge before the jurisdictional appellate authority.



45

Copy of the order dated 23rd September, 2025 is annexed hereto and marked as annexure "P-30".

72. The applicants submit that since the writ petition being W.P.A No. 443 of 2025 was heard after exchange of affidavits, the contentions of the respondent No. 9, Central Pollution Control Board and West Bengal Pollution Control Board are on record. Wherein, they have grossly failed to justify their action of allowing another CBWTF within 16.60 Km of an existing CBWTF. Such contentions are pending hearing to be adjudicated before this Learned Tribunal being the jurisdictional authority.

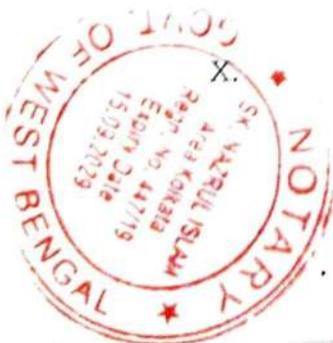
GROUND

- I. For That the impugned EC granted to Respondent No. 9 violates Rule 5(2) of the Bio-Medical Waste Management Rules, 2016, and the CPCB Revised Guidelines prescribing minimum distance criteria of 75 km between two CBWTFs.
- II. For That SEIAA, West Bengal failed to conduct gap analysis and carrying capacity study before granting EC, in contravention of the directions of the CPCB and MoEF & CC circulars.
- III. For That the impugned decision undermines environmental safeguards by allowing duplication of hazardous waste treatment facilities, contrary to the Sustainable Development Principle and Precautionary Principle recognized under Section 20 of the NGT Act, 2010.



- IV. For That the establishment of another CBWTF within 16.6 km of the applicant's existing facility is arbitrary, discriminatory, and contrary to the Zonal Allocation Scheme approved by the Government of West Bengal vide Memo dated 22.01.2016.
- V. For That The Respondent Authorities failed to ensure public participation, environmental transparency, and technical due diligence mandated under the EIA Notification, 2006
- VI. For That the acts and actions of the respondents are neither bona fide nor lawful.
- VII. For That the actions of the respondents are ex facie bad and unenforceable in law.
- VIII. For That M/s. Unique Universal is not an "Operator" as defined under Rule 3 (n) of the BMW Rules, 2016.
- IX. For That The applicant's Company has set up a plant at Mouza- Binnaguri, J.L. No. 3, Site No. 12, Post Office- Fulbarihat, Police Station- Bhaktinagar, District -Jalpaiguri, Pin- 734015, being a CBWTF operating since January, 2009 for the purpose of collection, reception, storage, transport, treatment, disposal or any other form of handling of Bio-Medical Waste from the nearby Hospitals covering an area of 75 kms radius extended to 150 kms. radius from the plant of the applicants.

X. For That It was decided to set up the CBWTF for the Jalpaiguri district and the surrounding area so that the bio-



medical waste may be collected properly and disposed of keeping in mind that the environment is not compromised.

- XI. For That the concept of distance analysis, number of beds for one CBWTF was re-defined under the CPCB guidelines to facilitate a CBWTF with the minimum number of beds and at the same time not to create a burden upon the environment by setting up more than one CBWTF in the surrounding as disposal of bio-medical waste is hazardous.
- XII. For That In terms of 2016 Agreement, the applicant's Company was rendering services to around 21986 hospital beds till 2022 for the District of Coochbehar, Siliguri, Jalpaiguri, Darjeeling, Malda, Uttar Dinajpur, Dakshin Dinajpur.
- XIII. For That the applicants being first to operate the CBWTF at Jalpaiguri area, it had catered to about 21986 beds which was drastically reduced after other plant was set up at Malda and that also number of beds reduced subject to only billing for operational beds as per newly inducted midnight census.
- XIV. For That the Bio-Medical Waste Management Rules, 2016 as gazette by the Government of India, Ministry of Environment, Forest & Climate Change by Notification dated 28th March, 2016 clearly and categorically provides the necessity of operating a CBWTF for handling of hazardous waste, etc.

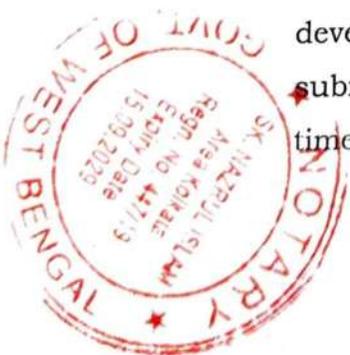


XV.

For That for the purpose of handling the same, the treatment facilities are assigned an area after obtaining

environment clearance from SEIA and satisfying other criteria.

- XVI. For That the applicants state that they came to learn that a CBWTF being Unique Universal Bio-Waste LLP being the respondent No. 9 had submitted their application before the State Environment Impact Assessment Authority on 22nd November, 2022 for setting up a CBWTF at Village – Kaluabari, P.O. Debithakurbari, P.S. Rajgunj, Mouza – Chhatgujrimari, Pargana Baikunthapur, District – Jalpaiguri, West Bengal.
- XVII. For That the radial distance of the proposed plant is 16.60 kms. from the applicants' existing plant and as such, there is violation of the BMWM Rules, 2016.
- XVIII. For That despite the existing CBWTF of the applicants, the application of respondent No. 9 was allowed without conducting gap analysis.
- XIX. For That the SPCB/PCC is required to conduct gap analysis w.r.to coverage area of the bio-medical waste generation and also projected over a period of next ten years, adequacy of existing treatment capacity of the CBWTF in each coverage area of radius 75 km.
- XX. For That the SPCBs and PCCs shall conduct the gap analysis and based on the gap analysis, action plan for development of new CBWTFs is required to be prepared and submitted to MoEF and CC and CPCB within six months' time.



- XXI. For That by a Government order No. 35-HS(MS)/HF/O/HS/(MS)/ BMW-02/2022 dated 21st February, 2024 the Special Secretary, Government of West Bengal had allocated different health facilities to the existing CBWTFs. That the rate for the bedded facilities will be determined on the basis of the total number of occupied beds as per the 'daily midnight census of patient count' for the reference month of respective health facilities.
- XXII. For That by a Government order dated 27th December, 2024 a reallocation of all Government Health Facilities for lifting, transport and processing and disposal of BMW to the operational CBWTF was issued by the Special Secretary, Government of West Bengal, Health and Family Welfare Department. That the re-allocation was made based on the distance criteria, and as per decision taken in the SLAC meeting held on 4.10.2024. It is pertinent to mention that that M/s Unique Universal since has not set up any plant, therefore no Government health facilities were allotted to it.
- XXIII. For That by operating their CBWTF since 2009 for the purpose of establishing the CBWTF several stages have to be gone into before the plant can be made operational.
- XXIV. For That the CBWTF of the applicant is already existing at Fulbari Canal Road, Bhaktinagar presently serving to only 8745 operational beds, which is much below the minimum bed numbers of 10000.

XXV.

For That in the event the applicants' falls short of 10000 beds within 75 Kms radius it can extent upto 150 km radius to work for the maximum 10000 beds.



XXVI. For That as per the revised guidelines the coverage area of a CBWTF is defined and a CBWTF located within the respective State/UT shall be allowed to cater healthcare units situated at a radial distance of 75 KM. However, in a coverage area where 10,000 beds are not available within a radial distance of 75 KM. existing CBWTF in the locality (located within the respective State/UT) may be allowed to cater the healthcare units situated up to 150 KM radius w.r.to its location provided the bio-medical waste generated is collected, treated and disposed of within 48 hours as stipulated under the BMWM Rules. Other than the health care facilities, number of beds also comes as a criteria while deciding the coverage area. In case, number of beds is exceeding >10,000 beds in a locality (i.e. coverage area of the CBWTF under reference) and the existing treatment capacity is not adequate, in such a case, a new CBWTF may be allowed in such a locality in compliance to various provisions notified under the Environment (Protection) Act, 1986, to cater services only to such additional bed strength of the HCFs located.

XXVII. For That there is no additional or surplus beds and therefore the respondent No. 9 has no scope or provision to set up a new CBWTF when is existing is working below its capacity.

XXVIII. For That the number of operational beds are much beyond the minimum capacity of 10000 and under such circumstances no new plant can be allowed to be set up within 75 Km radius. Assuming a new CBWTF is set up for the same area then the applicants will operate for around



4500 beds, which is not the purpose defined in the CPCB Guidelines.

XXIX. For That after a CBWTF is allowed at Malda, the number of beds allotted to the applicant reduces drastically since 2023.

XXX. For That after the Government Order dated 27th December, 2024 the number of beds were further reduced to 8745 and now bills are raised only for functional beds thereby 70% billing is done of the total allotted beds.

XXXI. For That without the gap analysis the respondent No. 9 was allowed to submit TOR and in subsequent steps it was allowed to participate.

XXXII. For That despite not fulfilling the distance criteria, the consent to establish was approved in favour of the respondent No. 9 on 13th September, 2023.

XXXIII. For That the Environmental Clearance (EC) was also granted by SEIAA in favour of the respondent No. 9 in violation of the BMW Rules, 2016.

XXXIV. For That the respondent No. 9 has not set up its CBWTF but had applied before the West Bengal Pollution Control Board for issuing the Consent to Operate in favour of the respondent No. 9. That the WBPCB rejected such application on 31st December, 2024.

XXXV. For That since the respondent No. 9 does not have a CBWTF it cannot apply for a Consent to operate.

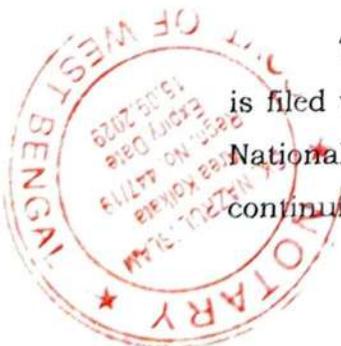


52

- XXXVI. For That the Rules, 2016 specifically provides that in a respective area when a CBWTF is functioning, it is to cater to the needs of the surrounding hospitals which comes within the radius of 75 kms from the plant. The same is being inducted so that a CBWTF having incurred a substantial investment for establishing the CBWTF shall be permitted to cater to a minimum of 10000 beds within the radial distance of 75 kms. radius and therefore, no other CBWTF can come up within the 75 kms. radius of an existing CBWTF.
- XXXVII. For That Central Pollution Control Board prepares guidelines and submit it to the Ministry of Environment, Forest and Climate change.
- XXXVIII. For That State government ensures implementation of the rule in all health care facilities or occupiers.
- XXXIX. For that the existing CBWTF of the applicant is now working with lesser beds, much below its capacity as the operational beds allotted are 8745.

LIMITATION:

The Applicant states and submits that this original application is filed within the prescribed period of limitation as envisaged in the National Green Tribunal Act 2010 and the cause of action is continuing day by day.



53

INTERIM RELIEF:

Pending disposal of the application, the applicants pray that this Hon'ble Tribunal be pleased to direct the respondents to:-

- A. Staying the recommendation process, withdraw the Environmental Clearance dated 1.9.2023 and Consent to Operate dated 13.9.2023 granted to M/s. Unique Universal Bio-Waste LLP for setting up a CBWTF at Village – Kaluabari, P.O. Debithakurbari, P.S. Rajgunj, Mouza – Chhatgujriimari, Pargana Baikunthapur, District – Jalpaiguri, West Bengal;
- B. Withdrawing the Consent to Operate dated 6th March, 2025 issued to the respondent No. 9 as issued by the West Bengal Pollution Control Board despite rejected on 3rd December, 2024,
- C. Withdraw the Authorization dated 6th March, 2025 issued by the West Bengal Pollution Control Board in favour of the respondent No. 9.

PRAYER

For the reasons stated above, it is humbly prayed that this Hon'ble Tribunal may be pleased to:

- a. Direct the respondents and/or their men and/or agents and/or assigns to forthwith and/or immediately withdraw and/or cancel and/or set aside the Environmental Clearance dated 1.9.2023 and Consent to Establish dated 13.9.2023 granted in favour of M/s. Unique Universal Bio-Waste LLP for



setting up a CBWTF at Village - Kaluabari, P.O. Debithakurbari, P.S. Rajgunj, Mouza - Chhatgujriimari, Pargana Baikunthapur, District - Jalpaiguri, West Bengal to act in accordance with law by acting in the manner stated hereinabove;

- b. Commanding the respondents and/or their men and/or agents and/or assigns to forthwith and/or immediately stay the Environmental Clearance recommendation made in favour of M/s. Unique Universal Bio-Waste LLP for setting up a CBWTF at Village - Kaluabari, P.O. Debithakurbari, P.S. Rajgunj, Mouza - Chhatgujriimari, Pargana Baikunthapur, District - Jalpaiguri, West Bengal and to act in accordance with law by acting in the manner stated hereinabove;
- c. Directing the respondents to withdraw the Consent to Operate dated 6th March, 2025 issued by the West Bengal Pollution Control Board despite rejected on 3rd December, 2024,
- d. Directing the respondents to withdraw the Authorization dated 6th March, 2025 issued by the West Bengal Pollution Control Board in favour of the respondent No. 9.
- e. Direct the respondents to transmit all records pertaining to the instant case before this Hon'ble Court so that conscionable justice may herein be rendered by setting aside cancelling and/or setting aside the Environmental Clearance dated 1.9.2023 and Consent to Establish dated 13.9.2023 granted in favour of M/s. Unique Universal Bio-Waste LLP for setting up a CBWTF at Village - Kaluabari, P.O. Debithakurbari, P.S. Rajgunj, Mouza - Chhatgujriimari, Pargana Baikunthapur,



55

District – Jalpaiguri, West Bengal and the applicants to operate as the existing CBWTF in Zone I;

- f. And pass such further order or orders as may be fit proper and necessary in the facts and circumstances of the case and thus render justice.

JURISDICTION

That this application is filed under the provisions of the National Green Tribunal, 2010, read with the provisions of the Environment (Protection) Act, 1986 and the provisions of Bio Medical Waste Management Rules, 2016 and it is also stated that the Environment (Protection) Act, 1986 is an enactment under the Schdule -1 to the National Green Tribunal, Act 2010 and the Bio Medical Management rules, 2016 which Rules are emanated from the Environment (Protection) Act, 1986 and that this Hon'ble Tribunal has power to try the instant original application.

Vineeta Burman
Applicant

Sarna Mukherjee
Advocate for the Applicant

Date:

Place: Kolkata





56

AFFIDAVIT

I, Vineeta Burman, wife of Ramakant Burman, aged about 43 years, by faith- Hindu, by occupation- Business, working for gain at M/S RVD Waste Tech Private Limited, represented by its Director having its registered office at Shyam Vatika, 297/ 1/1, Dakshnidari Road, Sribhumi, 3rd Floor, Flat- B/3, Kolkata- 700048, do hereby solemnly affirm and say as follows:-

1. That I am Applicant No. 2 in the instant Original Application and as such I am acquainted with the facts and circumstances of this instant case. I have been duly authorized by Applicant No. 1 to sign this affidavit on behalf of self and on behalf of the Applicant No. 1 as well.
2. That the statements made in the above paragraphs are true to my knowledge and belief and the rest are my respectful submission before this Hon'ble Tribunal.

Identified by me

Savina Mukherjee

Advocate

Vineeta Burman

DEPONENT



Solemnly affirmed and
Declared before me on the
Identification of the Advocate

[Signature]
Notary

04 NOV 2025

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

57

VERIFICATION

I, Vineeta Burman, the applicant herein, do hereby verify that the contents of the above paragraphs are true to the best of my Knowledge and grounds are based on legal advice and that I have not suppressed any material fact.

Vineeta Burman

APPLICANT

Prepared by me

Sarna Mukherjee

Advocate

Date:

Place: Kolkata



58

Amore - P. 1

[Published in the Gazette of India, Extraordinary, Part II, Section 3, Sub-section (i)]

**GOVERNMENT OF INDIA
MINISTRY OF ENVIRONMENT, FOREST AND CLIMATE CHANGE**

NOTIFICATION

New Delhi, the 28th March, 2016

G.S.R. 343(E).-Whereas the Bio-Medical Waste (Management and Handling) Rules, 1998 was published *vide* notification number S.O. 630 (E) dated the 20th July, 1998, by the Government of India in the erstwhile Ministry of Environment and Forests, provided a regulatory frame work for management of bio-medical waste generated in the country;

And whereas, to implement these rules more effectively and to improve the collection, segregation, processing, treatment and disposal of these bio-medical wastes in an environmentally sound management thereby, reducing the bio- medical waste generation and its impact on the environment, the Central Government reviewed the existing rules;

And whereas, in exercise of the powers conferred by sections 6, 8 and 25 of the Environment (Protection) Act, 1986 (29 of 1986), the Central Government published the draft rules in the Gazette *vide* number G.S.R. 450 (E), dated the 3rd June, 2015 inviting objections or suggestions from the public within sixty days from the date on which copies of the Gazette containing the said notification were made available to the public;

And whereas, the copies of the Gazette containing the said draft rules were made available to the public on the 3rd June, 2015;

And whereas, the objections or comments received within the specified period from the public in respect of the said draft rules have been duly considered by the Central Government;

Now, therefore, in exercise of the powers conferred by section 6, 8 and 25 of the Environment (Protection) Act, 1986 (29 of 1986), and in supersession of the Bio-Medical Waste (Management and Handling) Rules, 1998, except as respects things done or omitted to be done before such suppression, the Central Government hereby makes the following rules, namely:-

1. **Short title and commencement.**- (1) these rules may be called the Bio-Medical Waste Management Rules, 2016.

(2) They shall come into force on the date of their publication in the Official Gazette.

2. **Application.**-

(1) These rules shall apply to all persons who generate, collect, receive, store, transport, treat, dispose, or handle bio medical waste in any form including hospitals, nursing homes, clinics, dispensaries, veterinary institutions, animal houses, pathological laboratories, blood banks, ayush

hospitals, clinical establishments, research or educational institutions, health camps, medical or surgical camps, vaccination camps, blood donation camps, first aid rooms of schools, forensic laboratories and research labs.

(2) These rules shall not apply to,-

- (a) radioactive wastes as covered under the provisions of the Atomic Energy Act, 1962(33 of 1962) and the rules made there under;
- (b) hazardous chemicals covered under the Manufacture, Storage and Import of Hazardous Chemicals Rules, 1989 made under the Act;
- (c) solid wastes covered under the Municipal Solid Waste (Management and Handling) Rules, 2000 made under the Act;
- (d) the lead acid batteries covered under the Batteries (Management and Handling) Rules, 2001 made under the Act;
- (e) hazardous wastes covered under the Hazardous Wastes (Management, Handling and Transboundary Movement) Rules, 2008 made under the Act;
- (f) waste covered under the e-Waste (Management and Handling) Rules, 2011 made under the Act; and
- (g) hazardous micro organisms, genetically engineered micro organisms and cells covered under the Manufacture, Use, Import, Export and Storage of Hazardous Microorganisms, Genetically Engineered Micro organisms or Cells Rules, 1989 made under the Act.

Definitions.- In these rules, unless the context otherwise requires, -

- (a) "Act" means the Environment (Protection) Act, 1986 (29 of 1986);
- (b) "animal house" means a place where animals are reared or kept for the purpose of experiments or testing;
- (c) "authorisation" means permission granted by the prescribed authority for the generation, collection, reception, storage, transportation, treatment, processing, disposal or any other form of handling of bio-medical waste in accordance with these rules and guidelines issued by the Central Government or Central Pollution Control Board as the case may be;
- (d) "authorised person" means an occupier or operator authorised by the prescribed authority to generate, collect, receive, store, transport, treat, process, dispose or handle bio-medical waste in accordance with these rules and the guidelines issued by the Central Government or the Central Pollution Control Board, as the case may be;

- (e) "biological" means any preparation made from organisms or micro-organisms or product of metabolism and biochemical reactions intended for use in the diagnosis, immunisation or the treatment of human beings or animals or in research activities pertaining thereto;
- (f) "bio-medical waste" means any waste, which is generated during the diagnosis, treatment or immunisation of human beings or animals or research activities pertaining thereto or in the production or testing of biological or in health camps, including the categories mentioned in Schedule I appended to these rules;
- (g) "bio-medical waste treatment and disposal facility" means any facility wherein treatment, disposal of bio-medical waste or processes incidental to such treatment and disposal is carried out, and includes common bio-medical waste treatment facilities;
- (h) "Form" means the Form appended to these rules;
- (i) "handling" in relation to bio-medical waste includes the generation, sorting, segregation, collection, use, storage, packaging, loading, transportation, unloading, processing, treatment, destruction, conversion, or offering for sale, transfer, disposal of such waste;
- (j) "health care facility" means a place where diagnosis, treatment or immunisation of human beings or animals is provided irrespective of type and size of health treatment system, and research activity pertaining thereto;
- (k) "major accident" means accident occurring while handling of bio-medical waste having potential to affect large masses of public and includes toppling of the truck carrying bio-medical waste, accidental release of bio-medical waste in any water body but exclude accidents like needle prick injuries, mercury spills;
- (l) "management" includes all steps required to ensure that bio- medical waste is managed in such a manner as to protect health and environment against any adverse effects due to handling of such waste;
- (m) "occupier" means a person having administrative control over the institution and the premises generating bio-medical waste, which includes a hospital, nursing home, clinic, dispensary, veterinary institution, animal house, pathological laboratory, blood bank, health care facility and clinical establishment, irrespective of their system of medicine and by whatever name they are called;
- (n) "operator of a common bio-medical waste treatment facility" means a person who owns or controls a Common Bio-medical Waste Treatment Facility (CBMWTF) for the collection, reception, storage, transport, treatment, disposal or any other form of handling of bio-medical waste;
- (o) "prescribed authority" means the State Pollution Control Board in respect of a State and Pollution Control Committees in respect of an Union territory;
- (p) "Schedule" means the Schedule appended to these rules.

4. **Duties of the Occupier.**- It shall be the duty of every occupier to-
- (a) take all necessary steps to ensure that bio-medical waste is handled without any adverse effect to human health and the environment and in accordance with these rules;
 - (b) make a provision within the premises for a safe, ventilated and secured location for storage of segregated biomedical waste in colored bags or containers in the manner as specified in Schedule I, to ensure that there shall be no secondary handling, pilferage of recyclables or inadvertent scattering or spillage by animals and the bio-medical waste from such place or premises shall be directly transported in the manner as prescribed in these rules to the common bio-medical waste treatment facility or for the appropriate treatment and disposal, as the case may be, in the manner as prescribed in Schedule I;
 - (c) pre-treat the laboratory waste, microbiological waste, blood samples and blood bags through disinfection or sterilisation on-site in the manner as prescribed by the World Health Organisation (WHO) or National AIDS Control Organisation (NACO) guidelines and then sent to the common bio-medical waste treatment facility for final disposal;
 - (d) phase out use of chlorinated plastic bags, gloves and blood bags within two years from the date of notification of these rules;
 - (e) dispose of solid waste other than bio-medical waste in accordance with the provisions of respective waste management rules made under the relevant laws and amended from time to time;
 - (f) not to give treated bio-medical waste with municipal solid waste;
 - (g) provide training to all its health care workers and others, involved in handling of bio medical waste at the time of induction and thereafter at least once every year and the details of training programmes conducted, number of personnel trained and number of personnel not undergone any training shall be provided in the Annual Report;
 - (h) immunise all its health care workers and others, involved in handling of bio-medical waste for protection against diseases including Hepatitis B and Tetanus that are likely to be transmitted by handling of bio-medical waste, in the manner as prescribed in the National Immunisation Policy or the guidelines of the Ministry of Health and Family Welfare issued from time to time;
 - (i) establish a Bar- Code System for bags or containers containing bio-medical waste to be sent out of the premises or place for any purpose within one year from the date of the notification of these rules;
 - (j) ensure segregation of liquid chemical waste at source and ensure pre-treatment or neutralisation prior to mixing with other effluent generated from health care facilities;
 - (k) ensure treatment and disposal of liquid waste in accordance with the Water (Prevention and Control of Pollution) Act, 1974 (6 of 1974);

62

- (l) ensure occupational safety of all its health care workers and others involved in handling of bio-medical waste by providing appropriate and adequate personal protective equipments;
- (m) conduct health check up at the time of induction and at least once in a year for all its health care workers and others involved in handling of bio- medical waste and maintain the records for the same;
- (n) maintain and update on day to day basis the bio-medical waste management register and display the monthly record on its website according to the bio-medical waste generated in terms of category and colour coding as specified in Schedule I;
- (o) report major accidents including accidents caused by fire hazards, blasts during handling of bio-medical waste and the remedial action taken and the records relevant thereto, (including nil report) in Form I to the prescribed authority **and also** along with the annual report;
- (p) make available the annual report on its web-site and all the health care facilities shall make own website within two years from the date of notification of these rules;
- (q) inform the prescribed authority immediately in case the operator of a facility does not collect the bio-medical waste within the intended time or as per the agreed time;
- (r) establish a system to review and monitor the activities related to bio-medical waste management, either through an existing committee or by forming a new committee and the Committee shall meet once in every six months and the record of the minutes of the meetings of this committee shall be submitted along with the annual report to the prescribed authority and the healthcare establishments having less than thirty beds shall designate a qualified person to review and monitor the activities relating to bio-medical waste management within that establishment and submit the annual report;
- (s) maintain all record for operation of incineration, hydro or autoclaving etc., for a period of five years;
- (t) existing incinerators to achieve the standards for treatment and disposal of bio-medical waste as specified in Schedule II for retention time in secondary chamber and Dioxin and Furans within two years from the date of this notification.

5. Duties of the operator of a common bio-medical waste treatment and disposal facility.-It shall be the duty of every operator to -

- (a) take all necessary steps to ensure that the bio-medical waste collected from the occupier is transported, handled, stored, treated and disposed of, without any adverse effect to the human health and the environment, in accordance with these rules and guidelines issued by the Central Government or, as the case may be, the central pollution control board from time to time;
- (b) ensure timely collection of bio-medical waste from the occupier as prescribed under these rules;
- (c) establish bar coding and global positioning system for handling of bio- medical waste within one year;

- (d) inform the prescribed authority immediately regarding the occupiers which are not handing over the segregated bio-medical waste in accordance with these rules;
- (e) provide training for all its workers involved in handling of bio-medical waste at the time of induction and at least once a year thereafter;
- (f) assist the occupier in training conducted by them for bio-medical waste management;
- (g) undertake appropriate medical examination at the time of induction and at least once in a year and immunise all its workers involved in handling of bio-medical waste for protection against diseases, including Hepatitis B and Tetanus, that are likely to be transmitted while handling bio-medical waste and maintain the records for the same;
- (h) ensure occupational safety of all its workers involved in handling of bio-medical waste by providing appropriate and adequate personal protective equipment;
- (i) report major accidents including accidents caused by fire hazards, blasts during handling of bio-medical waste and the remedial action taken and the records relevant thereto, (including nil report) in Form I to the prescribed authority **and also** along with the annual report;
- (j) maintain a log book for each of its treatment equipment according to weight of batch; categories of waste treated; time, date and duration of treatment cycle and total hours of operation;
- (k) allow occupier, who are giving waste for treatment to the operator, to see whether the treatment is carried out as per the rules;
- (l) shall display details of authorisation, treatment, annual report etc on its web-site;
- (m) after ensuring treatment by autoclaving or microwaving followed by mutilation or shredding, whichever is applicable, the recyclables from the treated bio-medical wastes such as plastics and glass, shall be given to recyclers having valid consent or authorisation or registration from the respective State Pollution Control Board or Pollution Control Committee;
- (n) supply non-chlorinated plastic coloured bags to the occupier on chargeable basis, if required;
- (o) common bio-medical waste treatment facility shall ensure collection of biomedical waste on holidays also;
- (p) maintain all record for operation of incineration, hydroor autoclaving for a period of five years; and
- (q) upgrade existing incinerators to achieve the standards for retention time in secondary chamber and Dioxin and Furans within two years from the date of this notification.

6. **Duties of authorities.**-The Authority specified in column (2) of Schedule-III shall perform the duties as specified in column (3) thereof in accordance with the provisions of these rules.

69

7. **Treatment and disposal.**- (1) Bio-medical waste shall be treated and disposed of in accordance with Schedule I, and in compliance with the standards provided in Schedule-II by the health care facilities and common bio-medical waste treatment facility.

(2) Occupier shall hand over segregated waste as per the Schedule-I to common bio-medical waste treatment facility for treatment, processing and final disposal:

Provided that the lab and highly infectious bio-medical waste generated shall be pre-treated by equipment like autoclave or microwave.

(3) No occupier shall establish on-site treatment and disposal facility, if a service of common bio-medical waste treatment facility is available at a distance of seventy-five kilometer.

(4) In cases where service of the common bio-medical waste treatment facility is not available, the Occupiers shall set up requisite biomedical waste treatment equipment like incinerator, autoclave or microwave, shredder prior to commencement of its operation, as per the authorisation given by the prescribed authority.

(5) Any person including an occupier or operator of a common bio medical waste treatment facility, intending to use new technologies for treatment of bio medical waste other than those listed in Schedule I shall request the Central Government for laying down the standards or operating parameters.

(6) On receipt of a request referred to in sub-rule (5), the Central Government may determine the standards and operating parameters for new technology which may be published in Gazette by the Central Government.

(7) Every operator of common bio-medical waste treatment facility shall set up requisite biomedical waste treatment equipments like incinerator, autoclave or microwave, shredder and effluent treatment plant as a part of treatment, prior to commencement of its operation.

(8) Every occupier shall phase out use of non-chlorinated plastic bags within two years from the date of publication of these rules and after two years from such publication of these rules, the chlorinated plastic bags shall not be used for storing and transporting of bio-medical waste and the occupier or operator of a common bio-medical waste treatment facility shall not dispose of such plastics by incineration and the bags used for storing and transporting biomedical waste shall be in compliance with the Bureau of Indian Standards. Till the Standards are published, the carry bags shall be as per the Plastic Waste Management Rules, 2011.

(9) After ensuring treatment by autoclaving or microwaving followed by mutilation or shredding, whichever is applicable, the recyclables from the treated bio-medical wastes such as plastics and glass shall be given to such recyclers having valid authorisation or registration from the respective prescribed authority.

(10) The Occupier or Operator of a common bio-medical waste treatment facility shall maintain a record of recyclable wastes referred to in sub-rule (9) which are auctioned or sold and the same shall be submitted to the prescribed authority as part of its annual report. The record shall be open for inspection by the prescribed authorities.

- (11) The handling and disposal of all the mercury waste and lead waste shall be in accordance with the respective rules and regulations.

8. Segregation, packaging, transportation and storage.-(1) No untreated bio-medical waste shall be mixed with other wastes.

- (2) The bio-medical waste shall be segregated into containers or bags at the point of generation in accordance with Schedule I prior to its storage, transportation, treatment and disposal.
- (3) The containers or bags referred to in sub-rule (2) shall be labeled as specified in Schedule IV.
- (4) Bar code and global positioning system shall be added by the Occupier and common bio-medical waste treatment facility in one year time.
- (5) The operator of common bio-medical waste treatment facility shall transport the bio-medical waste from the premises of an occupier to any off-site bio-medical waste treatment facility only in the vehicles having label as provided in part 'A' of the Schedule IV along with necessary information as specified in part 'B' of the Schedule IV.
- (6) The vehicles used for transportation of bio-medical waste shall comply with the conditions if any stipulated by the State Pollution Control Board or Pollution Control Committee in addition to the requirement contained in the Motor Vehicles Act, 1988 (59 of 1988), if any or the rules made there under for transportation of such infectious waste.
- (7) Untreated human anatomical waste, animal anatomical waste, soiled waste and, biotechnology waste shall not be stored beyond a period of forty –eight hours:

Provided that in case for any reason it becomes necessary to store such waste beyond such a period, the occupier shall take appropriate measures to ensure that the waste does not adversely affect human health and the environment and inform the prescribed authority along with the reasons for doing so.

- (8) Microbiology waste and all other clinical laboratory waste shall be pre-treated by sterilisation to Log 6 or disinfection to Log 4, as per the World Health Organisation guidelines before packing and sending to the common bio-medical waste treatment facility.
- 9. Prescribed authority.**-(1) The prescribed authority for implementation of the provisions of these rules shall be the State Pollution Control Boards in respect of States and Pollution Control Committees in respect of Union territories.
- (2) The prescribed authority for enforcement of the provisions of these rules in respect of all health care establishments including hospitals, nursing homes, clinics, dispensaries, veterinary institutions, animal houses, pathological laboratories and blood banks of the Armed Forces under the Ministry of Defence shall be the Director General, Armed Forces Medical Services, who shall function under the supervision and control of the Ministry of Defence.

66

(3) The prescribed authorities shall comply with the responsibilities as stipulated in Schedule III of these rules.

10. Procedure for authorisation.-Every occupier or operator handling bio-medical waste, irrespective of the quantity shall make an application in Form II to the prescribed authority i.e. State Pollution Control Board and Pollution Control Committee, as the case may be, for grant of authorisation and the prescribed authority shall grant the provisional authorisation in Form III and the validity of such authorisation for bedded health care facility and operator of a common facility shall be synchronised with the validity of the consents.

(1) The authorisation shall be one time for non-bedded occupiers and the authorisation in such cases shall be deemed to have been granted, if not objected by the prescribed authority within a period of ninety days from the date of receipt of duly completed application along with such necessary documents.

(2) In case of refusal of renewal, cancellation or suspension of the authorisation by the prescribed authority, the reasons shall be recorded in writing:

Provided that the prescribed authority shall give an opportunity of being heard to the applicant before such refusal of the authorisation.

(3) Every application for authorisation shall be disposed of by the prescribed authority within a period of ninety days from the date of receipt of duly completed application along with such necessary documents, failing which it shall be deemed that the authorisation is granted under these rules.

(4) In case of any change in the bio-medical waste generation, handling, treatment and disposal for which authorisation was earlier granted, the occupier or operator shall intimate to the prescribed authority about the change or variation in the activity and shall submit a fresh application in Form II for modification of the conditions of authorisation.

11. Advisory Committee.-(1) Every State Government or Union territory Administration shall constitute an Advisory Committee for the respective State or Union territory under the chairmanship of the respective health secretary to oversee the implementation of the rules in the respective state and to advise any improvements and the Advisory Committee shall include representatives from the Departments of Health, Environment, Urban Development, Animal Husbandry and Veterinary Sciences of that State Government or Union territory Administration, State Pollution Control Board or Pollution Control Committee, urban local bodies or local bodies or Municipal Corporation, representatives from Indian Medical Association, common bio-medical waste treatment facility and non-governmental organisation.

(2) Notwithstanding anything contained in sub-rule (1), the Ministry of Defence shall constitute the Advisory Committee (Defence) under the chairmanship of Director General of Health Services of Armed Forces consisting of representatives from the Ministry of Defence, Ministry of Environment, Forest and Climate Change, Central Pollution Control Board, Ministry of Health and Family Welfare, Armed Forces Medical College or Command Hospital.

67

- (3) The Advisory Committee constituted under sub-rule (1) and (2) shall meet at least once in six months and review all matters related to implementation of the provisions of these rules in the State and Armed Forces Health Care Facilities, as the case may be.
- (4) The Ministry of Health and Defence may co-opt representatives from the other Governmental and non-governmental organisations having expertise in the field of bio-medical waste management.

12. Monitoring of implementation of the rules in health care facilities.- (1) The Ministry of Environment, Forest and Climate Change shall review the implementation of the rules in the country once in a year through the State Health Secretaries and Chairmen or Member Secretary of State Pollution Control Boards and Central Pollution Control Board and the Ministry may also invite experts in the field of bio-medical waste management, if required.

- (2) The Central Pollution Control Board shall monitor the implementation of these rules in respect of all the Armed Forces health care establishments under the Ministry of Defence.
- (3) The Central Pollution Control Board along with one or more representatives of the Advisory Committee constituted under sub-rule (2) of rule 11, may inspect any Armed Forces health care establishments after prior intimation to the Director General Armed Forces Medical Services.
- (4) Every State Government or Union territory Administration shall constitute District Level Monitoring Committee in the districts under the chairmanship of District Collector or District Magistrate or Deputy Commissioner or Additional District Magistrate to monitor the compliance of the provisions of these rules in the health care facilities generating bio-medical waste and in the common bio-medical waste treatment and disposal facilities, where the bio-medical waste is treated and disposed of.
- (5) The District Level Monitoring Committee constituted under sub-rule (4) shall submit its report once in six months to the State Advisory Committee and a copy thereof shall also be forwarded to State Pollution Control Board or Pollution Control Committee concerned for taking further necessary action.
- (6) The District Level Monitoring Committee shall comprise of District Medical Officer or District Health Officer, representatives from State Pollution Control Board or Pollution Control Committee, Public Health Engineering Department, local bodies or municipal corporation, Indian Medical Association, common bio-medical waste treatment facility and registered non-governmental organisations working in the field of bio-medical waste management and the Committee may co-opt other members and experts, if necessary and the District Medical Officer shall be the Member Secretary of this Committee.

13. Annual report.-(1) Every occupier or operator of common bio-medical waste treatment facility shall submit an annual report to the prescribed authority in Form-IV, on or before the 30th June of every year.

- (2) The prescribed authority shall compile, review and analyse the information received and send this information to the Central Pollution Control Board on or before the 31st July of every year.

- (3) The Central Pollution Control Board shall compile, review and analyse the information received and send this information, along with its comments or suggestions or observations to the Ministry of Environment, Forest and Climate Change on or before 31st August every year.
- (4) The Annual Reports shall also be available online on the websites of Occupiers, State Pollution Control Boards and Central Pollution Control Board.
- 14. Maintenance of records.-** (1) Every authorised person shall maintain records related to the generation, collection, reception, storage, transportation, treatment, disposal or any other form of handling of bio-medical waste, for a period of five years, in accordance with these rules and guidelines issued by the Central Government or the Central Pollution Control Board or the prescribed authority as the case may be.
- (2) All records shall be subject to inspection and verification by the prescribed authority or the Ministry of Environment, Forest and Climate Change at any time.
- 15. Accident reporting.-** (1) In case of any major accident at any institution or facility or any other site while handling bio-medical waste, the authorised person shall intimate immediately to the prescribed authority about such accident and forward a report within twenty-four hours in writing regarding the remedial steps taken in Form I.
- (2) Information regarding all other accidents and remedial steps taken shall be provided in the annual report in accordance with rule 13 by the occupier.
- 16. Appeal.-**(1) Any person aggrieved by an order made by the prescribed authority under these rules may, within a period of thirty days from the date on which the order is communicated to him, prefer an appeal in Form V to the Secretary (Environment) of the State Government or Union territory administration .
- (2) Any person aggrieved by an order of the Director General Armed Forces Medical Services under these rules may, within thirty days from the date on which the order is communicated to him, prefer an appeal in Form V to the Secretary, Ministry of Environment, Forest and Climate Change.
- (3) The authority referred to in sub-para (1) and (2) as the case may be, may entertain the appeal after the expiry of the said period of thirty days, if it is satisfied that the appellant was prevented by sufficient cause from filing the appeal in time.
- (4) The appeal shall be disposed of within a period of ninety days from the date of its filing.
- 17. Site for common bio-medical waste treatment and disposal facility.-**(1) Without prejudice to rule 5 of these rules, the department in the business allocation of land assignment shall be responsible for providing suitable site for setting up of common biomedical waste treatment and disposal facility in the State Government or Union territory Administration.

- (2) The selection of site for setting up of such facility shall be made in consultation with the prescribed authority, other stakeholders and in accordance with guidelines published by the Ministry of Environment, Forest and Climate Change or Central Pollution Control Board.

18. **Liability of the occupier, operator of a facility.**- (1) The occupier or an operator of a common bio-medical waste treatment facility shall be liable for all the damages caused to the environment or the public due to improper handling of bio- medical wastes.

- (2) The occupier or operator of common bio-medical waste treatment facility shall be liable for action under section 5 and section 15 of the Act, in case of any violation.

SCHEDULE I

[See rules 3 (e), 4(b), 7(1), 7(2), 7(5), 7 (6) and 8(2)]

Part-1

Biomedical wastes categories and their segregation, collection, treatment, processing and disposal options

Category	Type of Waste	Type of Bag or Container to be used	Treatment and Disposal options
(1)	(2)	(3)	(4)
Yellow	(a) Human Anatomical Waste: Human tissues, organs, body parts and fetus below the viability period (as per the Medical Termination of Pregnancy Act 1971, amended from time to time).	Yellow coloured non-chlorinated plastic bags	Incineration or Plasma Pyrolysis or deep burial*
	(b) Animal Anatomical Waste : Experimental animal carcasses, body parts, organs, tissues, including the waste generated from animals used in experiments or testing in veterinary hospitals or colleges or animal houses.		
	(c) Soiled Waste: Items contaminated with blood, body fluids like dressings, plaster casts, cotton swabs and		Incineration or Plasma Pyrolysis or deep burial* In absence of above facilities, autoclaving or micro-waving/

87-70

Annexure - P/2

Government of West Bengal
Department of Health & Family Welfare
M. S. Prasad
"Swasthya Bhawan", G.E.-29, Sector-V,
Salt Lake City, Kolkata-700091.

No. HF/O/MS/167/W-99/2008

Dated Kolkata, the 31st March, 2010

From: The Officer on Special Duty & Ex-Officio Deputy Secretary of the Govt. of West Bengal

To: 1) The Director of Health Services, West Bengal
2) The Director of Medical Education, West Bengal

Sub: Continuation of services for disposal of Bio-Medical Waste in South Bengal Districts and in Siliguri region by the existing agencies for the period from 01.04.2010 to 30.09.2010.

MEMO

In continuation of this Department's No. HF/O/MS/167/W-99/2008 dated 28.05.2009 read with No. HF/O/MS/599/W-99/2008 dated 15.10.2009 in connection with collection, transportation, treatment and disposal of Bio-Medical Waste of the Government Hospitals in South Bengal region and Siliguri region the undersigned is directed to say that the Governor has been pleased to extend the tenure of engagement of M/s. SembRanky Environmental Management Pvt. Ltd., 401 Trinity Tower, B2, Topsa Road (South), Kolkata - 700 046 for South Bengal region except Purba Medinipur and Paschim Medinipur M.S. West Bengal Waste Management Ltd., situated at Mohua Purba, S.P. Krishnagar, P.O. Samtaria, District- Purba Medinipur and M/s Greenzen Bio Pvt. Ltd., Arani, Bhowani, Ground Floor, 7, Sreema Sarani, Finchorpara near Sreema Bhawan, Siliguri-734006 for Siliguri region for the period from 01.04.2010 to 30.09.2010 with the existing rate of Rs.4.95 (Rupees four and paisa ninety five) only per occupied bed per day for category of Bio-Medical Waste; Rs.4.05 (Rupees four and paisa five) only per occupied bed per day for autoclavable waste and Rs.0.90 (paise ninety) only per occupied bed per day for autoclavable wastes including IFRs; Rs.12,500/- (Rupees twelve thousand five hundred) only per month for Institute of Blood Transfusion and Immuno Hematology (Central Blood Bank) and Rs.10.50 (Rupees ten and paisa fifty) only per working chair per day for Dr. R. Ahmed Dental College & Hospital, Kolkata and with terms and conditions remaining the same.

The agencies will enter into an agreement with the government in Health and Family Welfare Department. The draft copy of agreement has already been provided vide this Department's No. HF/O/MS/316/W-99/2008 dated 28.05.2009. The clauses, terms and conditions appeared in the body of the agreement will form part of the order.

The occupiers of all Health Care Organizations treating more than one thousand patients per month shall take the necessary authorization certificate from the West Bengal Pollution Control Board. If the Health Care Organization produces Bio-medical waste which requires final disposal by BMWCTE, the occupier shall enter into contract with the BMWCTE.

The expenditure for such service will debited from the Head of Account "24-HE-2210-Medical and Public Health-06-Public Health-101-Prevention and Control of Diseases-009-Provision for Bio Medical Waste Management-50-Other charges".

This order is issued with concurrence of the Finance Department conveyed vide their U.O. No. 2009/100/13 dated 31.03.2010.

All concerned are being informed accordingly.

B. Prasad
OSD & EO Deputy Secretary

annexure..... P/2
to in para..... 12
foregoing.....
by..... M. S. Prasad Feb 25
on this..... 18
..... Sm 18.02.25

Contd. Page - 2

*Commissioner of Affidavit
Circuit Bench of Calcutta High Court
at Jaisalguni

88 71

Type Copy

Government of West Bengal
Department of Health & Family Welfare
M. S. Branch
"Swasthya Bhavan", GN-29, Sector-V,
Salt Lake City, Kolkata-700091.

No. HF/O/MS/167W-99/2008.

Dated Kolkata, the 31st March, 2010

From: The Officer on Special Duty & Ex-Officio Deputy Secretary of the Govt. of West Bengal

To: 1) The Director of Health Services, West Bengal
2) The Director of Medical Education, West Bengal

Sub: Continuation of services for disposal of Bio-Medical Waste in South Bengal Districts and to Saliguri region by the existing agencies for the period from 01.04.2010 to 30.09.2010.

MEMO

In continuation of this Department's No. HIOMS310/W-99/2008 dated 28.05.2009 send with No. HPOMS/590/09/2008 dated 15.10.2009 in connection with collection, transportation, treatment and disposal of Bio-Medical Waste of the Government Hospitals in South Bengal region and Siliguri region the undersigned is directed to say that the Governor has been pleased to extend the tenure of engagement of Ms. Sembtancy Environmental Management Pvt. Ltd, 401 Trinity Tower, 83, Topaia Road (South), Kolks-700 616 for South Bengal region except Purba Medinipur and Paschim Medinipur, M/s. West Be Waste Management Ltd, situated at Miza-Pha Sri Krishnapur, P.O.-Sutahata, District- Purba Medinipur and Mis Greenzen Bio Pvt Ltd, Arati Dhawan, Ground floor, 7, Sreema Sarani, Haiderpara Sreca Bhatkan, Siliguri-734006 for Siliguri region for the period from 01.04.2010 to 30.09.2010 with the existing rate of Rs.4.95 (Rupees four and paise ninety five) only per occupied bed per day for all allegories of in-Metical Waste Rs 4.05 (Rupees four and paise five only par occupied bed per day fur ale waste and RS090 (paise ninety) only per occupied bed per day for autoclavable wastes only 12,500 (Rupees Twelve Thousand Five hundred only per month for Institute of Hleed Trans and immuno Hematology (Central Blood Bank) and Rs.10.50 (Rupes ten and paise fifty only working chair per day for De. R. Ahmed Dental College & Hospital, Kolkata and with terms and conditions remaining the same.

2. The agencies will enter into an agreement with the government in Held und Family Welfare Department. The draft copy of agreement has already been provided vide this Department's No HFOMS/316/W-09d008 dated 28.05.2009. The classes, terms and conditions appeared in the body of the agreement will form part of the order

3. The occupiers of all Health Care Organizations treating more than one thousand patients per month hull take the necessary authorization certificate from the West Bengal Pollution Control Board. If the Health Care Organization produces Bio-medical waste which requires final disposal by BMWCTE, the occupier shall entire into contract with the BMWCTE

4. The expenditure for such service will debited from the Head of Account 24-HF-2210-Mecical and Public Health-06-Public Health-101 Prevention and Control of Diseases-009-Provision for Bio Medical Waste Manganent-50-Other charges?

5. This order is issued with concurrence of the Finance Department conveyed vide their U.O. No. 269 Group 'O' dated 31.03.2010

6. All seating toned accordingly.

Sd/-
OSD & EO Deputy Secretary

Contd. Page-2

No. HF/O/MS/167/W-99/2008/1(4)

Dated Kolkata, the 31st March, 2010

Copy forwarded for information and necessary action to the :-

- 1) Principal Accountant General (A&E), West Bengal, Treasury Buildings, Kolkata-700 001;
- 2) Principal Accountant General (Audit), W.B., Treasury Buildings, Kolkata-700 001.
- 3) Accountant General (Local Bodies Audit), West Bengal, C.G.O. Complex, rd M.S.O. Building (5th floor), DF Block, Salt Lake, Kof-91;
- 4) Pay and Accounts Officer, Kolkata Pay and Accounts Office, 81/2/2, Phears Lane, Kolkata - 700 012.

Bansawal
OSD & EO Deputy Secretary

No. HF/O/MS/167/W-99/2008/2(17)

Dated Kolkata, the 31st March, 2010

Copy forwarded for information and necessary action to the :-

1. Additional Director of Health Services (AA&V), West Bengal;
2. Joint Director of Health Services (PH&CD), West Bengal;
3. Joint Director of Health Services (P&D), West Bengal;
4. Medical Superintendent-cum-Vice Principal, _____
5. Sabhadhipati Zilla Parishad, _____
6. District Magistrate, _____
7. Chief Medical Officer of Health, _____ with the request to arrange circulation of this order to all the Superintendents under his administrative control.
8. Treasury Officer, _____
9. M/s. Semb Ramky Environmental Management Pvt. Ltd., 401 Trinity Tower, 83, Tapsia Road (South), Kolkata-700 046.
10. M/s. Greenzen Bio Pvt. Ltd., Arati Bhawan, Ground Floor, 7, Sreema Sarani, Haiderpara near Sreema Bhawan, Siliguri-734006.
11. P.S. to M.L.C. of this Department.
12. P.A. to the Additional Chief Secretary of this Department.
13. P.A. to the Special Secretary, M.S. Branch of this Department.
14. P.A. to Project Director, WBSAPCS.
15. Executive Director, WBSH&FWS.
16. Deputy Secretary, M.S. Branch of this Department.
17. System-Coordinator, with the request for Website posting.

Bansawal
OSD & EO Deputy Secretary

Annexure - P/3

73

Government of West Bengal
Health & Family Welfare Department
MS Branch
Swasthya Bhawan, GN- 29, Sector- V,
Salt Lake City, Kolkata-700 091.

- 101 -

From : The Deputy Secretary to the Govt. of West Bengal

To : 1. The Director of Health Services, Govt. of West Bengal
2. The Director of Medical Education, Govt. of West Bengal.

Sub: Disposal of Bio-medical Waste in different Government Hospitals.

MEMO

As per provisions of the Bio-medical Wastes (Management & Handling) Rules 1998 all health care establishments are to ensure proper disposal of the bio-medical wastes generated by them either on their own or through a Common Bio-medical Treatment Facility (CBTF). So far following 3(three) CBTFs have been rendering these services in different regions specified against their names, which was allowed up to 30-11-2015 vide Memo No. HF/O/MS/1184/W-99/08/Part-I dated 09-10-2015:

Sl. No	Name & Address of the CBTF	Area of their work
1.	M/s. Medicare Environmental Management Pvt. Ltd. (formerly SemRanky Environmental Management Pvt. Ltd) 41, "F" Road, Liluah, Howrah- 711105.	South Bengal region except Purba & Paschim-Medinipur.
2.	M/s. West Bengal Waste Management Limited Purba Srikrishnapur, P.O. -Sutahata, Purba Medinipur.	Purba & Paschim Medinipur.
3.	M/s. Greenzen Bio Pvt. Ltd, Ariti Bhawan, Ground Floor, 7, Sreema Sarani Haiderpara, Siliguri- 734006	Siliguri Region.

2. Finance Department, Government of West Bengal advised for engagement of more agencies in consultation with West Bengal Pollution Control Board (WBPCB). WBPCB has recommended names of 6 facilities vide their memo number 245/1S-74/2001(pt-vi) Dated 10.09.2015.

3. Accordingly, area allocations amongst the 6 agencies were specified by the DHS, West Bengal, in consultation with WBPCB observing extant norms which is as follows.

Sl. No.	Zone	CBTF Location	WBPCB approved agency	District & Medical Colleges to be covered
1.	Zone-1	Jalpaiguri	M/s. Greenzen Bio Pvt. Ltd, Ariti Bhawan, Ground Floor, 7, Sreema Sarani Haiderpara, Siliguri- 734006	Coochbehar, Jalpaiguri, Darjeeling, Malda, Uttar Dinajpur, Dakshin Dinajpur,
2.	Zone-2	Haldia	M/s. West Bengal Waste Management Limited Purba Srikrishnapur, P.O. -- Sutahata, Purba Medinipur.	Purba & Paschim Medinipur,

Annexure.....
to in para.....
foregoing.....
by.....
on this.....

18/02/25
Commissioner of Affidavit
Circuit Bench of Calcutta High Court
at Jalpaiguri

3.	Zone-3	Raniganj	M/s. Medicare Environmental Management Pvt. Ltd, Mangalpur, Raniganj, Burdwan	Burdwan, Birbhum, Bankura, Purulia
4.	Zone-4	Kalyani	M/s. Medicare Environmental Management Pvt. Ltd, Kalyani IGC, Phase -III, Kalyani, Nadia.	Murshidabad, Nadia, Hooghly & North 24 Parganas.
5.	Zone-5	Belgachia	M/s. Medicare Environmental Management Pvt. Ltd. 41, "F" Road, Liluah, Howrah- 711105	Howrah, RG Kar MCH, KMCH, NRS MCH, STM, LDVH, Abinash Dutta Maternity Home, North Suburban, Indira Matri & Sishu Sadan.
6.	Zone-6	Mograhat	M/s. Greentech Environ Management Pvt., Ltd. Amratala Dhamua Road, P.O. Chakparan Kantakhali, P.S. Mograhat, Dist - 24-Pgs (South) Pin - 743503	South -24 Parganas, CNMCH, SSKM, Inst. of Psychiatry, BIN, SNP, CSS, B C Roy, ID&BG, Pavlov, Lumbinipark Mental Hospital,

4. The DHS, WB is hereby authorized to allocate / reallocate health care units amongst the WBPCB approved CBTFs as may be required for inclusion of new units/facilities or other recording justification thereof.

5. The existing rate of Rs. 5.41/ functional bed/ day for North Bengal districts and Rs 4.87 / functional bed/ day for other districts in West Bengal, with an annual increment of @ 4% per year and @ Rs. 12,500 only/ month for Institute of Blood Transfusion and Immuno Hematology (Central Blood Bank), and Rs. 10.50 only / working chair/ day for R Ahmed Dental College & Hospital, Kolkata shall continue, as allowed by Finance Department.

6. The above agencies will enter in to fresh agreement with the Hospital Administration Branch of the Directorate and as approved by DHS. The draft copy of agreement as provided vide this Department's No. HF/O/MS/316/W-99/2008 dt. 28.05.2009 may be followed. The clauses, terms and conditions appearing in the body of the agreement will form part of the order.

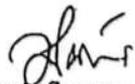
Services provided by the existing agencies will continue till the agreement with the new agencies comes in to effect and which shall be done within one month of issue of this order.

7. The occupiers of all Health Care Organization treating more than one thousand patients per month shall take necessary authorization certificate from the West Bengal Pollution Control Board. If the Health Care Organization produces Bio-Medical waste which require final disposal by CBTFs, the occupier shall enter in to contract with CBTFs immediately and as per the vetted agreement by DHS, WB.

8. The expenditure for such services will debited from the Head of Account "24-HF-2210-Medical and Public Health -06-Public Health -101-Prevention and control of Diseases-NP - Non Plan-009 Provision for Bio Medical Waste Management -50-Other Charges".

9. This order issues with the concurrence of the Finance Department conveyed vide their U.O. No. Group-T/2015-16/0806, dt. 08.01.2016.

This will take immediate effect and will be valid up to 30.11.2016.


 Deputy Secretary,
 Govt. of West Bengal.

73

~~403~~

No. HF/O/MS/19/W-99/08(Part-I)/1(5)

Dated: 22.01.2016

Copy forwarded for information and necessary action to the:-

- 1) Principal Accountant General (A&E), West Bengal, Treasury Buildings, Kolkata-700001.
- 2) Accountant General (Audit), West Bengal, Treasury Buildings, Kolkata - 700 001.
- 3) Accountant General (Local Bodies Audit), West Bengal, C.G.O. Complex, 3rd M.S.O. Building (5th Floor), DF Block, Salt Lake City, Kolkata-700064.
- 4) Pay & Accounts Officer, Kolkata Pay & Accounts Office, 81/2/2, Phears Lane, Kolkata-700012.
- 5) Treasury Officer _____

Deputy Secretary.
Govt. of West Bengal

No. No. HF/O/MS/ 19 /W-99/08(Part-I)/2(1)

Dated: 22.01.2016

Copy forwarded for information and necessary action to the Finance Department (Group-'T').

Deputy Secretary.

Govt. of West Bengal

No. HF/O/MS/19 /W-99/08(Part-I)/3(18)

Dated: 22.01.2016

Copy forwarded to the:-

1. Executive Director, State Health & F.W Samity., Govt, of West Bengal;
2. Financial Advisor ,Health and Family Welfare Department
3. Special Secretary (MERT), West Bengal with a request to circulate this order to the concerned MSVPs in his jurisdiction.
4. Addl. Director of Health Services (AA& V), West Bengal
5. Joint Director of Health Services (Admn.), West Bengal with a request to circulate this order to the concerned Superintendents In his Jurisdiction.
6. Joint Secretary (P&B), H&FW
7. Deputy Director of Health Services (P&D), West Bengal.

76

- 404 -

8. Deputy Secretary (PHP)

9. CA to Sabhadhipati, _____ Zill Parishad

10. CA to District Magistrate, _____ District

11. Chief Medical Officer of Health, _____ Health District for necessary communication to the concerned Superintendents/ ACMOH/ BMOHs within his jurisdiction having such health facilities covered in this order.

12. Sr. P. A. to Principal Secretary of this Department

13. P. A. to Secretary (MS) of this Department

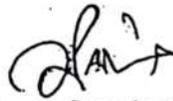
14. PA to MD NHM and Secretary of this Department

15. PS to MOS (H&FW)

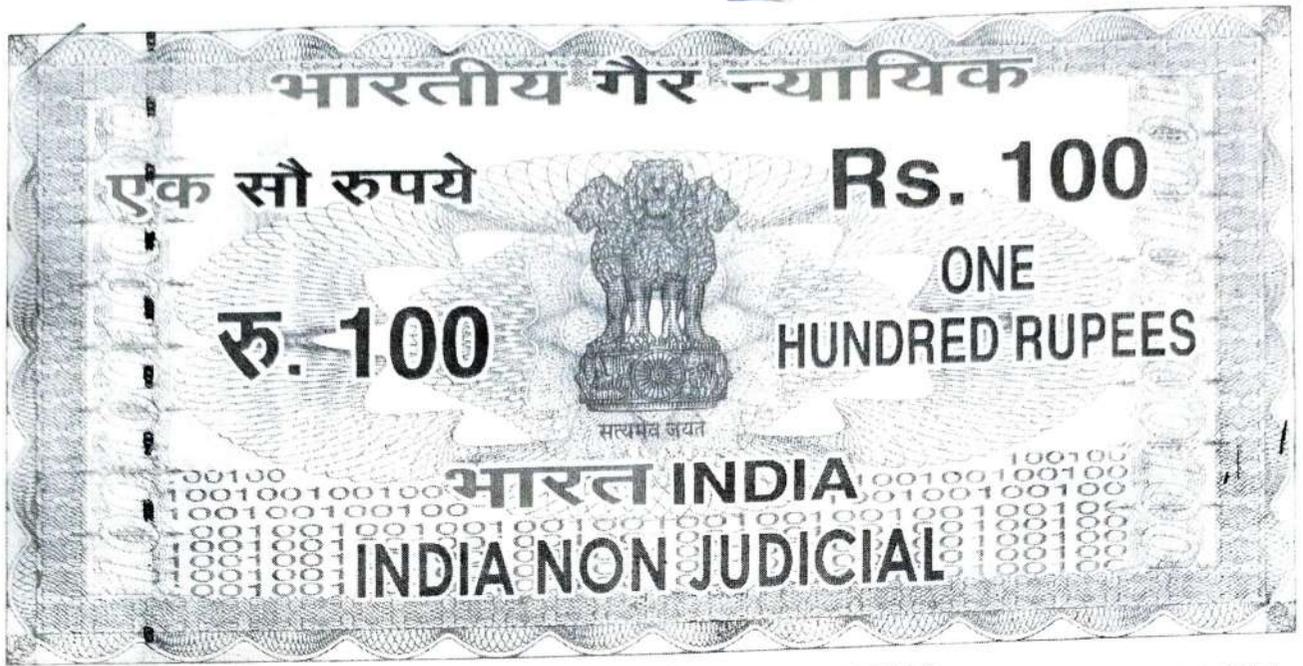
16. OSD (MS) of this Department.

17. System Coordinator, Swasthya Bhawan for Website posting;

18. Office Copy



Deputy Secretary.
Govt. of West Bengal



पश्चिम बंगाल पश्चिम बंगाल WEST BENGAL **DEED OF AGREEMENT**

T 880373

The deed of agreement is made this day with effect from the
19th February, 2016, between M/s
Greenzen Bio Pvt. Ltd. represented by its Director/
~~General Manager/Manager/Any person authorized by the~~
~~company~~ with its office situated at
Aniti Bhawan, Ground Floor, F-7, Sreema Sarani,
Haiderpara, Siliguri-734006
 hereinafter referred as the **First Party**.

DR. BARUN SANTRA

Dy. Director of Health Services, Hospital Administration Branch,
 Directorate of Health Services, Govt. of West Bengal, Swasthya
 Bhavan, GN 29, Swasthya Bhavan, Sector V, Bidhannagar,
 Kolkata 91 hereinafter called the **Second Party**.

Whereas the **First Party** is the Private Limited Company dealing
 with collection, transport, treatment & disposal of Bio-Medical
 Waste hereinafter referred to as Bio Medical Waste Common
 Treatment Facility (BMWCTF) having its approval from appropriate
 authorities.

78

Whereas the **Second Party** is Dy. Director of Health Services, Hospital Administration Branch, Directorate of Health Services, Govt. of West Bengal, Swasthya Bhavan ,GN 29, Swasthya Bhavan , Sector V, Bidhannagar, Kolkata 91 .

THIS INDENTURE WITNESSETH and it is here by mutually agreed by and even the Parties hereto as follows:

This agreement shall remain valid with effect from 19th February, 2016.

The **First Party** and the **Second Party** do hereby covenant as follows:

- 1) THAT the **First Party** shall obtain authorization from the West Bengal Pollution Control Board for the handling, transport & disposal of Bio- Medical Waste in a Common Treatment Facility.
- 2) THAT it shall be the duty and responsibility of the **First Party**, at all times, to obtain, maintain and sustain the valid registration, recognition and high quality and standard of its services and to have all statutory/ mandatory licenses, permits or approvals of the concerned authorities under or as per the existing laws for handling, transport and disposal of Bio Medical Waste in a Common Treatment Facility.
- 3) THAT the **First Party** shall take all steps to ensure that the Bio Medical Wastes are handled without adverse effect to human health and environment.
- 4) THAT the **Second Party** shall ensure facilities under their administrative control to arrange standard colour coded bags manufactured from HM- HDPE virgin sheets of minimum thickness of 40 (Forty) microns with imprints of symbols /logos and **First Party's** identification marks as per specification given by the **First Party** in conformity with rules for segregation of waste.
- 5) THAT the **Second Party** shall ensure facilities under their administrative control to segregate Bio- Medical Waste at the point of generation in accordance with the Schedule -I of BMW (M & H)

Rules, 1998 and in compliance with the standards prescribed there under.

- 6) THAT the **Second Party** shall ensure facilities under their administrative control to mutilate the sharps and keep them in the Puncture Proof Containers and thereafter transfer them to the Common Waste Collection Site.
- 7) THAT the **Second Party** shall ensure establishment of a Common Waste Collection Site within the hospital premises, from where waste is to be collected. This Common Waste Collection Site should be easily accessible, for collection and final disposal by the **First Party**. Optimally, there shall be one Common Waste Collection Site in each facility/ hospital under the administrative control of Hospital Administration Branch. However, for scattered premises the **Second Party** with the consultation of the **First Party** may set up more than one Common Collection Site.
- 8) THAT the **First Party** shall collect the segregated BMW from the identified Common Waste Collection Site in the hospitals daily or within the time limit as prescribed by the West Bengal Pollution Control Board.
- 9) THAT the **First Party** shall transport this segregated waste in closed container vehicle to its treatment plant as per the BMW (M & H) Rules, 1998.
- 10) THAT the **First Party** shall be responsible for appropriate treatment and shredding of this infected waste at the centralized treatment plant as per Schedule-I of the BMW (M & H) Rules, 1998.
- 11) THAT the **First Party** shall treat the liquid waste and effluent generated during the course of treatment in the Effluent Treatment Plant.
- 12) THAT the **First Party** shall be responsible for disposal of the treated waste into secured landfills or in recycling plants.
- 13) THAT the **First Party** shall conduct test of treated waste every month to ensure safety to the environment and shall submit a copy of report to the **Second Party** and to the prescribed authority.
- 14) THAT the **First Party** shall furnish a annual average monthly report regarding generation, collection, storage, transportation and

Dr. Sastry

Wm

disposal of Bio- Medical Waste in prescribed format to the prescribed authority with a copy to **Second Party**.

- 15) THAT the **First Party** shall maintain all relevant records and make reports of the accidents if any, to the prescribed authorities immediately after such occurrence of accident.
- 16) THAT the collected Bio- Medical Waste material sent by the hospitals under administrative control of **Second Party** may be checked by the **First Party** and necessary suggestion may be given by the **First Party** for improvement in the segregation of waste by the **Second Party**. But in no case the collection of Bio-Medical Waste shall be stalled by the **First Party** on the ground of any defect and / deficiency in segregation of only Bio- Medical Waste. Also the **Second Party** shall ensure sufficient care to avoid mixture of Municipal Waste with Bio- Medical Waste at facility level.
- 17) THAT the **First Party** shall give periodic training to all hospital personnel of the **Second Party** on Bio-Medical Waste (Management & Handling) Rules, 1998 in consultation with the respective Head of the institutions. Training session should be held at least once in every three months and one training session should be held within one month of the start of this agreement. The **First Party** shall provide all the materials required for the training session free of cost.
- 18) THAT the **First Party** shall provide the following services to the **Second Party** at free of cost:
 - a) To support the Hospital in charge in maintenance of records and accident reporting.
 - b) To assist in submission of Annual Report to the prescribed authority.
 - c) The above reports and records shall be prepared in consultation with the Nodal Officer of the Hospital.
- 19) THAT the **First Party** shall indemnify the **Second Party** in case of any irregularities/penalties imposed in case of transportation, treatment and disposal of Bio-Medical Waste beyond the Common Waste Collection Site in the hospitals and pay the compensation for

Santhia
Santhia

the damage caused to the health and property of any person due to such failure.

- 20) THAT the **Second Party** shall have right to change the Common Waste Treatment Facility Operator without any prior notice in case **First Party's** service is found to be unsatisfactory or in case the **First Party** is found to be negligent in performing their part of contract, or no longer holds authorization by the West Bengal Pollution Control Board.
- 21) THAT in case of failure to collect the waste for more than 24 hours from the designated time the **Second Party** shall inform the **First Party** and the West Bengal Pollution Control Board and other prescribed authorities. The Bio-Medical Waste shall be strictly lifted within the next 24 hours from the designated time and in case of failure the **Second Party** shall make alternate arrangement by engaging other Common Waste Facility operator having approval of the West Bengal Pollution Control Board at the cost of the **First Party** and apart from that the **First Party** shall also pay damages which the generator was made to pay to any person who suffer the damage due to such disrupted service. In the event **First Party** is unable to fulfill its obligation under agreement due to circumstances beyond its control including but not limited to natural calamity, Nation wide and State level strike, **First Party** will not be held responsible for such failure to perform under the term.
- 22) THAT the responsibility for the management of Common Waste Collection Site at any hospital would be the responsibility of the **Second Party** and the **First Party** would not be held responsible for any mismanagement of the same. The **First Party** shall however assist the **Second Party** in establishing and efficient management of Common Waste Collection Site.
- 23) THAT the **Second Party** shall ensure at facilities under their administrative control, segregation of the waste in specified colour-coded bags and Puncture Proof Container and follow the standard accepted practice regarding storage of Bio-Medical Waste, as per BMW (M & H) Rules. In case of repeated failure in mismanagement of Common Waste Collection Site, un-segregated/scattered/mixed Waste, the **First Party** would take up the same with Dept. of Health & WBPCB for necessary corrective action.

Handwritten signature and initials on the right margin.

- 24) THAT the **Second Party** shall ensure that a designated person is available for signing the manifest of the collection made at the hospital/institution on all collection days. The **First Party** is not liable for any default due to the non-availability of the designated person.
- 25) THAT in case there is disruption of service either in transport, collection or break down at the treatment and disposal site, a contingency plan shall be prepared by the **First Party**, details of which shall be submitted along with the consent of terms of reference.
- 26) THAT the **Second Party** shall pay to the **First Party** the cost of transportation, treatment and final disposal of Bio-Medical Waste @Rs...5.41.../- (Rupees five and paise forty one...) Per Functional Bed/Day with an annual increment of 4% per year **First Party** shall draw bills accordingly and present bills to the designated officer of the **Second Party** at the interval of 3(Three) months and the **Second Party** shall ensure payment on time. This rate is subject to change after fresh tender rate are finalized, which may fall within the period of this contract. In such a situation the present contract will become null and void. Functional Bed shall be determined on the basis of Occupied Bed or Installed Bed or as per H&FW Dept notification which ever is higher.
- 27) THAT all payment to the **First Party** shall be made in account payee cheques/DD/ECS .
- 28) THAT the **First Party** shall at all times, indemnify and keep indemnified the **Second Party** / the Government against all actions, suits, claims and demands brought or made against it in respect of anything done or purported to be done by the **First Party** in execution of or in connection with the services under this agreement and against any loss or damage to the **Second Party** / the Government in consequence to any action or suit being brought against the **Second Party** / the Government along with(or otherwise), **First Party** as a Party for anything done or purported to be done in the course of the execution of this Agreement.
- 29) THAT the **First Party** shall at all times abide by the job safety measures and other statutory requirements prevalent in India and shall keep free and indemnify the **Second Party** from all demands or responsibility arising from accidents or loss of life, the cause or result of which is the **First Party's** negligence or misconduct.

Amun Sohra

11

36) THAT this Agreement may be modified or altered on any written Agreement signed by both the Parties with the prior approval of the Health & Family Welfare Department, Govt. of West Bengal.

37) THAT if the **First Party** get wound up or partnership is dissolved, the **Second Party** shall have the right to terminate the Agreement. The termination of Agreement shall not relieve the **First Party** or their heirs and legal representatives from the liability in respect of the services provided by the **First Party** during the period when the Agreement was in force.

38) THAT the **First Party** shall bear all expenses incidental to the preparation and stamping of this Agreement.

39) THAT the **Second Party** may, without prejudice to any other remedy for breach of Agreement, by written notice of default sent to the **First Party** terminate the Agreement in whole or part in any of the following grounds:

Shree Partha

- a) If the **First Party** fails to provide any or all of the services for which it has been contracted within the period(s) specified in the Agreement, or within any extension thereof if granted by the **Second Party** pursuant to condition of Agreement; or
- b) If the **First Party** fails to perform any other obligation(s) under the Agreement; or
- c) If the **First Party** has engaged in corrupt or fraudulent practices in competing for or in executing the Agreement; or
- d) If the **First Party** found to be involved in or associated with any unethical illegal or unlawful activities; or
- e) Changes in the contracted rates following fresh tender.

40) THAT if any dispute or differences of any kind whatsoever (the decision whereof is not herein otherwise provided for) shall arise between the **First Party** and the **Second Party** upon or in relation to or in connection with or arising out of this Agreement, it shall be referred to for arbitration by the Director of Health Services, Health

87

85

& Family Welfare Department, Government of West Bengal who shall give written award of his decision to the Parties. The decision of the Principal Secretary, Health & Family Welfare Department, West Bengal shall be final and binding on both the Parties. The provisions of the Arbitration and Conciliation Act, 1996 (26 of 1996) shall apply to the arbitration proceedings. The venue of the arbitration proceeding shall be at Kolkata.

Witness whereof the Parties hereto have put their seal and signature on the day, month and year first above written.

**Dy. Director of Health Services,
Hospital Administration ,
West Bengal**

FOR *Greenzen Bio Pvt. Ltd*

M/s. GREENZEN BIO PVT. LTD.

Suren Pantha
(Authorized Signatory)

**Dy. Director of Health Services,
Hospital Administration,
Directorate of Health Services,
Government of West Bengal**

BBM Director
(Authorized Signatory)

8C - Approval - P-5

WEST BENGAL POLLUTION CONTROL BOARD

Paribesh Bhawan
10A, Block - LA, Sector III, Bidhannagar
Kolkata - 700 106



BMW Authorisation No. :

Memo No. 33/2s(BM)-2453/2008(Pt-I)

Date 26/07/2019

FORM - III

AUTHORIZATION

(Authorization for operating a facility for generation, Collection, reception, treatment, storage, transport and disposal of biomedical wastes as per the Bio-Medical Waste Management Rules, 2016)

1. M/s. Greenzen Bio Pvt. Ltd. an occupier or operator of the facility located at Fulbari Canal Road, P.O. Fulbari, P.S. Bnaktinagar, Dist. Jalpaiguri, Pin:- 734 015. is hereby granted an Authorization for :

Activity (Please Tick)

WEST BENGAL

- Generation, segregation
- Collection
- Storage
- Packaging
- Reception
- Transportation
- Treatment or processing or conversion
- Recycling
- Disposal or Destruction
- Use
- Offering for Sale/Transfer
- Any other form of Handling

2. M/s. Greenzen Bio Pvt. Ltd. is hereby authorized for handling of biomedical waste as per the capacity given below :

- (i) Number of beds of HCF : N.A.
- (ii) Number of healthcare facilities covered by CBMWTF : 1077
- (iii) Installed treatment and disposal capacity : BMW from 15000 bed & BMW from non bedded units a
- (iv) Area or distance covered by CBMWTF : 150 Km. per sch.-I of Rule
- (v) Quantity of Biomedical waste handled, treated or disposed : 3750 Kg per day

Type of Waste Category

- Yellow
- Red
- White (Translucent)
- Blue

Quantity permitted for Handling

- 3. This authorization shall be in force for a period up to 31/12/2022 from the date of issue.
- 4. This authorization is subject to the conditions stated overleaf and to such other conditions as may be specified in the rules for the time being in force under the Environment (Protection) Act., 1986.

[Signature]
Authorised Signatory of the State Board
Chief Engineer
West Bengal Pollution Control Board

WEST BENGAL POLLUTION CONTROL BOARD

"Parbesh Bhawan"
Bldg. No. - 10A, Block - LA, Sector-III
Salt Lake City, Kolkata-700 098



Consent Letter Number :

Memo Number : 36 /2S/CON(BM)-2454/2008(Pt-I)

Date : 107/2019

05/8

Consent to Operate

under

Section 25 & 26 of the Water (Prevention and Control of Pollution) Act, 1974 and
Section 21 of the Air (Prevention and Control of Pollution) Act, 1981

The West Bengal Pollution Control Board (hereinafter referred to as State Board) under the provisions of Section 25 & 26 of the Water (Prevention and Control of Pollution) Act, 1974, as amended and Section 21 of the Air (Prevention and Control of Pollution) Act, 1981, as amended and Rules and Orders made thereunder, hereby grants its consent to :

M/s. Greenzen Bio Pvt. Ltd.

WEST BENGAL

(Address of Rsgd. office/Head/Office/City Office)

(hereinafter referred to as Applicant) for its unit located at **Fulbari Canal Road, P.O. Fulbari,
P.S. Bhaktinagar, Dist. Jalpaiguri, pin:- 734 015.**

(Detailed address of the manufacturing unit)

for a period from up to **31/12/2022**

to operate the industrial unit and to discharge liquid effluent and to emit gaseous effluent from the premises/land of the industrial unit, in accordance with the conditions as mentioned in the Annexure to this consent letter provided on any day at any instance the quantity and quality of liquid discharge and gaseous emission shall not exceed the permissible limit as specified in the Table I & II of this consent letter and in the Environmental (Protection) Act, 1986.

Breach of the conditions and / or failure to comply with the directions as set out in the Annexure shall render the applicant liable for prosecution under the provisions of the Water (Prevention and Control of Pollution) Act, 1974 and Air (Prevention and Control of Pollution) Act, 1981.

The State Board reserve the right to revoke, withdraw or make any reasonable variation / change / alter the conditions of this consent letter giving one month's notice to the applicant

For and on behalf of the State Board

(Member Secretary/Chief Engr/ Sr. Env. Engr / Env. Engr. / Asst. Env. Engr.)

West Bengal Pollution Control Board

Seal

ANNEXURE

Consent to M/s. Greenzen Bio Pvt. Ltd.
 for its unit at Fulbari Canal Road, P.O. Fulbari, P.S. Bhaktinagar,
Dist. Jalpaiguri, Pin:- 734 015.

Conditions :

01. **This is a common Bio-Medical Waste Treatment Facility.**

Sl. No.	Name of major products and by-products	Treatment Capacity
01	Common Bio-medical Waste Treatment Facility	Incinerator - 150 Kg/hr.
02		Autoclave - 648 Lit/batch
03		Shredder - 25 Kg/hr
04		
05		
06		
07		
08		
09		
10		
11		
12		

WEST BENGAL

02. The Applicant shall remain responsible for quantity and quality of liquid effluent and air emissions.
03. Daily discharge of industrial liquid effluent shall not exceed Nil KL.
04. Daily discharge of domestic liquid effluent shall not exceed 2.0 KL.
05. Daily discharge of mixed (industrial & domestic) liquid effluent shall not exceed 2.0 KL.
06. The Applicant shall discharge liquid effluent to Panchayet drain after treatment in ETP (place of discharge)
 through One nos. outlets / outfalls.
07. To bring into any altered or new outlet/outfall or to change the place of discharge, the Applicant shall have to inform the Board and obtain prior permission of the Board in this effect.
08. The Applicant shall provide comprehensive facility for treatment of industrial liquid waste and domestic liquid waste (sewage, sullage and liquid effluent generated from canteen), and operate and maintain the same continuously so that the quality of final effluent conforms to the Standard as given in Table-I in page 03.

J. K. 21/8/19
 (Member Secretary/Chief Engr/ Sr. Env. Engr. / Env. Engr. / Asst. Env. Engr.)
 Chief Engineer

West Bengal Pollution Control Board

Continued.....

checked by
 Date

Amexm - P-7

89



Greenzen Bio Pvt. Ltd.

Radha Apartment Iskcon Mandir Road, 2nd Floor,
Siliguri, Darjeeling, West Bengal, India, 734001

GBPL/22-23/999
Date: 06.01.2023

The Member Secretary,
State Environment Impact Assessment Authority (SEIAA)
Department of Environment,
Govt. of West Bengal
5th Floor, Pranisampad Bhawan, Block LB-II, Salt Lake, Sector III,
Bidhannagar, Kolkata - 700 106

Subject: Regarding the Site Selection criteria and coverage area as specified in Revised Guidelines by CPCB for Establishment of New CBWTF dated 21st December 2016.

Respected Sir,

1. M/s. Greenzen Bio Pvt. Ltd. having the Common Bio-Medical Waste Treatment Facility (CBWTF) at Mouza- Binnaguri, J.L.No.3, Site No.12, P.O- Fulbarihat, P.S- Bhaktinagar, Dist- Jalpaiguri, West Bengal has been providing services to all health care establishments in North Bengal districts, namely, Malda, Uttar Dinajpur, Dakshin Dinajpur, Jalpaiguri, Alipurduar, Coochbihar, Darjeeling and Kalimpong since 2009.
2. Now, another application for setting up a CBWTF has been submitted to SEIAA on the 22nd of November, 2022. The details of the project is given below:

Proposal No. SIA/WB/INFRA2/407378/2022

Proposal Name: Common Bio Medical Waste Treatment Facility proposed by Unique Universal Bio Waste LLP.

Location: Village- Kaluabari, P.O. Debithakurbari, P.S-Rajganj,

Mouza: Chhatgujrimari, Pargana Baikunthapur, Dist-Jalpaiguri, West Bengal.

3. Aerial distance of this new proposed project from our existing facility site is only 16.60 km. This is a clear case of infringement/ encroachment to the working zone of our operations. Relevant excerpts extracted from Revised Guidelines of Establishment of CBWTF published by CPCB dated 21st December, 2016, clause 2 and 8 are given below for your ready reference.

Criteria for development of a new Common Bio-medical Waste Treatment and Disposal Facility for a locality or region.

Prior to allowing any new CBWTF, following criteria or steps may be followed:

- a) *Prescribed authority under the BMWM Rules, 2016 [i.e., State Pollution Control Board (SPCB) in the respective State or Pollution Control Committee (PCC) in the respective Union Territory Administration] is required to prepare an inventory or review with regard to the*

bio-medical waste generation at least once in five years in the coverage areas of the existing bio-medical waste treatment and disposal facility. The prescribed authority is also required to extrapolate the coverage-area wise bio-medical waste generation for the next ten years.

- b) SPCB/PCC is required to conduct gap analysis w.r.to coverage area of the bio-medical waste generation and also projected over a period of next ten years, adequacy of existing treatment capacity of the CBWTF in each coverage area of radius 75 KM, as given in Annexure-I.

All the SPCBs and PCCs shall conduct the gap analysis and based on the gap analysis, action plan for development of new CBWTFs is required to be prepared and submitted to MoEF & CC & CPCB within six months' time. In case of States/UTs, where no CBWTF is available, in such a case, SPCB/PCC being prescribed authority under the BMWM Rules is required to submit the detailed proposal to MoEF & CC/MoH & FW through the respective State Government or UT Administration. Also, the option of forming association by the group of health care facilities (HCFs) to develop their own CBWTF also be encouraged following these guideline. **In case, any coverage area requires additional treatment capacity , in such a case, action may be initiated by the prescribed authority for allowing a new CBWTF in that locality without interfering the coverage area of the existing CBWTF and beds covered by the existing CBWTF.**

Coverage area of CBWTF

- a) A CBWTF located within the respective State/UT shall be allowed to cater healthcare units situated at a radial distance of 75 KM. However, in a coverage area where 10,000 beds are not available within a radial distance of 75 KM, existing CBWTF in the locality (located within the respective State/UT) may be allowed to cater the healthcare units situated up to 150 KM radius w.r.to its location provided the bio-medical waste generated is collected, treated and disposed of within 48 hours as stipulated under the BMWM Rules.
- c) In case of hilly areas, considering the geography, only one CBWTF with adequate treatment capacity may be developed covering at least two districts to cater treatment services to the HCFs located in the respective Districts. The selection and allocation of site etc. should be done as per the criteria suggested under these guidelines. The treatment charges to be prescribed by the respective SPCB/PCC in consultation with the State Advisory Committee to be constituted under the BMWM Rules by the respective State Government or UT Administration.

4. Considering above clarification of clause 2, 8 and subsequent criteria of coverage area under one CBWTF, the second application submitted by Unique Universal Bio Waste LLP is not permissible.

5. More over a CPCB report on State Level Action Plans for Compliance to Biomedical Waste Management Rules, 2016 [In compliance to order dated 12.03.2019 passed by Hon'ble National Green Tribunal in the matter of O.A. No. 710 – 713 of 2017, filed by Shailesh Singh Vs Sheela Hospitals & Trauma Centre, Shahjanpur & Ors; Kailash Hospital and Heart Institute & Ors.; Ganga Charan Hospital Pvt. Ltd., Bareilly & Ors. and Katiyar Nursing Home, Hardoi & Ors.] recommended that on clause 4:

91

Carryout gap analysis to assess the need for additional CBWTFs to cover all HCFs in the State of West Bengal.

6. We are hereby submitting image showing location of both the projects for your ready reference, please. Requesting to consider our request and do the needful.
7. In view of the above, it is requested to kindly cancel the application of Unique Universal Bio Waste LLP to comply with CPCB Guidelines, 2016.

Thanking you,
For M/s. Greenzen Bio Pvt. Ltd.



Vineeta Burman
Director

- Encl: 1. Google Image
2. Copy of CPCB letter giving clarification with respect to new CBWTF projects (for ensuring compliance to the Hon'ble NGT order dated 10.10.2017 passed in the matter of O.A No.620 of 2017 titled "amit Attri Vs State of Haryana & Ors"-reg).
 3. Clarification with respect to new CBWTF projects at Plot No. 66, Roz Ka Meo Industrial Area, Sohna, Mewat, Haryana by M/s. Synergy Waste Management Pvt. Ltd.

CC:

1. The Member Secretary,
State Expert Appraisal Committee (SEAC)
West Bengal Pollution Control Board
Govt. of West Bengal
Paribesh Bhawan, 10A, Block - LA, Sector - III,
Bidhannagar, Kolkata - 700106



~~126~~

Annexure - P/8

93

GOVERNMENT OF WEST BENGAL
HEALTH & FAMILY WELFARE DEPARTMENT
H.S. (M. S.) BRANCH
SWASTHYA BHAVAN, GN-29, SECTOR-V
SALT LAKE CITY, KOLKATA-700 091

No. 35 - HS(MS)/HF/O/HS(MS)/BMW-02/2022

Date: 21.02.2024

ORDER

In continuation of the previous Order, issued from this Department, bearing no. 144-HS(MS)/HF/O/HS(MS)/BMW-02/2022 dated 11.08.2023 the existing assignment of Common Bio-medical Waste Management Facility (CBMWTF) to different health facilities with respect to lifting, transportation, treatment, and disposal of bio-medical wastes generated in different public health facilities across the State, is being continued for a period of 01 (one) year w.e.f. 18.02.2024 subject to satisfactory performance of the designated CBMWTFs. The rate for lifting, transportation, treatment, and disposal of bio-medical wastes from bedded and non-bedded facilities remains the same as mentioned in the previous Order.

However, the rate for the bedded facilities will be determined on the basis of the total number of occupied beds as per the 'daily midnight census of patient count' for the reference month of respective health facilities.

This Order is issued with the approval of the Principal Secretary of this Department.

Sd/-

Special Secretary
to the Government of West Bengal

Annexure..... P/8
to in paragraph..... 22
foregoing petition and
by..... M. P. Singh
on this..... 18.02.25 City of..... Kolkata

Sm
18.02.25
Commissioner of Affidavit
Circuit Bench of Calcutta High Court
at Jajmagan

-127-

94

311

Copy forwarded for information and necessary action to:

1. The Additional Chief Secretary, Department of Animal Resource Development, Prani Sampad Bhavan, LB-2, Sector-III, Salt Lake City, Kolkata – 700106
2. The Additional Chief Secretary, Department of Environment, 5th Floor, Pranisampad Bhawan, Block LB-II, Salt Lake, Sector III, Bidhannagar, Kolkata – 700 106
3. The Principal Secretary, Department of Urban Development and Municipal Affairs, Nagarayan, DF-8, Sector-I, Salt Lake City, Kolkata -700064
4. The Principal Secretary, Department of Panchayat & Rural Development, Joint Administrative Building, Block: HC, Plot No.7, Sector-III, Salt Lake City, Kolkata – 700106
5. The Member Secretary, West Bengal Pollution Control Board, Paribesh Bhavan, 10 A, Block – L A, Sector – III, Salt Lake City, Kolkata – 700098
6. The Director of Medical Education, West Bengal, Swasthya Bhavan
7. The Director of Health Services, West Bengal, Swasthya Bhavan
8. The District Magistrate (all)
9. The Director / Principal / MSVP / Superintendent of all health facilities
10. The Special Secretary, MERT Branch, Swasthya Bhavan
11. The Special Secretary, AYUSH Branch, Swasthya Bhavan
12. The Additional Secretary, Mental Health & PHP Branch
13. The Financial Advisor, Swasthya Bhavan
14. The Joint Director, (A.A. & V.), Swasthya Bhavan
15. The Joint D.H.S. Hospital Administration Section, Swasthya Bhavan
16. The Joint D.H.S., P&D. Section, Swasthya Bhavan
17. The CMOH (all)
18. The Deputy D.H.S., Admin Section, Swasthya Bhavan
19. The Deputy D.H.S., Family Welfare Section, Swasthya Bhavan
20. The Senior P.A. to the Principal Secretary, Health & Family Welfare Department, Swasthya Bhavaan
21. The DGM, M/s Medicare Environmental Management Pvt Ltd, 41, F Road, Belgachia, Liluah, Howrah – 711108
22. The Director/Proprietor, M/s West Bengal Waste Management Ltd., Block A, 4th Floor, Jindal Tower, 1/1A/3, Darga Road, Kolkata, West Bengal 700017
23. The Director/Proprietor, M/s Greentech Environ Management Pvt Ltd., 847A, Lake Town Road, Block A, Lake Town, South Dumdum, Kolkata – 700089
24. The Director/Proprietor, M/s Greenzen Bio Pvt Ltd., Fulbari Ghoshpukur Bypass, Binnaguri, Jalpaiguri – 734015
25. The Director, SNG Envirosolutions Pvt. Ltd., Mouza – Saharjora, J.L. No. 26, PO & PS Barjora, Bankura, Pin – 722202
26. The Director/Proprietor, M/s. RVD Waste Tech. Pvt. Ltd., 140, Lake Town Road, Block A, Lake Town, South Dumdum, Kolkata -700089
27. I.T. Cell for web posting
28. Office Copy
29. Guard File


Special Secretary
H.S. (M.S.) Branch

GOVERNMENT OF WEST BENGAL
HEALTH & FAMILY WELFARE DEPARTMENT
H.S. (M.S.) BRANCH
SWASTHYA BHAVAN, GN-29, SECTOR-V
SALT LAKE CITY, KOLKATA-700 091

Annexure - P/9

- 428 - 95

No. 307 - HS(MS)/HF/O/HS(MS)/BMW-02/2022

Date: 27.12.2024

ORDER

In modification of the existing assignment of Common Bio-medical Waste Management Facility (CBMWTF) to different health facilities, as adopted in 2023, with respect to lifting, transportation, treatment, and disposal of bio-medical wastes generated in different public health facilities across the State, vide previous Order bearing no. 144 - HS(MS)/HF/O/HS(MS)/BMW-02/2022 dated 11.08.2023 as well as subsequent renewal vide Order bearing no. 35 - HS(MS)/HF/O/HS(MS)/BMW-02/2022 dated 21.02.2024 the undersigned is directed to state that the aforesaid assignment will be re-allocated as shown in Annexure - A. This re-allocation is based on the distance criteria, and as per decision taken in the SLAC meeting held on 04/10/2024.

All the health facilities in the State along with other entities generating bio-medical wastes, will be tagged with the existing and operational CBMWT facilities, authorized by the West Bengal Pollution Control Board (WBPCB), as shown in Annexure-B, w.e.f. the 1st of January, 2025, following the terms of agreement with each and every assigned CBMWTF.

The rate with respect to lifting, transportation, treatment, and disposal of bio-medical wastes generated in different public health facilities will be applicable in pursuance of the related notifications as and when issued. This arrangement will remain valid until further modification in this regard and, thereafter, reviewing the performance further re-allocation may be done if seems necessary.

This Order is issued with the approval of the Principal Secretary of this Department.

Encl. Annexure - A & B

Annexure.....
to in paragraph.....
foregoing petition affd.....
by.....
on this.....

P/9'

28

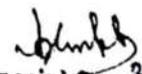
18/12/24
27/12/24
18.02.25

Commissioner of Affidavit
Circuit Bench of the High Court
Kolkata

Special Secretary
To the Government of West Bengal

Copy forwarded for information and necessary action to:

1. The Additional Chief Secretary, Department of Animal Resource Development, Prani Sampad Bhavan, LB-2, Sector-III, Salt Lake City, Kolkata - 700106
2. The Secretary, Department of Panchayats & Rural Development, Joint Administrative Building,, Block: HC, Plot No.7, Sector-III, Salt Lake City, Kolkata - 700106
3. The Principal Secretary, Department of Environment, 5th Floor, Pranisampad Bhawan, Block LB-II, Salt Lake, Sector III, Bidhannagar, Kolkata - 700 10
4. The Principal Secretary, Department of Urban Development and Municipal Affairs, Nagarayan, DF-8, Sector-I, Salt Lake City, Kolkata -700064
5. The Member Secretary, West Bengal Pollution Control Board, Paribesh Bhavan, 10 A, Block - L A, Sector - III, Salt Lake City, Kolkata - 700098
6. The Director of Medical Education, West Bengal, Swasthya Bhavan
7. The Director of Health Services, West Bengal, Swasthya Bhava
8. The District Magistrate (all)
9. The Director / Principal / MSVP / Superintendent of all health facilities
10. The Special Secretary, MERT Branch, Swasthya Bhavan
11. The Special Secretary, AYUSH Branch, Swasthya Bhavan
12. The Financial Advisor, Swasthya Bhavan
13. The Joint Secretary, Mental Health & PHP Branch, Swasthya Bhavan
14. The C.M.O.H., (all)
15. The Deputy Secretary, Dental Branch, Swasthya Bhavan
16. The Additional Director, (A.A. & V.), Swasthya Bhavan
17. The Joint D.H.S., P.H. & C.D. Section, Swasthya Bhavan
18. The Deputy D.H.S., Admin Section, Swasthya Bhavan
19. The Deputy D.H.S., Family Welfare Section, Swasthya Bhavan
20. The Deputy D.H.S. Hospital Administration Section, Swasthya Bhavan
21. The Senior P.A. to the Principal Secretary, Health & Family Welfare Department, Swasthya Bhavan
22. The DGM, M/s Medicare Environmental Management Pvt Ltd, 41, F Road, Belgachia, Liluah, Howrah - 711108
23. The Director/Proprietor, M/s West Bengal Waste Management Ltd., Block A, 4th Floor, Jindal Tower, 1/1A/3, Darga Road, Kolkata - 700017
24. The Director/Proprietor, M/s Greentech Environ Management Pvt Ltd., 847A, Lake Town Road, Block A, Lake Town, Kolkata - 700089
25. The Director/Proprietor, M/s Greenzen Bio Pvt Ltd., 38, Jatin Das Sarani, Near Amtalla Club, Ashrampara, Siliguri, Pin - 734001
26. The Director, SNG Envirosolutions Pvt. Ltd., 29A, Ballygunj Circular Road, Aishwarya Appartments, Block - B, Flat - 1A, Kokata - 700019
27. The Director/Proprietor, M/s. RVD Waste Tech. Pvt. Ltd., 140, Lake Town Road, Block A, Lake Town, South Dumdum, Kolkata -700089
28. I.T. Cell for web posting
29. Office Copy
30. Guard File


Special Secretary
H.S. (M.S.) Branch
27/12/24

180 97

Annexure - A

Re-allocation of all Government Health facilities i.r.o lifting, transport, processing and disposal of BMW to the operational CBWT Facilities

Sl. No.	Name and Address of the CBWTF	Area of Action
1.	Medicare Environmental Management Pvt. Ltd 'F' Road, Belgachhia, Dist.- Howrah, PIN - 711105	(i) Howrah (ii) Kolkata (Part)
2.	Medicare Environmental Management Pvt. Ltd K-26, Phase-III, Growth Centre, (Behind IOCL LPG Bottling Plant), Kalyani, Dist.- Nadia, PIN - 741235	(i) Nadia (ii) North 24-Parganas (iii) Basirhat HD (iv) Hooghly
3.	Medicare Environmental Management Pvt. Ltd Mouza- Mangalpur, P.O.- Shergarh Pargana, P.S.- Raniganj, Dist.- Paschim Bardhaman PIN - 713347	(i) Paschim Bardhaman (ii) Birbhum (iii) Rampurhat HD
4.	West Bengal Waste Management Ltd. Purba Srikrishnapur, P.O.- Haldia, Dist.-Purba Medinipur, PIN - 721635	(i) Purba Medinipur (ii) Paschim Medinipur (Part) - Except Medinipur Sadar Sub-division (iii) Nandigram HD (iv) Jhargram
5.	West Bengal Waste Management Ltd. Saltora, Dist.-Bankura, PIN - 722158	Paschim Medinipur (Part) - Only Medinipur Sadar Sub-division
6.	Green Zen Bio Pvt. Ltd. Mouza- Binnaguri, P.O.- Fulbari, P.S.- Bhaktinagar, Dist.- Jalpaiguri, PIN - 734015	(i) Alipurduar (ii) Cooch Behar (iii) Darjeeling (iv) Jalpaiguri (v) Kalimpong (vi) Uttar Dinajpur (Part) - Except Sadar Sub-division and Karandighi Block
7.	RVD Waste Tech Pvt. Ltd. P.O. - Gazole, P.S. -Gazole, Dist. - Malda, PIN - 732124	(i) Malda (ii) Dakshin Dinajpur (iii) Uttar Dinajpur (Part) - Sadar Sub-division and Karandighi Block
8.	Greentech Environ Management Pvt. Ltd. Dhamua Road, P.S.- Mograhat, P.O.- Chakparan Kantakhali, Dist.- 24 Pgs (S), PIN - 743503	(i) South 24-Parganas (ii) Diamond Harbour HD (iii) Kolkata (Part)
9.	RVD Waste Tech Pvt. Ltd. P.O. - Koichar, P.S. - Mangalkote, Dist. - Purba Bardhaman, PIN - 713143	Purba Bardhaman
10.	SNG Envirosolution Pvt. Ltd. Barjora, Dist. Bankura, PIN- 722202	(i) Bankura (ii) Bishnupur HD (iii) Purulia (iv) Murshidabad

27/12/24
Director of Health Services
West Bengal
Director of Health Services
Department of Health & Family Welfare
Government of West Bengal

O.S.D. & Special Secretary (Medical Education)
West Bengal

Shri Saikat Kumar Dutta, WBCS (Exe.)
Special Secretary
Govt of West Bengal
Health & Family Welfare Department

Annexure - P/10

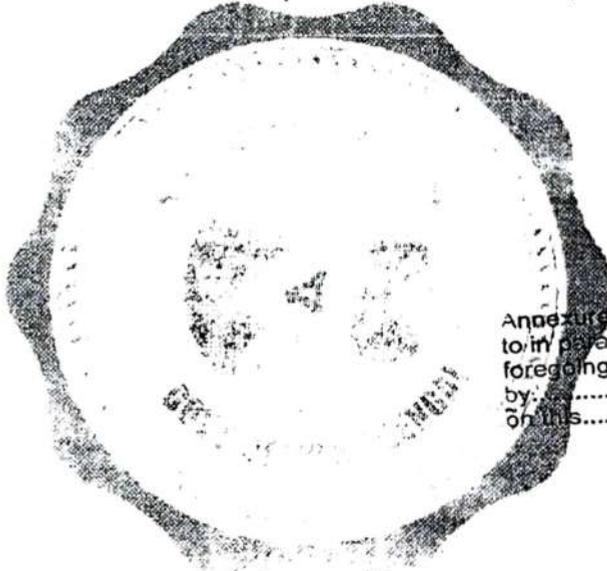
- 434 98



Government of West Bengal

This document having UDIN 24-G-GA000004-C-1714730750622 has been created by WEST BENGAL POLLUTION CONTROL BOARD with authorised person's Aadhaar no XXXXXXXX4130 on 03:35PM, May 03, 2024.

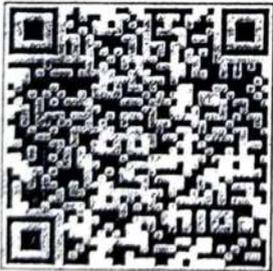
This document is available at UDIN platform till 03:35PM, May 03, 2029.



Annexure to in paragraph foregoing petition and by: on this

P/10
B.P. Singh
18.4.25
Sn 18.02.25

Commissioner of Affidavits
Circuit Bench of Kolkata High Court
at Barrackpore



Gibansa Mukherjee
Authorised Signatory
(E-signed)
Department of IT&E



WEST BENGAL POLLUTION CONTROL BOARD
Paribesh Bhawan, 10A, Block LA, Sector III
Salt Lake City, Bidhan Nagar, Kolkata – 700 106, INDIA
Website : www.wbpcb.gov.in, e-mail : wbpcbnet@wbpcb.gov.in

-432-
99

Ref No. - WBPCB/3603779/2023

Dated:- 03/05/2024

FORM-III

(Authorization for operating a facility for generation, collection, reception, treatment, storage, transport and disposal of biomedical wastes as per the Bio-Medical Waste Management Rules, 2016 and as amended)

1. M/s Greenzen Bio Pvt. Ltd., Vineeta Burman an occupier or operator of the facility located at Fulbari Canal Road, P. O- Fulbari, P. S- Bhaktinagar, Dist.- Jalpaiguri, PIN- 734015 is hereby granted an authorisation for: Reception, Transportation, Storage, Treatment or Processing or Conversion, Disposal or destruction use,.

2. M/s Greenzen Bio Pvt. Ltd. is hereby authorized for handling of biomedical waste as per the capacity given below:

- HCF/CBMWTF type: CBMWTF
- Health Care Facility Category : Biomedical waste management agencies
- Number of beds of HCF: NA
- No of HCFs covered by the CBMWTF: 1061
- No of beds covered by the CBMWTF: 15000
- Installed treatment and disposal capacity of CBMWTF: 4835 kg per day
- Jurisdictional area and distance covered by the CBMWTF: 130 km
- Quantity of BMW treated or disposed : 4835 Kg per day

Type of Waste Category	Quantity permitted for Handling (kg per day on monthly average basis)
Yellow	2955
Red	1416
White	144
Blue	320
Total	4835

3. This Authorization shall be in force for a period up to 30/04/2029 from 03/05/2024

4. This Authorization is subject to the conditions stated below and to such other conditions as maybe specified in the rules for the time being in force under the Environment (Protection) Act, 1986.

Terms and Conditions of Authorisation

- The authorisation shall comply with the provisions of the Environment (Protection) Act, 1986 and the rules made there under.
- The authorisation or its renewal shall be produced for inspection at the request of an officer authorised by the prescribed authority.
- The person authorized shall not rent, lend, sell, transfer or otherwise transport the biomedical wastes without obtaining prior permission of the prescribed authority.
- Any unauthorised change in personnel, equipment or working conditions as mentioned in the application by the person authorised shall constitute a breach of his authorisation.

"This is computer generated document from OCMMS by WBPCB"

WBPCB/3603779/2023

Page1



5. It is the duty of the authorised person to take prior permission of the prescribed authority to close down the facility and such other terms and conditions may be stipulated by the prescribed authority.

Additional Conditions:

1. The occupier/operator must handle & manage bio-medical wastes as prescribed in the Bio-medical Waste Management Rules, 2016 and take all steps to ensure that such waste is handled without any adverse effect to human health & the environment.
2. The occupier shall handle mercury bearing waste as per guidelines issued by CPCB for the "Environmentally Sound Management of Mercury Waste Generated from Health Care Facilities."
3. Every authorized person shall maintain record related to generation, collection, temporary storage in accordance with rules.
4. No untreated waste shall be stored onsite for more than 48 hours.
5. The applicant shall submit an Annual Report in Form-IV to the Board by 30th June every year as required under the provisions (Rule-13) of the Bio-medical Waste Management Rules, 2016.
6. The West Bengal Pollution Control Board reserves its right to revoke, withdraw, make any reasonable variation of the conditions or change or alter this 'Authorization' by giving one month notice to the Applicant.
7. Application for renewal of authorization shall be filled at least 120 (one hundred & twenty) days before the date of expiry.

Specific conditions:

Pl. see Annexure I.

Any violation of the aforesaid conditions shall entail cancellation of this Authorization.



[Handwritten Signature]

03/05/2024

Chief Engineer
BMWM Cell

This is computer generated document from OCMMS by WBPCB

WBPCB/3603779/2023

Page 2



ANNEXURE I to Authorization' of Greenzen Bio Pvt. Ltd.

Name of the unit: Greenzen Bio Pvt. Ltd.
Fulbari Canal Road, P. O- Fulbari,
P. S- Bhaktinagar, Dist.- Jalpaiguri,
PIN- 734015

- 434 - 191

1. The unit should follow the Bio-Medical Waste Management Rules, 2016 and its amendments thereafter.
2. Revised Guidelines for Common Bio-medical Waste Treatment and Disposal Facilities published by the Central Pollution Control Board should be followed.
3. The unit should comply with the terms and conditions stipulated in the 'Authorization' issued vide memo no. 33/2S(BM)-2453/2008(Pt. I) dated 26/07/2019 properly.
4. The unit should comply with the 'Direction' of the State Board 371/2S(BM)-2453/2008(Pt. I) dated 24/04/2023 properly and also all the 'Direction' of the State Board to be issued in future.
5. Thickness of all plastic carry bags should be at least one hundred and twenty (120) microns as per the provision laid down in the Plastic Waste Management (Amendment) Rules, 2021 and EPR registration should be obtained through online centralized portal '<https://eprplastic.cpcb.gov.in>' as per the Plastic Waste Management (Amendment) Rules, 2022.
6. This certificate is issued in compliance with the Order of the Hon'ble National Company Law Tribunal, Kolkata Bench (Court- II), Kolkata dated 24/04/2024 in connection with IA No. 36/(KB)/2024 in C. P. No. 1624/KB/2019.



Annexure - P/11

Annexure - P/11

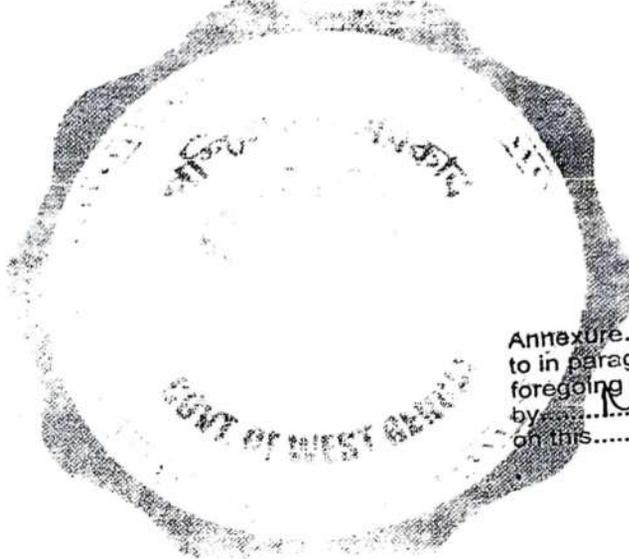
F35
102



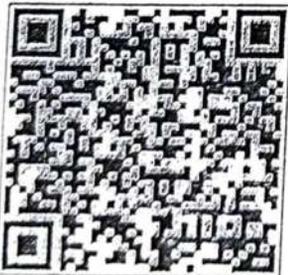
Government of West Bengal

This document having UDIN 24-G-GA000004-C-1714733737338 has been created by WEST BENGAL POLLUTION CONTROL BOARD with authorised person's Aadhaar no. XXXXXXXX4130 on 04:25PM, May 03, 2024.

This document is available at UDIN platform till 04:25PM, May 03, 2029.



Annexure..... 34
 to in paragraph.....
 foregoing petition affiant.....
 by..... M. P. Banerjee
 on this..... 18.4.25
 18-02-25
 Commissioner of Affidavits
 Court Bench, High Court
 Calcutta



Sibansu Mukherjee
Authorised Signatory
(E-signed)
Department of IT&E

The document is downloaded from <https://udin.wb.gov.in/>



103
- 486 -

WEST BENGAL POLLUTION CONTROL BOARD
Paribesh Bhawan, 10A, Block LA, Sector III
Salt Lake City, Bidhan Nagar, Kolkata - 700 106, INDIA
Website : www.wbpcb.gov.in, e-mail : wbpcbnet@wbpcb.gov.in

Category of the Industry : RED

Application Type: CTO

CTO No.: WBPCB/2848879/2024

Date : 03/05/2024

Consent to Operate (CTO) under Section 25 & 26 of the Water (Prevention and Control of Pollution) Act, 1974 as amended and Section 21 of the Air (Prevention and Control of Pollution) Act, 1981 as amended.

Reference: Application No.: 2848879

The West Bengal Pollution Control Board (hereinafter referred to as State Board) under the provisions of Section 25 & 26 of the Water (Prevention and Control of Pollution) Act, 1974 as amended and Section 21 of the Air (Prevention and Control of Pollution) Act, 1981 as amended, and Rules and Orders made thereunder hereby grants Consent to Greenzen Bio Pvt. Ltd. (hereinafter referred to as Applicant) for its unit located at Fulbari Canal Road, P. O- Fulbari, P. S- Bhaktinagar, Dist.- Jalpaiguri, PIN- 734015 for the period from 03/05/2024 to 30/04/2029 to operate the industrial unit/project and to discharge liquid effluent and gaseous emission from the premises / land of the industrial unit/project, in accordance with the conditions as mentioned below, provided that on any day at any instance the quantity and quality of liquid discharge and gaseous emission shall not exceed the permissible limit as specified in this consent letter and in the Environment (Protection) Act, 1986 and Rules thereunder, as amended.

Breach of the conditions and / or failure to comply with the directions as mentioned below shall render the industry/project liable for prosecution under the provisions of the Water (Prevention and Control of Pollution) Act, 1974 as amended and Section 21 of the Air (Prevention and Control of Pollution) Act, 1981 as amended.

The State Board reserve the right to revoke, withdraw or make any reasonable variation / change / alter the conditions of this consent letter giving due intimation in writing to the industry.

Conditions :

1 This Consent is valid for the following activities :

Sl.No	Name of Activity/Products/By-products	Production Capacity (Per Month)
1	Common Bio-medical Waste Treatment Facility for treatment of Bio-medical wastes generated from 15,000nos. beds and non-bedded HCFs using 1 x 150Kg/hr. capacity Incinerator, 1 x 648lit/batch capacity Autoclave and 1 x 25Kg/hr. capacity Shredder	4835 Kg/Day

2 The industry shall remain responsible for quantity and quality of liquid effluent and air emission.

3 Daily waste water generation and discharge shall not exceed :

No. of outlets	Source of Waste Water	Quantity in Kilo Liters/day	Place of discharge
1	Scrubber, vehicle washing, floor washing etc.	2	Treated in ETP and reused
1	Domestic	2	Septic tank & Soak pit

"This is computer generated document from OCMMS by WBPCB"

WBPCB/2848879/2024

Page 1



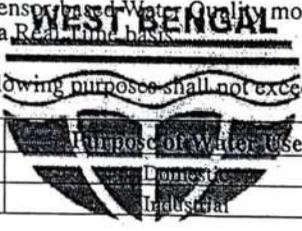
169

437

- 4 To bring into any altered or new outlet / outfall or to change the place of discharge, the industry shall have to inform the Board and obtain prior permission of the Board in this effect.
- 5 The industry shall provide comprehensive facility for treatment of industrial liquid waste and domestic liquid waste (sewage, sullage and liquid effluent generated from canteen), and operate and maintain the same continuously so that the quality of final effluent conforms to the Standard as given below:

Outlet No.	Nature of effluent	Parameters and standard			Frequency of sampling
		Parameters	Standards	Unit	
1	Industrial	pH	6.5 to 9.0		Quarterly
1	Industrial	Total suspended Solid (TSS)	100	mg/L	Quarterly
1	Industrial	Chemical Oxygen Demand (COD)	250	mg/L	Quarterly
1	Industrial	Biological Oxygen Demand (BOD)	30	mg/L	Quarterly
1	Industrial	Oil & Grease	10	mg/L	Quarterly
1	Industrial	Bio-assay test	90% survival of fish after 96 hours in 100% effluent		Quarterly
2	Domestic	pH	5.5 to 9.0		Yearly
2	Domestic	Total suspended Solid (TSS)	100	mg/L	Yearly
2	Domestic	Chemical Oxygen Demand (COD)	250	mg/L	Yearly
2	Domestic	Biological Oxygen Demand (BOD)	30	mg/L	Yearly
2	Domestic	Oil & Grease	10	mg/L	Yearly

Provisions shall be made to install sensor based Water Quality monitoring system and flow meter to share the information with the state board on a Real Time basis.



- 6 Daily water consumption for the following purposes shall not exceed

SL NO.	Purpose of Water Use	Quantity (KL/Day)
1.	Domestic	3.0
2.	Industrial	3.0

- 7 The Industry shall install suitable digital device for measuring the volume of water consumed for different purposes as mentioned above giving correct result to the satisfaction of the State Board. The device shall be able to provide information to disseminate the quantity on a real time basis.
- 8 All the stacks connected to various sources of emissions must be designated by numbers.
- 9 The industry shall install comprehensive pollution control equipment and operate and maintain the same to conform to the standard as given below:

"This is computer generated document from OCMMS by WBPCB"

WBPCB/2848879/2024

Page 2



105

Stack height from ground level (m)	Stack attached to emission sources	Capacity of emission source	Cons up-Unit	Fuel details		Control system (if any)	Concentrations of parameters not to exceed						Frequency of sampling	Remarks		
				Fuel used	Quantity		PM (mg/N m3)	CO (%)	Acid Mist (mg/N m3)	Pb (mg/N m3)	SO2 (mg/N m3)	NOX (mg/N m3)			Others	
30.48	Incinerator	150	Kg/Hour	LDO	7000 Liters	Water Scrubber etc.	50		50				400	Total Dioxins & Furans - 0.1ng TEQ/ Nm3 (at 11% O2) and Hg & its compounds - 0.05mg/Nm3 at 11% oxygen correction	Quarterly	All monitored values shall be corrected to 11% Oxygen on dry basis.
5.5	DG Set	62.5	KVA	HSD	Kilo Liters/Year										Yearly	Pl. see Annexure I

10 The industry shall provide ports in the stack(s) and other necessary permanent facilities such as ladder, platform etc. for monitoring / sampling the emissions and the same shall be made available for inspection and use by the State Board's staff as well as State Board's authorized agencies.

11 Waste generation, treatment and disposal shall be as specified below :

S.No	Description of Waste	Quantity	Treatment and Disposal
1	Incineration Ash	323 Kg/Day	Through CHWT/SDF
2	ETP Sludge	13.69 Kg/Day	Through CHWT/SDF
3	Plastic & other wastes	1.36 Kg/Day	Through authorized recycler

The Industry shall obtain Authorisation for waste and also register for EPR wherever applicable.

12 The industry shall take adequate measures for control of noise level from its own sources within the premises within the limit given below :

Time	Limit in dB (A) Leq
Day time (06 a.m. to 10 p.m.)	65
Night time (10 p.m. to 06 a.m.)	55

Noise barriers should be installed if the Noise Level is found to be exceeding the desired levels.

13 The industry shall at all times maintain good house-keeping and control pollution (including fugitive emissions) from all sources to maintain clean environment in & around factory premises and in surrounding areas.

14 The Industry shall bring about at least 33% of the total land area under the tree cover.

"This is computer generated document from OCMMS by WBPCB"

WBPCB/2648879/2024

Page 3



Annexure - P/12

- 442
106



GBPL/20-21/213

7th of August, 2020

Greenzen Bio Pvt. Ltd.

Shop No. S-25, 2nd Floor
PBR Tower, 2nd Mile, Sevoke Road,
Don Bosco More, Siliguri - 734001

The Chief Engineer,
Waste Management Cell,
West Bengal Pollution Control Board,
Paribesh Bhawan,
10-A, Block-LA, Sector-III,
Salt Lake City,
Kolkata-700098

Subject: Submission of Annual Report from 01st January' 2019 to 31st December' 2019

Respected Sir,

We are herewith submitting the Annual Report in current format for the period from 01st January' 2019 to 31st December' 2019 for your kind perusal.

Thanking you,

For Greenzen Bio Pvt. Ltd.
For Greenzen Bio Private Limited


Director

Vineeta Burman

Director

Annexure..... P/12
to in paragraph..... 37
foregoing petition affirmed
by..... M.P. Singh
on this..... 18th..... Day of..... Feb 25


18.02.25

Commissioner of Affidavit
Circuit Bench of Calcutta High Court
Siliguri

Enclosed:

1. Copy of Annual Report.
2. Quarterly Reports from January' 2019 to December' 2019

Factory Address : Mouza - Binnaguri, J.L. No. 3, Site No. 12, P.O. - Fulbarihat, P.S. Bhaktinagar, Dist. Jalpaiguri, Pin - 734015
Registered Office : 23-A, Netaji Subhash Road, Kolkata - 700001, West Bengal, India
Tele : +91 33 2230 1896 / 6284, Fax : +91 33 2230 7403, Email : greenzenbio@gmail.com
CIN : U74210WB2006PTC110311

- 144 -
107

Form - IV
(See rule 13)
ANNUAL REPORT

[To be submitted to the prescribed authority on or before 30th June every year for the period from January to December of the preceding year, by the occupier of health care facility (HCF) or common bio-medical waste treatment facility (CBWTF)]

Sl. No.	Particulars	
1.	Particulars of the Occupier	:
	(i) Name of the authorised person (occupier or operator of facility)	: Mrs. Vineeta Burman
	(ii) Name of HCF or CBMWTF	: Greenzen Bio Pvt Ltd
	(iii) Address for Correspondence	: Shop no-S25, 2 nd Mile, PBR Tower, Sevoke Road, Siliguri, Dist- Darjeeling, West Bengal
	(iv) Address of Facility	: Mouza- Binnaguri, J.L.No.3, Site No.12, P.O- Fulbarihat, P.S- Bhaktinagar, Dist- Jalpaiguri, Pin- 734015, West Bengal
	(v) Tel. No.	: 9903050502
	(vi) E-mail ID	: greenzenbio@gmail.com
	(vii) URL of Website	: www.greenzenbio.in
	(viii) GPS coordinates of HCF or CBMWTF	: 26°39'.25.4" North & 88°24'.57.4" East
	(ix) Ownership of HCF or CBMWTF	: (State Government or private or Semi Govt. Or any other): Private Company
	(x) Status of Authorisation under the Bio-Medical Waste (Management and Handling) Rules	: Authorization No: 33/2(bm)-2453/2008 (pt-1) 26.7.2019 valid up to 31.12.2022
	(xi) Status of Consents under Water Act and Air Act	: Valid up to: 31.12.2022
2.	Type of Health Care Facility	:
	(i) Bedded Hospital	: NA
	(ii) Non-bedded hospital (Clinic or Blood Bank or Clinical laboratory or Research Institute or Veterinary Hospital or any other)	: NA
	(iii) License number and its date of expiry	: N/A
3.	Details of CBMWTF	: M/s Greenzen Bio Pvt.Ltd
	(i) Number of healthcare facilities covered by CBMWTF	: 1274 units
	(ii) No. of beds covered by CBMWTF	: 19076 Beds

For Greenzen Bio Private Limited


Director

- 445 -
108

(iii) Installed treatment and disposal capacity of CBMWTF:	Incinerator:- 3750 Kg per day Autoclave :-648 Ltr/batch			
(iv) Quantity of biomedical waste treated or disposed by CBMWTF	Incinerable :- 1587362.40 Kg Autoclave :-1388170.8 Kg			
4. Quantity of waste generated or disposed in Kg per annum (on monthly average basis)	Yellow Category:1587362.40 Kg Blue Category:99090.00 kg White Category: 27666.00 kg Red Category: 1261414.80 kg General Solid Waste: - N/A			
5. Details of the Storage, treatment, transportation, processing and Disposal Facility				
(i) Details of the on-site storage facility	Size: 80x80 Ft Capacity: 30 MT Provision of on-site storage: (cold storage or any other provision)			
(ii) Disposal Facilities	Type of treatment equipment	No. of units	Capacity Kg/day	Quantity treated or disposed in kg per annum
	Incinerators	1	3750	1587362.40 kg
	Plasma Pyrolysis	-	-	-
	Autoclaves	1	648	1261414.80kg
	Microwave	-	-	-
	Hydroclave	-	-	-
	Shredder	1	1200	10563 kg
	Needle tip cutter or destroyer	-	-	-
	Sharps encapsulation or concrete pit	-	-	-
	Deep burial pits	-	-	-
	Chemical disinfection	1	1000	365000 ltrs
	Any other treatment equipment	-	-	-
(iii) Quantity of recyclable wastes sold to authorized recyclers after treatment in kg per annum	Red Category (like plastic, glass etc.) 171686 kg			
(iv) No of vehicles used for collection and transportation of biomedical waste	21			

For Greenzen Bio Private Limited



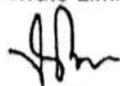
Director

146

109

	(v) Details of incineration ash and ETP sludge generated and disposed during the treatment of wastes in Kg per annum		Quantity generated (kg)	Where disposed
		Incineration Ash	73179 kg	West Bengal Waste Management Ltd
		ETP Sludge	31542 kg	
	(vi) Name of the Common Bio-Medical Waste Treatment Facility Operator through which wastes are disposed of	N/A		
	(vii) List of member HCF not handed over bio-medical waste			
6	Do you have bio-medical waste management committee? If yes, attach minutes of meetings held during the reporting period	District level monitoring committee formed in end 2017 vides order dated. 22-12-2017. No meeting held in 2019.		
7	Details trainings conducted on BMW			
	(i) Number of trainings conducted on BMW Management	1789 TIMES/YEAR		
	(ii) Number of personnel trained	313075 personnel on (10 person average basis)		
	(iii) Number of personnel trained at the time of induction	Nil		
	(iv) Number personnel not undergone any training so far	Nil		
	(v) Whether standard manual for training is available?	Nil		
	(vi) Any other information			
8	Details of the accident occurred during the year			
	(i) Number of Accidents occurred	Nil		
	(ii) Number of the persons affected	Nil		
	(iii) Remedial Action taken (Please attached details if any)	Nil		
	(iv) Any Fatality occurred, details	Nil		
9.	Are you meeting the standards of air Pollution from the incinerator? How many times in last year could not met the standards?	Emission testing done on: 28-3-2019, 27-6-2019, 15-10-2019 All standards met		
	Details of Continuous online emission monitoring systems installed	Air Stock Monitoring System installed for O2,CO, CO2		

For Greenzen Bio Private Limited



Director

-447-

110

10.	Liquid waste generated and treatment methods in place. How many times you have not met the standards in a year?	Standards met, Liquid waste input and output testing done on :28-3-2019, 27-6-2019, 15-10-2019
11.	Is the disinfection method or sterilization meeting the log 4 standards? How many times you have not met the standards in a year?	Nil
12.	Any other relevant information	: (Air Pollution Control Devices attached with the Incinerator) Multi Cyclone, Quencher, Ventury, Scrubber attached

Certified that the above report is for the period from 1st January 2019 to 31st December 2019.

Name and Signature of the Head of the Institution

Date:-07-08-2020
Place: Kolkata

For Greenzen Bio Private Limited



Vineeta
(Director)

Greenzen Bio Pvt. Ltd.

Annexure - P/13

111

GBPL/22-23/365

20th of July, 2022

Greenz

38, Jatin L
Near Aamtalla

The Chief Engineer,
Waste Management Cell,
West Bengal Pollution Control Board,
Paribesh Bhawan,
10-A, Block-LA, Sector-III,
Salt Lake City,
Kolkata-700098



Subject: Submission of Annual Report from 01st January' 2021 to 31st December' 2021

Respected Sir,

We are herewith submitting the Annual Report in current format for the period from 01st January' 2021 to 31st December' 2021 for your kind perusal.

Thanking you,

For Greenzen Bio Pvt. Ltd.

Greenzen Bio Private Limited

Director

Vineeta Burman

Director

Enclosed:

1. Copy of Annual Report.

Annexure P/13
to in para 48
foregoing para 48
by M P Singh
on this 18/07/22

18.02.25
Commissioner of Affidavit
Circuit Bench of Calcutta High Court
at Jakhalan

C A R B F O B N A T U R E

149
112

Form IV
(See Rule 13)
ANNUAL REPORT

[To be submitted to the prescribed authority on or before 30th June every year for the period from January to December of the preceding year, by the occupier health care facility(HCF), or common bio-medical waste treatment facility (CBWTF)]

Return No : 2259784

Period : 2021-2022

1. Particulars of the Occupier	
(i) Name of the authorized person (Occupier or operator of facility):	Vineeta Burman
(ii) Name of HCF or CBMWTF:	Greenzen Bio Pvt. Ltd.
(iii) Address for Correspondence:	Fulbari Canal Road
(iv) Address of Facility:	Fulbari Canal Road
(v) Tel. No.:	9073138629
(vi) Fax. No.:	-
(vii) E-mail ID:	greenzenbio@gmail.com
(viii) URL of Website:	www.greenzenbio.com
(ix) GPS coordinates of HCF or CBMWTF:	26°39' 25.4" North & 88°24' 57.4" East
(x) Ownership of HCF or CBMWTF:	Private
(xi) Status of Authorization under the BMW (Management and Handling) Rules:	Authorization No.: 33/2s(BM)-2453/2008(pt-I) Valid Upto: 31/12/2022
(xii) Status of Consents under Water Act and Air Act.:	Valid Upto: 31/12/2022
2. Type of Health Care Facility	
HCF/CBMWTF Type:	CBMWTF
(i) Number healthcare facilities covered by CBMWTF:	1320
(ii) No. of beds covered by CBMWTF:	21201
(iii) Installed treatment and disposal capacity of CBMWTF:	Incinerator: 150 kg/hr Autoclave: 648 lit/batch Shredder: 25 kg/hr Biological ETP: 50 KLD
(iv) Quantity of BMW treated or disposal by CBMWTF:	1910414 kg
3. Quantity of waste generated or disposed in Kg per annum (on monthly average basis)	Yellow Category: 1072418.90 Red Category: 539587 White Category: 25266.98 Blue Category: 273142.1 General Solid Waste: 3217
4. Details of the Storage, Treatment, Transportation, Processing and Disposal Facility Details	
(i) Details of the on-site storage facility:	Size: 6400 Capacity: 30000 Provision of on-site storage:

Greenzen Bio Private Limited



Greenzen Bio Pvt. Ltd., Fulbari Canal Road

Director

- 450 - 113

(ii) Disposal Facility:	Type of treatment equipment	No of units	Capacity Kg/day	Quantity treated or disposed in kg per annum
	Incinerators	1	3600	1072418.90
	Autoclaves	1	5184	539587
	Shredder	1	400	298409.08
(iii) Quantity of recyclable wastes sold to authorized recyclers after treatment in kg per annum:	126674.0			
(iv) No of vehicles used for collection and transportation of BMW:	22			
(v) Details of incineration, ash and ETP sludge generated, disposal during the treatment of wastes in Kg per annum	Type of waste	Quantity Generated	Where disposal	
	Ash & Sludge	191402	West Bengal Waste Management Ltd., Haldia	
(vi) Name of the Common BMW Treatment Facility Operator through which wastes are disposed of:	()			
5. Do you have BMW management committee:	no			
6. Training Conducted on BMW Details				
(i) Number of training conducted on BMW Management:	52			
(ii) Number of personnel trained:	1488			
(iii) Number of personnel trained at the time of induction:	37			
(iv) Number of personnel not undergone any training so far:	0			
(v) Whether standard manual for training is available:	yes			
(vi) Any other information:				
7. Details of the accident occurred				
(i) No. of accident occurred:	0			
(ii) Number of the persons affected:	0			
(iii) Remedial Action taken:	N.A.			
(iv) Any Fatality occurred, details:	N.A.			
8. Are you meeting the standards of air Pollution from the incinerator?. How many times in last year could not met the standards?:	Yes, the standards of Air Pollution from Incinerator, have always been met.			
Details of Continuous online emission monitoring systems installed:	Online Stack Monitoring System installed			
9. Liquid waste generated and treatment methods in place. How many times you have not met the standards in a year:	Liquid waste generated is being treated in Biological Effluent Treatment Plant. Standards always met.			
10. Is the disinfection method or sterilization meeting the log for standards? How many times you have not met the standards in a year?:	Yes, Autoclave has always met the sterilization standards.			
11. Any other relevant information:	(Air Pollution Control Devices attached with the incinerator) Multi-cyclone, Quencher, Ventury Scrubber, Wet Scrubber, Cyclonic Separator I and Cyclonic Separator II are attached as Air Pollution Control Devices			

Date : 20/07/2022

Place : Kolkata

For, M/s. Greenzen Bio Pvt. Ltd.

Greenzen Bio Private Limited
Vineeta Burman
Director

Annexure - P/14

- 151 -

114

GBPL/24-25/77

Dated 23rd April, 2024

Gr

Radha Apartment
Siliguri, W.B.

The Sr. Environmental Engineer
Bio-Medical Waste Management Cell,
West Bengal Pollution Control Board
(Dept. of Environment, Govt. of West Bengal)
Paribesh Bhawan, 10 A, Block LA, Sector III,
Bldhannagar, Kolkata-700106.

Subject: Submission of Form IV (BMW Annual Report) from 1st January, 2023 to 31st December, 2023.

Respected Sir,

We are pleased to submit herewith, the BMW Annual Report of our Siliguri facility in prescribed format as Form IV, for the period from 1st January, 2023 to 31st December, 2023 for your kind perusal.

Thanking you,

For, Greenzen Bio Pvt. Ltd

Greenzen Bio Private Limited.



Director

Vineeta Burman

(Director)

Enclosed: Copy of Annual Report-2023.

Annexure..... P/14
to in paragraph..... 39
foregoing paragraph.....
by..... M. P. Singh
on this..... 18.02.25

Commissioner of Affidavit
Circuit Bench of Calcutta High Court
at Jalpaiguri

Factory Address : Mouza- Binnaguri, J. L. No. 3, Site No. 12, P. O.- Fulbarihat, P.S. Bhaktinagar, Dist. Jalpaiguri, Pin - 734015
Registered Office : Radha Apartment Iskon Mandir Road, 2nd Floor, Siliguri, Darjeeling West Bengal, India, 734001
Phone: +91 96799 99220 / 96799 99223 / 96799 99235, E-mail : greenzenbio@gmail.com
CIN : U74210WB2006PTC110311

C A R E F O R N A T U R E

113
- 452 -

Form IV
(See Rule 13)
ANNUAL REPORT

[To be submitted to the prescribed authority on or before 30th June every year for the period from January to December of the preceding year, by the occupier health care facility(HCF), or common bio-medical waste treatment facility (CBWTF)]

Return No : 5144241

Period : 2023

1. Particulars of the Occupier	
(i) Name of the authorized person (Occupier or operator of facility):	Vineeta Burman
(ii) Name of HCF or CBMWTF:	Greenzen Bio Pvt. Ltd.
(iii) Address for Correspondence:	Fulbari Canal Road
(iv) Address of Facility:	Fulbari Canal Road
(v) Tel. No.:	9073138629
(vi) Fax. No.:	-
(vii) E-mail ID:	greenzenbio@gmail.com
(viii) URL of Website:	www.greenzenbio.com
(ix) GPS coordinates of HCF or CBMWTF:	26.652602, 88.440316
(x) Ownership of HCF or CBMWTF:	Private Limited
(xi) Status of Authorization under the BMW (Management and Handling) Rules:	Authorization No.: 33/2s(BM)-2453/2008(pt-I) Valid Upto: 31/12/2022
(xii) Status of Consents under Water Act and Air Act.:	Valid Upto: 31/12/2022
2. Type of Health Care Facility	
HCF/CBMWTF Type:	CBMWTF
(i) Number health care facilities covered by CBMWTF:	791
(ii) No. of beds covered by CBMWTF:	19636
(iii) Installed treatment and disposal capacity of CBMWTF:	9184 Kg/day
(iv) Quantity of BMW treated or disposal by CBMWTF:	4795 Kg/day
3. Quantity of waste generated or disposed in Kg per annum (on monthly average basis)	Yellow Category: 935424 Kg/annum Red Category: 240844 Kg/annum White Category: 331734 Kg/annum Blue Category: 242309 Kg/annum General Solid Waste: 3199 Kg/annum
4. Details of the Storage, Treatment, Transportation, Processing and Disposal Facility Details	
(i) Details of the on-site storage facility:	Size: 2.5 acres facility, Storage room: 82.2 sq.m Capacity: 616.5 cft. Provision of on-site storage: Covered with shed

Greenzen Bio Private Limited


Director

- 453- 116

(ii) Disposal Facility:	Type of Treatment Equipment	Number of Units	Capacity(Kg/day)	Quantity Treated or Disposed(Kg/annum)
	Incinerators	1	3600	935424
	Autoclaves	1	5184	240844
	Shredder	1	400	574042
(iii) Quantity of recyclable wastes sold to authorized recyclers after treatment in kg per annum:	246292.0 Kgs			
(iv) No of vehicles used for collection and transportation of BMW:	23 Nos			
(v) Details of incineration, ash and ETP sludge generated, disposal during the treatment of wastes in Kg per annum	Type of waste	Quantity Generated	Where disposal	
	Ash	2783 kg	West Bengal Waste Management Ltd, Haldia	
(vi) Name of the Common BMW Treatment Facility Operator through which wastes are disposed of:	Greenzen Bio Pvt.Ltd			
5. Do you have BMW management committee:	Yes			
details:	Yes			
6. Training Conducted on BMW Details				
(i) Number of training conducted on BMW Management:	57			
(ii) Number of personnel trained:	1534			
(iii) Number of personnel trained at the time of induction:	All			
(iv) Number of personnel not undergone any training so far:	Nil			
(v) Whether standard manual for training is available:	Yes			
(vi) Any other information:	N.A.			
7. Details of the accident occurred				
(i) No. of accident occurred:	Nil			
(ii) Number of the persons affected:	Nil			
(iii) Remedial Action taken:	Nil			
(iv) Any Fatality occurred, details:	Nil			
8. Are you meeting the standards of air Pollution from the incinerator?. How many times in last year could not met the standards?:	Yes, N.A			
Details of Continuous online emission monitoring systems installed:	Model No. DX4B Parameter-O ₂ , CO ₂ , CO, PM, Temp. of PCC & SCC			
9. Liquid waste generated and treatment methods in place. How many times you have not met the standards in a year?:	ETP having Chemical and Biological process			
10. Is the disinfection method or sterilization meeting the log for standards? How many times you have not met the standards in a year?:	Yes, N.A			
11. Any other relevant information:	Air Pollution Control Devices (APCD) attached with Incinerator (multi cyclone, quencher, ventury, scrubber, wetscrubber etc).			

Greenzen Bio Private Limited


Director

~~15A~~ 117

Name and Signature of the Head of the Institution

Greenzen Bio Private Limited



Director

Date : 23/04/2024

Place : Jalpaiguri

118
Annexure - P/15

NOCNO180774

WEST BENGAL POLLUTION CONTROL BOARD

Paribesh Bhawan
10A, Block-LA, Sector-III
Bidhannagar, Kolkata-700106

Memo No. 545-2N-20/2023(E)

Dated 13.09.2023

From :
Member Secretary,
West Bengal Pollution Control Board

Annexure.....
to in paragraph.....
foregoing petition affixed
by.....
on this.....

To: Shri Hiren Chandra Roy, Partner,
M/s. Unique Universal Bio Waste Ltd.,
Badapara, Mandal chao, Jalpaiguri, PIN - 735132.

Commissioner of Affidavit
Circuit Bench of Calcutta High Court
at Jalpaiguri

Sub: Consent to Establish (NOC) from Environmental Point of View

Ref: i) your Memo. application No. 4290501 Dated 05.09.2023
ii) Env. Clearance issued by SEIAA, WB, vide EC Identification No. EC
23B057MB128900, File No. EN/MS-II-1/086/2022 dtd. 01.09.2023.

Dear Sirs,

In response to the application for Consent to Establish (NOC) for proposed Unit of M/s Unique Universal Bio Waste Ltd. for construction/storage/installation of Common Bio-Medical waste Treatment Facility (CBWTF) at Village-Kalubari, P.O.-Debitakurbari, P.S.-Rajganj, Mouza-Chhatgujrimari, Pargana-Baikunthapur, Dist.-Jalpaiguri, West Bengal. Details of the project are given in Annexure - I. this is to inform you that this Board hereby grants the Consent to Establish (NOC) from the environmental point of the above subject to the following conditions and special conditions annexed.

1. The quality of sewage and trade effluent to be discharged from your factory shall satisfy the permissible limits as prescribed in IS : 2490 (Pt I) of 1974, and/or its subsequent amendment and Environment (Protection) Rules 1986.
2. Suitable measures to treat your effluent shall be adopted by you in order to reduce the pollutional load so that the quality of the effluent satisfies the standards mentioned above.
3. You shall have to apply to this Board for its consent to operate and discharge of sewage and trade effluent according to the provisions of the water (Prevention & Control of Pollution) Act, 1974. No sewage or trade effluent shall be discharged by you without prior consent of this Board.
4. All emission from your factory shall conform to the standards as laid by this Board.
5. No. emission shall be permitted without prior approval of this Board and you shall apply to this Board for its consent to operate and atmospheric emission as per provision of the Air (Prevention & Control Pollution) act, 1981.
6. No industrial plant, furnace, flues, chimneys, control equipment, etc. shall be constructed/reconstructed/erected/re-erected without prior approval of this Board.

Dated 13/09/2023

7. You shall comply with
- Water (Prevention and Control of Pollution) Cess Act, 1977, if applicable.
 - Water (Prevention and Control of Pollution) Cess Act, 1978, if applicable.
 - Environment (Protection) Act, 1986
 - Environment (Protection) Rules, 1986
 - Hazardous Wastes (Management and Handling) Rules, 1989 and Amended Rules, 2000
 - Manufacture, Storage and Import of Hazardous Chemicals Rules, 1989 and Amended Rules, 2000
 - Manufacture, Use, Import and Storage and Hazardous Micro-Organisms, Genetically Engineered Organisms or Cell Rules, 1989
 - The Public Liability Insurance Act, 1991 and Amended Act, 1992
 - The Public Liability Insurance Rules, 1991 and Amended Rules 1993
 - Biomedical Wastes (Management & Handling) Rules, 1998 and Amended Rules 2000 if applicable.
 - Recycled Plastics Manufacture and Usage Rules 1999, If applicable and
 - Ozone Depleting Substances (Regulation & Control) Rules, 2000, if applicable
8. You will have to abide by any other stipulations as may be prescribed by any authority/local bodies/Government Departments etc.

119
- 458 -

SPECIAL CONDITION :

Project Cost - Rs.4.9 Crores (Rupees Four Crores Ninety Lakhs only)
Please refer to Annexure - II.

Any violation of the aforesaid conditions shall entail cancellation of this Consent to Establish (NOC)

Yours faithfully,

Mukherjee
Member Secretary, Chief Engineer
West Bengal Pollution Control Board (EIM) C.E.

Dated: *13/09/2023*
Chief Engineer
Pollution Control Board

Memo No. *545 - 21-20/2023 (E) Dtd. 13.09.2023*

Copy forwarded for information to :

- Chief Inspector of Factories, Government of West Bengal, N. S. Building, Kolkata-700 001
- Director of Industries/Director of Cottage & Small Scale Industries, Government of West Bengal, N. S. Building, Kolkata-700 001
- Guard file, West Bengal Pollution Control Board.
- Environmental Engineer, I/II/Alipur R.O./Howrah R.O./Hooghly R.O./B.R.O./D.R.O./Haldia R.O./S.R.O./Malda R.O./Asansol R.O./WBPC Board.
- Alipore Regional Office
"Minority Bhawan", 5th Floor, 12, Biplabi
Kansal Bhattacharya Sarani, Alipore,
Kolkata-700 027
Telefax No. 033-2448-5553
Tel No. 033-2448-5554
- Asansol Regional Office
Kalyanpur Satellite Township Project (KSTP), Dr. B.C. Roy
Road, P.O.-Dakshin Dhadra, P.S. Asansol
(North), Dist.-Paschim Bardhaman,
Asansol-713 302
Telefax No. 0341-2999280
0341-2999281
- Barrackpore Regional Office
Panpur More, Kalyani Expressway,
VIII-Panpur, P.O.-Narayanpur,
Dist. 24-Parganas (N), Pin-743 126
Telefax No. 033-2580 0573
- Durgapur Regional Office
Sahid Khudiram Sarani,
City Centre, Durgapur,
Paschim Bardhaman-713 216.
Tel No. 0343-2546708
Telefax No. (0343) 2544915
- Haldia Regional Office
Mouza : Raghunathchak, PS : Bhabanipur
(Formerly Satahata), PO : Barghasipur
Dist. Purba Medinipur, Pin : 721 657
Tel No. 03224-291293/94
- Hooghly Regional Office
Himalaya Bhawan, Delhi Road, Dankuni,
Hooghly, Pin : 712 311
Telefax No. 033-2639-0957
- Howrah Regional Office
"Minority Bhawan", 5th Floor, 12, Biplabi
Kansal Bhattacharya Sarani, Alipore,
Kolkata-700 027
Tel No. 033-2448-2219/2220
- Kolkata Regional Office
Mani Square, Block No. 8IT, Western
Side, 8th floor, 16A/1, Maniktala Main Road,
Kolkata-700 054
Tel No. 033-2320-0059 / 9836288884
- Malda Regional Office
Parbesh Bhaban,
VIII: Abhirampur, P.O.: Mokdampur,
P.S.: English Bazar, Malda-732 103
Tel No. 03512-223449
- Saltlake Regional Office
Mani Square, Block No. 8IT, Western
Side, 8th floor, 16A/1, Maniktala Main
Road, Kolkata-700 054
Tel No. 2320-0097 / 9330869729
- Siliguri Regional Office
Paribahan Nagar, P.O.: Matigera, Siliguri,
Darjeeling, Pin-734 010
Tel No. 0353-257 1115
Telefax No. 0353-257 1113

Mukherjee
Member Secretary, Chief Engineer
West Bengal Pollution Control Board (EIM) C.E.

Annexure - I to NOC Sl. No. NO180774

120

Proposed establishment of Common Bio-Medical Waste Treatment Facility (CBWTF) at Village - Kaluabari, Plot Nos. 160, 300, 302, 309, 310, 311, 312, 314, P.O. - Debithakurbari, P.S. - Rajganj, Mouza - Chhatgujrimari, Pargana - Baikunthapur, Dist. - Jalpaiguri, West Bengal, by M/s. Unique Universal Bio Waste LLP.

Details of the project :

- 159 -

Land Area	11452.6 sqm. or 2.83 Acres			
Greenbelt	3780 sqm. (33%)			
Plant capacity	Particulars	Capacity	Numbers	
	Plasma Pyrolysis Capacity	250 Kg/Hr	1+1 (Standby)	
	Shredder capacity	500 Kg/hr	1	
	Autoclave capacity	1500 Liters	1+1 (Standby)	
	ETP	10 KLD	1	
Power requirement and Source	Total Electricity load – 65KW Energy requirement – 1300 kVA Source- WBSEDCL. DG Set for standby- 125 KVA, Fuel – HSD			
Water Requirement	The water consumption will be 15.4 KLD. Daily fresh water demands 9.9 KLD which will be sourced from Ground water and 5.5 KLD water will be recycled after treatment			
Source of Water	Water demand will be met through bore well.			
Manpower	Construction Phase – 30, Operation Phase - 50			
Waste water generation	Utility	Water Required	Waste Water Generation	Management
	Domestic	2.4	2.0	5.5 KLD recycled /re-used Sent to ETP and treated water of 5.5 KLD recycled /re-used
	Floor washing	2.0	1.5	
	Plasma Pyrolysis	2.0	1.8	
	Workshop/vehicle washing	2.0	1.8	
	Autoclave	4	1	
	Greenbelt	3	--	--
	Total	15.4	8.1	
Solid /Hazardous waste generation	Type	Quantity	Treatment/ disposal	
	Solid waste			
	Organic	5.25 Kg/day	Municipal bin including food waste	
	Inorganic	2.25 Kg/day	WBPCB authorized recyclers	
	Hazardous waste			
	Discarded containers/ barrels / liners contaminated with hazardous wastes / chemicals, if any	1.0 TPA	Through authorized recyclers	
	DG Waste oil/Spent oil	0.5 KL/A	Authorized recyclers	
	ETP Sludge	198 TPA	TSDf	
Ash	66 TPA	TSDf		
Project Cost (Rs.)	Rs. 4.9 Crores.			

M. S. Ghosh
13/09/2013
Member Secretary / Chief Engineer (EIM Cell)
West Bengal Pollution Control Board

Special conditions issued to M/s. Unique Universal Bio Waste LLP for the proposed establishment of Common Bio-Medical Waste Treatment Facility (CBWTF) at Village - Kaluabari, Plot Nos. 160, 300, 302, 309, 310, 311, 312, 314, P.O. - Debithakurbari, P.S. - Rajganj, Mouza - Chhatgujrimari, Pargana - Baikunthapur, Dist. - Jalpaiguri, West Bengal.

A) Emission :-

- i. Incinerator (Plasma Pyrolysis) of capacity 250 kg/hr (1+1 standby) should be dual chambered and equipped with rapid quencher, Multi-cyclone, three stage venturi scrubber, packed bed alkaline scrubber, Cyclonic Droplet Separator, mist eliminator and stack of minimum height 30m from GL. Stacks to have sampling port, platform and ladder as per Emission Regulation Part – III of CPCB.
- ii. DG Set - 1x125 KVA.
 - a) Stack of adequate height to be provided with acoustic enclosures and residential silencer.
 - b) Stack to have sampling port, platform and ladder as per the Emission Regulation Part – III of CPCB.
 - c) Emission standards, Fuel specification and Stack height should comply with the prescribed limits under the notification of Ministry of Environment & Forest, Govt. of India, G.S.R. 489(E) [09.07.2002] and subsequent amendments.

B) Effluent:-

- 1) Process – To be treated in adequately designed effluent treatment plant and recycled. Zero discharge condition to be maintained.
- 2) Domestic – to be discharged through septic tank to soak pit.

C) Solid Waste :-

- i. Incineration ash should be stored under covered shed, in a separate room having floor liner and disposed to authorized TSDF.
- ii. Hazardous waste to be collected and disposed off as per the Hazardous waste (Handling and Transboundary Movement) Rules, 2016.
- iii. Municipal Solid waste to be disposed off regularly as per the Solid Waste Management Rules, 2016.

D) General :-

- 1) CPCB Guidelines, 2016 should be followed for establishment of new Common Bio-Medical Waste Treatment Facility (CBWTF).
- 2) Noise Control - Ambient noise & D.G. Set noise level not to exceed the permissible limit. Every care to be taken for control noise.
- 3) No additional machinery / equipment can be installed without permission from this board.
- 4) The standards / guidelines for control of noise from stationary Diesel Generator sets prescribed under notification of Ministry of Environment & Forest, Govt. of India, dated 22.12.1998 viz. Environment (Protection) (2nd amendment) rules, 1998 to be followed.
- 5) The unit should comply with the provision of Bio-Medical Waste Management Rule, 2016 and its amendments thereafter.
- 6) Ground water shall not be abstracted without prior permission of the competent authority as per the West Bengal Ground Water Resources (Management, Control and Regulation) Act, 2005.
- 7) Adequate permission for Rain Water Harvesting should be made. Recharging of Ground Water is not permitted.

Chief Engineer

W. Pollution Control

12/01/2023

Annexure - II to NOC Sl. No. NO180774

- ~~AGI~~ - 122

Special conditions issued to M/s. Unique Universal Bio Waste LLP for the proposed establishment of Common Bio-Medical Waste Treatment Facility (CBWTF) at Village - Kaluabari, Plot Nos. 160, 300, 302, 309, 310, 311, 312, 314, P.O. - Debithakurbari, P.S. - Rajganj, Mouza - Chhatgujrimari, Pargana - Baikunthapur, Dist. - Jalpaiguri, West Bengal.

- 8) All internal loads should be paved.
- 9) NOC may be revoked by the State Board, in case of failure of implementation of the above conditions.
- 10) Green Belt to be developed over at least 33% of total project area within the plan Premises.
- 11) The proponent should strictly abide by the conditions stipulated in the Environmental Clearance accorded by the State Environment Impact Assessment Authority (SEIAA), West Bengal, vide EC Identification No. EC23B057WB123900, File No. EN/T-II-1/086/2022 dated 01/09/2023.
- 12) Statutory clearances, as applicable to be obtained from the Competent Authorities.
- 13) 'Consent-to-Operate' and authorization to be obtained for the same from the State Board.
- 14) Land Conversion Certificate / Permission and Statutory licenses as applicable to be obtained from the Competent Authorities.
- 15) All the activities regarding Waste Management must be done Strictly in accordance with the concerned Acts and rules prevailing.
- 16) Every care must be taken for mitigating odour problem.
- 17) Good housekeeping to be maintained.
- 18) This NOC is valid up to 30.09.2030 for setting up of the Common Waste Management Facility.

10/mt/13/09/2023
Member Secretary / Chief Engineer (EIM Cell)
West Bengal Pollution Control Board
Chief Engineer
W. B. Pollution Control Board
Dept. of Environment, Govt. of W.B.

Annexure P-16 123



Government of India
Ministry of Environment, Forest and Climate Change
(Issued by the State Environment Impact Assessment Authority (SEIAA), WEST BENGAL)

123

ENVIRONMENTAL
CLEARANCE

To,

The Designated Partner
UNIQUE UNIVERSAL BIO WASTE LLP
A-1 Shyam Plaza, S.F. Road, Ward No 08 PO + PS-Siliguri Darj -734001 -734005

Subject: Grant of Environmental Clearance (EC) to the proposed Project Activity under the provision of EIA Notification 2006-regarding

Sir/Madam,

This is in reference to your application for Environmental Clearance (EC) in respect of project submitted to the SEIAA vide proposal number SIA/WB/INFRA2/431778/2023, dated 08 Jun 2023. The particulars of the environmental clearance granted to the project are as below.

- | | |
|--|---|
| 1. EC Identification No. | EC23B057WB123900 |
| 2. File No. | EN/T-II-1/086/2022 |
| 3. Project Type | New |
| 4. Category | B |
| 5. Project/Activity including Schedule No. | 7(d)(g) Common Bio-Medical Waste Treatment Facility |
| 6. Name of Project | Establishment of Common Bio-Medical Waste Treatment Facility (CBWTF) at Village - Kaluabari, P.O. Debithakurbari, P.S-Rajganj, Mouza-Chhatgujrimari, Pargana Baikunthapur, Dist-Jalpaiguri, West Bengal |
| 7. Name of Company/Organization | UNIQUE UNIVERSAL BIO WASTE LLP |
| 8. Location of Project | WEST BENGAL |
| 9. TOR Date | N/A |



The project details along with terms and conditions are appended herewith from page no 2 onwards.

Date: 01/09/2023

(e-signed)
Kaliyampurthi Balamurugan
Member Secretary
SEIAA - (WEST BENGAL)

Note: A valid environmental clearance shall be one that has EC identification number & E-Sign generated from PARIVESH. Please quote identification number in all future correspondence.

This is a computer generated cover page.

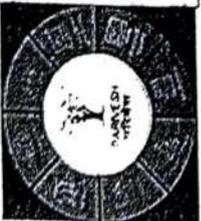
Annexure.....
in paragraph.....
foregoing page.....
by.....
on this.....

18.02.25

Commissioner of Affidavit
Circuit Bench of Calcutta High Court
Page 18 of 19

PARIVESH

(Pro-Active and Responsive Facilitation by Interactive, and Virtuous Environmental Single-Window Hub)



Environmental Clearance for the proposed establishment of Common Bio-Medical Waste Treatment Facility (CBWTF) at Village - Kaluabari, LR Plot Nos. 160, 300, 302, 309, 310, 311, 312, 314, P.O. - Debithakurbari, P.S. - Rajganj, Mouza - Chhatgujrimari, Pargana - Baikunthapur, Dist. - Jalpaiguri, West Bengal, by M/s. Unique Universal Bio Waste LLP.

129

ABJ

Background of the project

The proponent made online application vide proposal no. SIA/WB/INFRA2/431778/2023 dated 08 June 2023 seeking Environment Clearance (EC) under the provisions of the EIA Notification, 2006 for the proposed establishment of Common Bio-Medical Waste Treatment Facility (CBWTF) at Village - Kaluabari, LR Plot Nos. 160, 300, 302, 309, 310, 311, 312, 314, P.O. - Debithakurbari, P.S. - Rajganj, Mouza - Chhatgujrimari, Pargana - Baikunthapur, Dist. - Jalpaiguri, West Bengal, by M/s. Unique Universal Bio Waste LLP.

The proposal is for Common Bio-Medical Waste Treatment Facility (CBWTF) at Village - Kaluabari, P.O. - Debithakurbari, P.S. - Rajganj, Mouza - Chhatgujrimari, Pargana - Baikunthapur, Dist. - Jalpaiguri, West Bengal.

The project proponent obtained Terms of Reference issued by SEIAA, WB vide File No. EN/T-II-1/086/2022 dated 23.12.2022 against proposal no. SIA/WB/INFRA2/407378/2022.

Salient features of the proposed project as per the EIA report as uploaded in the PARIVESH portal may be summed up as below:

Land Area	11452.6 sqm. or 2.83 Acres		
Greenbelt	3780 sqm. (33%)		
Plant capacity	Particulars	Capacity	Numbers
	Plasma Pyrolysis Capacity	250 Kg/Hr	1+1 (Standby)
	Shredder Capacity	500 Kg/hr	1
	Autoclave capacity	500 Liters	1+1 (Standby)
	ETP	10 KLD	1
Power requirement and Source	Total Electricity load - 65 KW Energy requirement - 1300 KVA Source- West Bengal State Electricity Distribution Corporation Limited DG Set for standby - 125 KVA Fuel - HSD		
Water Requirement	The water consumption will be 15.4 KLD. Daily fresh water demands 9.9 KLD which will be sourced from Ground water and 5.5 KLD water will be recycled after treatment		
Source of Water	Water demand will be met through bore well.		
Manpower	Construction Phase - 30 Operation Phase - 50		
Waste water generation	Utility	Water Required	Waste Water Generation
	Domestic	2.4	2.0
	Floor washing	2.0	1.5
	Plasma Pyrolysis	2.0	1.8
	Workshop/vehicle washing	2.0	1.8
	Autoclave	4	1
			5.5 KLD recycled /re-used
			Sent to ETP and treated
			water of 5.5 KLD recycled /re-used

Environmental Clearance for the proposed establishment of Common Bio-Medical Waste Treatment Facility (CBWTF) at Village - Kaluabari, LR Plot Nos. 160, 300, 302, 309, 310, 311, 312, 314, P.O. - Debitakurbari, P.S. - Rajganj, Mouza - Chhatgujrimari, Pargana - Baikunthapur, Dist. - Jalpaiguri, West Bengal, by M/s. Unique Universal Bio Waste LLP.

125

- 264 -

	Greenbelt	3	--	--	
	Total	15.4	8.1		
Solid /Hazardous waste generation	Type	Quantity	Treatment/ disposal		
	Solid waste				
	Organic	5.25 Kg/day	Municipal bin including food waste		
	Inorganic	2.25 Kg/day	WBPCB authorized recyclers		
	Hazardous waste				
	Discarded containers/ barrels / liners contaminated with hazardous wastes / chemicals, if any	1.0 TPA	Through authorized recyclers		
	DG Waste oil Spent oil	0.5 KL/A	Authorized recyclers		
	EPE Sludge	1.98 TPA	TSDF		
Ash	68 TPA	TSDF			
Project Cost (Rs.)	RS. 49. Crores				

State Level Environment Impact Assessment Authority (SEIAA), West Bengal examined the proposal and also perused recommendations of the State Level Expert Appraisal Committee (SEAC). After due consideration of the project proposal, and after considering the recommendations of the State Level Expert Appraisal Committee (SEAC), the State Level Environment Impact Assessment Authority accords Environmental Clearance to the project as per provisions of the EIA notification no. S.O. 1533 (E) dt. 14th September, 2006 of Ministry of Environment & Forests, GOI and the subsequent amendments, on the basis of above mentioned features along with other details submitted to SEIAA subject to strict compliance of the terms and conditions mentioned below.

I. Statutory compliance:

- i. The project proponent shall obtain forest clearance under the provisions of Forest (Conservation) Act, 1986, in case of the diversion of forest land for non-forest purpose involved in the project.
- ii. The project proponent shall obtain clearance from the National Board for Wildlife, if applicable.
- iii. The project proponent shall prepare a Site-Specific Conservation Plan & Wildlife Management Plan and approved by the Chief Wildlife Warden. The recommendations of the approved Site-Specific Conservation Plan / Wildlife Management Plan shall be implemented in consultation with the State Forest Department. The implementation report shall be furnished along with the six-monthly compliance report. (in case of the presence of schedule-I species in the study area)
- iv. The project proponent shall obtain Consent to Establish / Operate under the provisions of Air (Prevention & Control of Pollution) Act, 1981 and the Water (Prevention & Control of Pollution) Act, 1974 from the concerned State Pollution Control Board/Committee.

-165-

- v. Transportation and handling of Bio-medical Wastes shall be as per the Biomedical Wastes (Management and Handling) Rules, 2016 including the section 129 to 137 of Central Motor Vehicle Rules 1989.
- vi. Project shall fulfill all the provisions of hazardous Wastes (Management, handling and Transboundary Movement) Rules, 2016 including collection and transportation design etc. and also guidelines for Common Hazardous Waste Incineration — 2005, issued by CPCB Guidelines of CPCB/MPPCB for Bio-medical Waste Common Hazardous Wastes incinerators shall be followed.
- vii. The project proponent shall obtain the necessary permission from the Central Ground Water Authority, in case of drawl of ground water / from the competent authority concerned in case of drawl of surface water required for the project.
- viii. A certificate of adequacy of available power from the agency supplying power to the project along with the load allowed for the project should be obtained.
- ix. All other statutory clearances such as the approvals for storage of diesel from Chief Controller of Explosives, Fire Department, Civil Aviation Department shall be obtained, as applicable by project proponents from the respective competent authorities.

II. Air quality monitoring and preservation

- i. The project proponent shall install emission monitoring system including Dioxin and furans to monitor stack emission with respect to standards prescribed in Environment (Protection) Rules 1986 and connected to SPCB and CPCB online servers and calibrate these systems from time to time according to equipment supplier specification through labs recognised under Environment (Protection) Act, 1986 or NABL accredited laboratories.
- ii. Periodical air quality monitoring in and around the site including VOC, HC shall be carried out.
- iii. Incineration plants shall be operated (combustion chambers) with such temperature, retention time and turbulence, so as to achieve Total Organic Carbon (TOC) content in the slag and bottom ashes less than 3% of their loss on ignition is less than 5% of the dry weight of the material.
- iv. Venturi scrubber (alkaline) should be provided with the incinerator with stack of adequate height (Minimum 30 meters) to control particulate emission within 50mg/Nm³.
- v. Appropriate Air Pollution Control (APC) system shall be provided for fugitive dust from all vulnerable sources, so as to comply prescribed standards. All necessary air pollution control devices (quenching, Venturi scrubber, mist eliminator) should be provided for compliance of emission standards.
- vi. Masking agents should be used for odour control.

III. Water quality monitoring and preservation

- i. The project proponent shall install effluent monitoring system with respect to standards prescribed in Environment (Protection) Rules 1986 through labs recognized under Environment (Protection) Act, 1986 or NABL accredited laboratories.
- ii. Waste water generated from the facility shall be treated in the ETP and treated waste water shall be reused in the APCD connected to the incinerator. The water quality of treated effluent shall meet the norms prescribed by State Pollution Control Board. Zero discharge should be maintained.
- iii. Process effluent/any waste water should not be allowed to mix with storm water.
- iv. Total fresh water use shall not exceed the proposed requirement as provided in the project details. Prior permission from competent authority shall be obtained for use of fresh water.
- v. Sewage Treatment Plant shall be provided to treat the wastewater generated from the project. Treated water shall be reused within the project.

Environmental Clearance for the proposed establishment of Common Bio-Medical Waste Treatment Facility (CBWTF) at Village - Kaluabari, LR Plot Nos. 160, 300, 302, 309, 310, 311, 312, 314, P.O. - Deonakurbari, P.S. - Rajganj, Mouza - Chhatgujrimari, Pargana - Baikunthapur, Dist. - Jalpaiguri, West Bengal, by M/s. Unique Universal Bio Waste LLP.

122

-166-

- vi. A certificate from the competent authority for discharging treated effluent/ untreated effluents into the Public sewer/ disposal/drainage systems along with the final disposal point should be obtained.
- vii. The leachate from the facility shall be collected and treated to meet the prescribed standards before disposal.
- viii. Magnetic flow meters shall be provided at the inlet and outlet of the ETP & all ground water abstraction points and records for the same shall be maintained regularly.
- ix. Rain water runoff from hazardous waste storage area shall be collected and treated in the effluent treatment plant.

IV. Noise monitoring and prevention

- i. The ambient noise levels should conform to the standards prescribed under E(P)A Rules, 1986 viz. 75 dB(A) during day time and 70 dB(A) during night time.

V. Energy Conservation measures

- i. Provide solar power generation on roof tops of buildings, for solar light system for all common areas, street lights, parking around project area and maintain the same regularly;
- ii. Provide LED lights in their offices and residential areas

VI. Waste management

- i. Incinerated ash shall be disposed at approved PSDF and MoU made in this regard shall be submitted to the Ministry prior to the commencement.
- ii. The solid wastes shall be segregated as per the norms of the Solid Waste Management Rules, 2016.
- iii. A certificate from the competent authority handling municipal solid wastes should be obtained, indicating the existing civic capacities of handling and their adequacy to cater to the M.S.W. generated from project.
- iv. Any wastes from construction and demolition activities related thereto shall be managed so as to strictly conform to the Construction and Demolition Rules, 2016
- v. No landfill site is allowed within the CBWTF site.
- vi. The Project proponent shall not store the Hazardous Wastes more than the quantity that has been permitted by the CPCB/SPCB.

VII. Green Belt

- i. Green belt shall be developed in area as provided in project details, with native tree Green belt shall be developed in an area equal to 33% of the plant area with a native tree species in accordance with CPCB guidelines. The greenbelt shall inter alia cover the entire periphery of the plant. The project proponent should follow the plantation plan approved by Divisional Forest Officer, Baikunthapur Forest Division vide Memo No. 1244/13-2 dated 22.05.2023.

VIII. Public hearing and Human health issues

- i. Feeding of materials/Bio-medical waste should be mechanized and automatic no manual feeding is permitted.
- ii. Proper parking facility should be provided for employees & transport used for collection & disposal of waste materials.
- iii. Necessary provision shall be made for fire-fighting facilities within the complex.
- iv. Emergency preparedness plan based on the Hazard identification and Risk Assessment (HIRA) and Disaster Management Plan shall be implemented.

Environmental Clearance for the proposed establishment of Common Bio-Medical Waste Treatment Facility (CBWTF) at Village - Kaluabari, LR Plot Nos. 160, 300, 302, 309, 310, 311, 312, 314, P.O. - Dainchakurbari, P.S. - Rajganj, Mouza - Chhatgujrimari, Pargana - Baikunthapur, Dist. - Jalpaiguri, West Bengal, by M/s. Unique Universal Bio Waste LLP.

128

- 107 -

- v. Emergency plan shall be drawn in consultation with SPCB/CPCB and implemented in order to minimize the hazards to human health or environment from fires, explosion or any unplanned sudden or gradual release of hazardous waste or hazardous waste constituents to air, soil or surface water.
- vi. Provision shall be made for the housing of construction labour within the site with all necessary infrastructure and facilities such as fuel for cooking, mobile toilets, mobile STP, safe drinking water, medical health care, crèche etc. The housing may be in the form of temporary structures to be removed after the completion of the project.
- vii. Occupational health surveillance of the workers shall be done on a regular basis.

IX. Environment Management Plan (EMP)

- i. The project proponent should submit the proposed EMP on a six-monthly basis. The Office Memorandum issued by the MoEF & CC vide F. No. 22-65/2017-IA.III dated 30.09.2020 should be strictly followed.
- ii. Need based activities for local people is part of the EMP. Details of such activities submitted by the project proponent is given in Annexure-1.
- iii. The project proponent shall install display board for display of all the environmental parameters including sensor-based air, water and noise quality monitoring stations within their premises.
- iv. The company shall have a well laid down environmental policy duly approved by the Board of Directors. The environmental policy should prescribe for standard operating procedures to have proper checks and balances and to bring into focus any infringements/deviation/violation of the environmental / forest /wildlife norms/conditions. The company shall have defined system of reporting infringements /deviation/ violation of the environmental / forest / wildlife norms / conditions and / or shareholders /stake holders. The copy of the board resolution in this regard shall be submitted to the Regional Office of Ministry of Environment, Forest and Climate Change (MoEF&CC) along with State Level Environment Impact Assessment Authority (SEIAA) and West Bengal Pollution Control Board (WBPCB) as a part of six-monthly report.
- v. A separate Environmental Cell both at the project and company head quarter level, with qualified personnel shall be set up under the control of senior Executive, who will directly to the head of the organization.
- vi. Action plan for implementing EMP and environmental conditions along with responsibility matrix of the company shall be prepared and shall be duly approved by competent authority. The year wise funds earmarked for environmental protection measures shall be kept in separate account and not to be diverted for any other purpose.
- vii. Year wise progress of implementation of action plan shall be reported to the Regional Office of MoEF&CC along with SEIAA and WBPCB along with the Six Monthly Compliance Report.
- viii. Self-environmental audit shall be conducted annually. Every three years third party environmental audit shall be carried out.

X. Additional conditions

- 1) Clearance from Dept. of Health & Family Welfare, GoWB as applicable to be obtained.
- 2) Piezometer should be installed to continuously monitor the groundwater level. The lithological log of the piezometer should be submitted with compliance reports.
- 3) Water quality shall be monitored at all points of abstraction/ inlet and discharge.

XI. Miscellaneous

- i. The environmental clearance accorded shall be valid for a period of 10 years for the proposed project.

168

- ii. The project proponent shall prominently advertise it at least in two local newspapers of the District or State, of which one shall be in the vernacular language within seven days indicating that the project has been accorded environment clearance and the details of MoEFCC/SEIAA website where it is displayed.
- iii. The copies of the environmental clearance shall be submitted by the project proponents to the Heads of local bodies, Panchayats and Municipal Bodies in addition to the relevant offices of the Government who in turn has to display the same for 30 days from the date of receipt.
- iv. The project proponent shall upload the status of compliance of the stipulated environment clearance conditions, including results of monitored data on their website and update the same on half-yearly basis.
- v. The project proponent shall submit six-monthly reports on the status of the compliance of the stipulated environmental conditions on the website of the MoEF&CC at environment clearance portal with a hard copy to SEIAA/WBPCB.
- vi. The project proponent shall submit the environmental statement for each financial year in Form-V to the concerned State Pollution Control Board as prescribed under the Environment (Protection) Rules, 1986, as amended subsequently and put on the website of the company.
- vii. The criteria pollutant levels namely; SPM, RSPM, SO₂, NO_x (ambient levels as well as stack emissions) or critical sectoral parameters, indicated for the project shall be monitored and displayed at a convenient location near the main gate of the company in the public domain.
- viii. The project proponent shall inform the Regional Office of the MoEF&CC along with SEIAA and WBPCB, the date of financial closure and final approval of the project by the concerned authorities, commencing the land development work and start of production operation by the project.
- ix. The project authorities must strictly adhere to the stipulations made by the State Pollution Control Board and the State Government.
- x. The project proponent shall abide by all the commitments and recommendations made in the EIA/EMP report, commitment made during Public Hearing and also that during their presentation to the State Expert Appraisal Committee (SEAC).
- xi. No further expansion or modifications in the plant shall be carried out without prior approval of the SEIAA.
- xii. Concealing factual data or submission of false/fabricated data may result in revocation of this environmental clearance and attract action under the provisions of Environment (Protection) Act, 1986.
- xiii. The SEIAA may revoke or suspend the clearance, if implementation of any of the above conditions is not satisfactory.
- xiv. The SEIAA reserves the right to stipulate additional conditions if found necessary. The Company in a time bound manner shall implement these conditions.
- xv. The Regional Office of the MoEF&CC/SEIAA/WBPCB shall monitor compliance of the stipulated conditions. The project authorities should extend full cooperation to the officer (s) of the Regional Office of MoEF&CC/SEIAA/WBPCB by furnishing the requisite data / information/monitoring reports.
- xvi. The above conditions shall be enforced, inter-alia under the provisions of the Water (Prevention & Control of Pollution) Act, 1974, the Air (Prevention & Control of Pollution) Act, 1981, the Environment (Protection) Act, 1986, Hazardous and Other Wastes (Management and Transboundary Movement) Rules, 2016 and the Public Liability Insurance Act, 1991 along with their amendments and Rules and any other orders passed by the Hon'ble Supreme Court of India / High Courts/NGT and any other Court of Law relating to the subject matter.
- xvii. Any appeal against this EC shall lie with the National Green Tribunal, if preferred, within a

Environmental Clearance for the proposed establishment of Common Bio-Medical Waste Treatment Facility (CBWTF) at Village - Kaluabari, LR Plot Nos. 160, 300, 302, 309, 310, 311, 312, 314. P.O. - Deoubakurbari, P.S. - Rajganj, Mouza - Chhatgujrimari, Pargana - Baikunthapur, Dist - Jalpaiguri, West Bengal. by M/s. Unique Universal Bio Waste LLP

130

- 169 -

period of 30 days as prescribed under Section 16 of the National Green Tribunal Act, 2010.

xviii. The contact details of the proponent and the name of the consultant are given below -

Name of the Contact person with Designation	Mr. Hiren Chandra Roy, Designated Partner
Address	A-1 Shyam Plaza, S.F. Road, Ward No 08 PO + PS- Siliguri Darjeeling-734001.
Email	uubllp@gmail.com
Telephone Number Fax No.	8016277738
Name of the Environmental Consultant	M/s. Gaurang Environmental Solutions Pvt. Ltd.



Environmental Clearance for the proposed establishment of Common Bio-Medical Waste Treatment Facility (CBWTF) at Village - Kaluabari, LR Plot Nos. 160, 300, 302, 309, 310, 311, 312, 314, P.O. - Deokhakurbari, P.S. - Rajganj, Mouza - Chhatguzrimari, Pargana - Baikunthapur, Dist. - Jalpaiguri, West Bengal, by M/s. Unique Universal Bio Waste LLP.

131

~~A70~~
Annexure-1

NEED BASED ACTIVITIES FOR LOCAL PEOPLE FOR EXPANSION PROJECT

Public hearing Action plan as per MoEF&CC O.M. dated 30/09/2020

Sr No	Major Activity heads		YEAR OF IMPLEMENTATION			TOTAL EXPENDITURE (Rs. in Lakhs)
			1 st Year	2 nd Year	3 rd Year	
Based on Public Consultation / Hearing						
1	Jobs & Skill development Programmes					
	Skill training programme for local youth in the nearby villages	Physical Nos. & village	Skill development program in Kaluabari village	Skill development program in Chhat Guzrimari village	Skill development program in Fatapukur village	
		Budget in lakhs	Rs.1.0 Lakhs-	Rs.1.0 lakhs	Rs. 1.0 lakhs	3.0
2	Street Solar Lighting					
	Installation of street solar light along the adjacent road of the plant and nearby villages	Physical Nos. & village	15 nos. of solar street light in Kaluabari village	15 nos. of solar street light in Chhat Guzrimari village	15 nos. of solar street light in Fatapukur village.	
		Budget in lakhs	Rs. 1.0 lakhs	Rs. 1.0 lakh	Rs. 1.0 lakh	3.0
3	Infrastructure development	Maintenance of approach road in adjacent villages	Maintenance of approach road in village Fatapukur			
		Budgets in lakhs	Rs 4 Lakhs	-	-	4.0
	Total					10

Signature Not Verified

Digitally signed by Shri Kallyamurthi Balamurugan Member Secretary

Date: 9/1/2023 3:27:25 PM

Typed Copy

29	Unique Universel Bio Waste LLP	Vill- Kaluabari, P.O- Debithakurbari, Mouza- Chhatgujriman, Jalpaiguri- 735133	Common treatment and disposal facilities (CETP, TSDF, E-waste recycling, CBMWTF, effluent conveyance project, incinerators, solvent/acid recovery plant, MSW sanitary landfill sites, STP)	Red	CTO	Both	6077910	09/12/2024	Rejected	31/12/2024
377	Unique Universal Bio Waste LLP	Vill- Kaluabari, P.O- Debithakurbari, Mouza- Chhatgujriman, Jalpaiguri- 735133	Common treatment and disposal facilities (CETP, TSDF, E-waste recycling, CBMWTF, effluent conveyance project, incinerators, solvent/acid recovery plant, MSW sanitary landfill sites, STP)	Red	CTO	both	6077910	04/03/2025	Approved	06/03/2025

नरेश पाल गंगवार, आई.ए.एस.
Naresh Pal Gangwar, IAS



अपर सचिव
भारत सरकार
पर्यावरण, वन एवं जलवायु परिवर्तन मंत्रालय
ADDITIONAL SECRETARY
GOVERNMENT OF INDIA
MINISTRY OF ENVIRONMENT, FOREST
AND CLIMATE CHANGE

D.O. No. 20/4/2021-HSMD

Dated: 14th October, 2022

Respected Sir,

The Ministry of Environment, Forest and Climate Change (MoEFCC) is administering the Bio-medical Waste Management (BMWM) Rules, 2016 for scientific disposal of BMW. Further, to assist stakeholders in the implementation of the BMWM Rules, 2016, the Central Pollution Control Board (CPCB) has also formulated various guidelines.

2. I would like to emphasize here that the purpose of these rules is to uniformly implement its provisions across the country with support of various stakeholders like the Ministry of Health and Family Welfare, State Health Department, State Pollution Control Boards/ Pollution Control Committees (SPCBs/ PCCs), Occupiers (waste generators), Common Bio-Medical Waste Treatment Facility Operators (CBWTFs) etc. In this regard, it is noteworthy to mention here the important role played by various stakeholders and facilities during the COVID-19 pandemic period towards effective management of COVID-19 waste.

3. May I highlight here that the Ministry often comes across media reports, and receive representations from civil society/ stakeholder groups on non-compliance of BMWM Rules, 2016/ CPCB Guidelines. The major issues highlighted in such complaints are related to unscientific/ non-compliant functioning of Healthcare Facilities (HCFs)/ CBWTFs, lack of gap-analysis studies & monitoring by SPCBs/ PCCs, non-consideration of gap-analysis reports while grant of environmental clearances by SEIAA, illegal dumping of BMW by HCFs/ CBWTFs, earmarking of HCFs for BMW treatment to CBWTFs against distance criteria etc. It is to be noted that new facilities may be allowed on the basis of gap analysis by SPCBs wherever required.

4. In light of the above, I would request you to intervene in the matter and ensure that gap-analysis studies and BMWM Rules, 2016/ CPCB guideline provisions must become the ope of the fundamental grounds of granting ECs to HCFs/ CBWTFs. Further, the SPCBs/ PCCs may be directed to ensure effective monitoring of CBWTFs and ensure that all CBWTFs within their jurisdiction come under the ambit of Online Continuous Emission Monitoring System and connect with CPCB server. In case of insufficient capacity, proper gap analysis be made and new facilities may be allowed. If required, the non-compliant entities can be penalized, and asked to deposit of requisite environmental compensation.

with regards,

Yours sincerely,

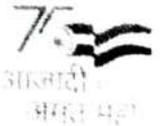
(Naresh Pal Gangwar)

Shri Vivek Kumar, IAS
Principal Secretary,
Department of Environment,
Government of West Bengal,
5th Floor, Pranisampad Bhawan, Block LB-II,
Salt Lake, Sector-III, Bidhannagar, Kolkata- 700106.
acsforestwb@gmail.com



पृथ्वी विंग, पांचवा तल, कमरा नं 505, इंदिरा पर्यावरण भवन, जोर बाग रोड,
नई दिल्ली-110003. फोन: (011) 20819247. ई-मेल asnpg.mefcc@gov.in

Prithvi Wing, 5th Floor, Room No. 505, Indra Paryavaran Bhawan, Jor Bagh Road,
New Delhi-110003, Tel.: (011) 20819247, E-mail: asnpg.mefcc@gov.in



134



सत्यमेव जयते

नरेश पाल गंगवार, आई.ए.एस.
Naresh Pal Gangwar, IAS

D.O. No. 20/4/2021-HSMD

अपर सचिव
भारत सरकार
पर्यावरण, वन एवं जलवायु परिवर्तन मंत्रालय
ADDITIONAL SECRETARY
GOVERNMENT OF INDIA
MINISTRY OF ENVIRONMENT, FOREST
AND CLIMATE CHANGE

Dated: 18th October, 2022

Respected Sir,

The Ministry of Environment, Forest and Climate Change (MoEFCC) is administering the Bio-medical Waste Management (BMWM) Rules, 2016 for scientific disposal of BMW. Further, to assist stakeholders in the implementation of the BMWM Rules, 2016, the Central Pollution Control Board (CPCB) has also formulated various guidelines. The purpose of these rules is to uniformly implement its provisions across the country with support of various stakeholders like the Ministry of Health and Family Welfare, State Health Department, State Pollution Control Boards/ Pollution Control Committees (SPCBs/ PCCs), Occupiers (waste generators), Common Bio-Medical Waste Treatment Facility Operators (CBWTFs) etc.

2. May I highlight here that the Ministry often comes across media reports, and receive representations from civil society/ stakeholder groups on non-compliance of BMWM Rules, 2016/ CPCB Guidelines. The major issues highlighted in such complaints are related to unscientific/ non-compliant functioning of Healthcare Facilities (HCFs)/ CBWTFs, lack of gap-analysis studies & monitoring by SPCBs/ PCCs, non-consideration of gap-analysis reports while grant of environmental clearances by State Environment Impact Assessment Authorities (SEIAA), illegal dumping of BMW by HCFs/ CBWTFs, earmarking of HCFs for BMW treatment to CBWTFs against distance criteria etc.

3. In light of the above, I would request you to intervene in the matter and ensure that the grant of ECs by the SEIAA must be based on gap analysis studies undertaken by the concerned SPCBs/ PCCs duly highlighting the difference in the BMW generated vis-à-vis the treatment capacity available.

With regards,

Yours sincerely,

(Naresh Pal Gangwar)

Shri Ujjwal Kumar Bhattacharya
Chairman, SEIAA, West Bengal
ACB, Action Area-1, New Town,
Kolkata - 700163.
ukb1955@gmail.com



पृथ्वी विंग, पांचवा तल, कमरा नं. 505, इंदिरा पर्यावरण भवन, जोर बाग रोड,
नई दिल्ली-110003, फोन: (011) 20819247, ई-मेल: asnpg.mefcc@gov.in
Prithvi Wing, 5th Floor, Room No. 505, Indira Paryavaran Bhawan, Jor Bagh Road,
New Delhi-110003, Tel.: (011) 20819247, E-mail: asnpg.mefcc@gov.in

75
आज़ादी का
अमृत महोत्सव

135

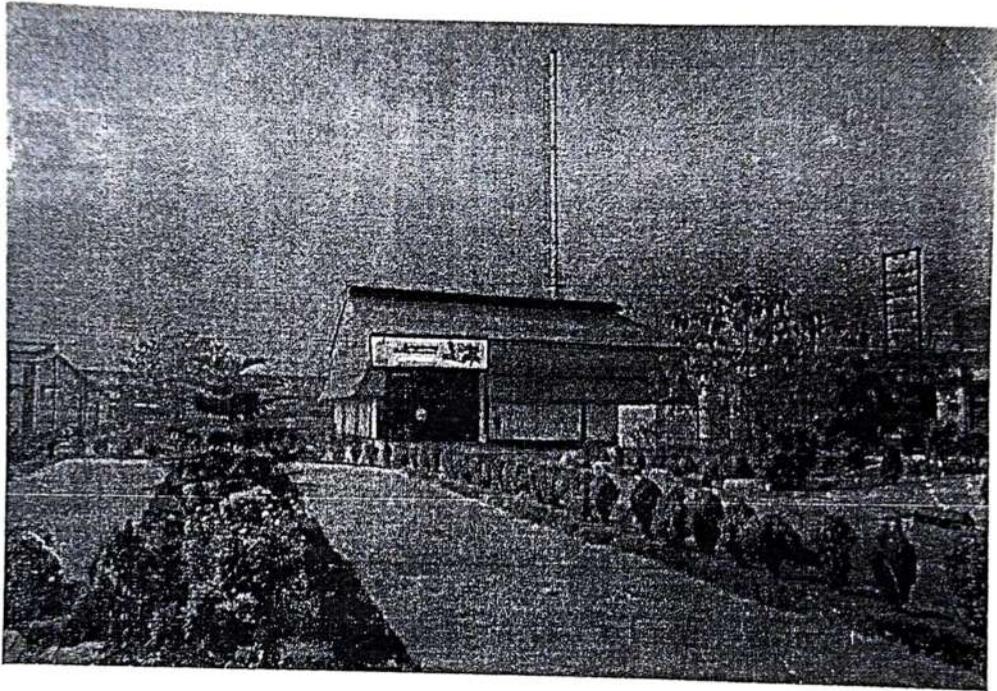
~~474~~

Annexure - P-19

Revised Guidelines for Common Bio-medical Waste Treatment Facilities



Revised Guidelines for Common Bio-medical Waste Treatment and Disposal Facilities



CENTRAL POLLUTION CONTROL BOARD

(Ministry of Environment, Forest and Climate Change)

Parivesh Bhawan, East Arjun Nagar

DELHI - 110 032

website: www.cpcb.nic.in

(December 21, 2016)

Annexure..... P/19
to in paragraph.....
foregoing part.....
by.....
on this.....

Signature
18/02/25

Commissioner of Affidavit
Circuit Bench of Jharkhand High Court
Patna, Jharkhand

~~A75~~

136

Abbreviations

APCD	-	Air Pollution Control Device
BMWM Rules	-	Bio-medical Waste Management Rules
CBWTF	-	Common Bio-medical Waste Treatment and Disposal Facility
CO	-	Carbon Monoxide
CO ₂	-	Carbon Dioxide
CPCB	-	Central Pollution Control Board
CRZ	-	Coastal Regulation Zone
DG	-	Diesel Generator
EC	-	Environmental Clearance
EIA	-	Environment Impact Assessment
ETP	-	Effluent Treatment Plant
GPS	-	Global Positioning System
HCFs	-	Health Care Facilities
HCl	-	Hydrochloric Acid
HOWM & TM Rules	-	Hazardous and Other Waste (Management & Transboundary Movement) Rules, 2016
MHz	-	Mega Hertz
MoEF & CC	-	Ministry of Environment, Forest & Climate Change
KM	-	Kilometer
KW	-	Kilowatt
MoU	-	Memorandum of Understanding
NABL	-	National Accreditation Board for Testing and Laboratories
NO _x	-	Oxides of Nitrogen
O ₂	-	Oxygen
PCC	-	Pollution Control Committee
PLC	-	Programmable Logical Control
SEIAA	-	State Environment Impact Assessment Authority
SLF	-	Secured Landfill
SPCB	-	State Pollution Control Board
TSDF	-	Treatment Storage and Disposal Facility
TOC	-	Total Organic Carbon
VOCs	-	Volatile Organic Compounds

176. 132

CONTENT

S. No	Description	Page No.
1	Introduction	01
2	Criteria for development of a new Common Bio-medical Waste Treatment and Disposal Facility	02
3	Duties of the operator of a common bio-medical waste treatment and disposal facility	06
4	Applicability of the guidelines	06
5	Environmental laws applicable for commissioning or operation of a CBWTF	07
6	Location criteria	08
7	Land requirement	09
8	Coverage area of CBWTF	10
9	Treatment equipment	10
10	Infrastructure set up	15
11	Record keeping	20
12	Collection and transportation of bio-medical waste	25
13	Disposal option of solid waste generated from CBWTF	27
14	Cost to be charged by the CBWTF operator for the Health Care Facilities	29
15	Check list for development of CBWTF	29
16	Periodic inspection/monitoring or performance evaluation of the CBWTFs	30
	List of Figure and Table	
	Figure 1. Criteria for development of a CBWTF in a coverage area	05
	Table 1: Suggested validation test for treatment of bio-medical waste by autoclave/microwave/chemical treatment/dry heat sterilization	24
	Table 2: Suggested disposal option of solid waste generated from CBWTF	28
	List of Annexure	
	Annexure-I: Coverage area-wise gap analysis for assessing additional BMW treatment capacity requirement	31
	Annexure -II: Format for maintaining the record by the CBWTF Operator along with the transportation vehicle used for collection of the Bio-medical waste from the member HCFs	32
	Annexure -III: Log Book for operating the Incinerator/Plasma Pyrolysis and Autoclave	33
	Annexure -IV: Check list for Development of a CBWTF	34
	Annexure -V: Check list for Performance Evaluation of the CBWTF	38
	Annexure -VI: Stationary Source Emission Monitoring for Dioxins and Furans	50
	References	53

1) Introduction

A Common Bio-medical Waste Treatment and Disposal Facility (CBWTF) is a set up where biomedical waste generated from member health care facilities is imparted necessary *treatment* to reduce adverse effects that this waste may pose on human health and environment. The treated recyclable waste may finally be sent for disposal in a secured landfill or for recycling.

According to the Bio-medical Waste Management Rules, 2016, "*bio-medical waste treatment and disposal facility*" means any facility wherein treatment, disposal of bio-medical waste or processes incidental to such treatment and disposal is carried out, and includes common bio-medical waste treatment facilities and "*operator of a common bio-medical waste treatment facility*" means a person who owns or controls a Common Bio-medical Waste Treatment and Disposal Facility (CBWTF) for the collection, reception, storage, transport, treatment, disposal or any other form of handling of bio-medical waste.

The Bio-medical Waste Management Rules, 2016 (hereafter referred as BMWM Rules) restricts occupier for establishment of on-site or captive bio-medical waste treatment and disposal facility, if a service of common bio-medical waste treatment and disposal facility is available within a distance of seventy-five kilometer, as installation of individual treatment facility by health care facility (HCF) requires comparatively high capital investment. In addition, it requires separate dedicated and trained skilled manpower and infrastructure development for proper operation and maintenance of treatment systems. The concept of *CBWTF* is not only addresses such problems but also prevents proliferation of treatment technologies in a particular town or city. In turn, it reduces the monitoring pressure on regulatory agencies. By running the treatment equipment at CBWTF to its full capacity, the cost of treatment of per kilogram bio-medical waste gets significantly reduced. Its considerable advantages have made CBWTF popular and proven concept in most part of the world.

The CBWTFs are also required to set up based on the need for ensuring environmentally sound management of bio-medical waste keeping in view the techno-economic feasibility and viable operation of the facility with minimal impact on human health and environment.

Since 1998, the CBWTF as an option for treatment of bio-medical waste also been legally introduced in India. Considering the likely impacts that may cause to the patients undergoing treatment because of operation of the captive treatment

equipment within the health care facilities (HCFs), now the Bio-medical Waste Management Rules, 2016 restricts the Occupier (i.e., HCF) for ensuring treatment and disposal of generated bio-medical waste through a CBWTF, located within a distance of 75 KM. Further, these rules eased the bottleneck in upbringing the CBWTF by making department in the business allocation of land assignment in the State or UT administration responsible for providing a suitable site (s) within its jurisdiction.

The concept of CBWTF is also being widely accepted in India among the healthcare units, medical associations and entrepreneurs. In order to set up a CBWTF to its maximum perfection, care shall be taken in choosing the right technology, development of CBWTF area, proper designing of transportation system to achieve optimum results etc. Key features of CBWTF have been addressed in the subsequent sections.

To facilitate the treatment and disposal of bio-medical waste generated from the HCFs, at present (as per Annual Report 2014 submitted by the SPCBs/PCCs), there are 192 no. of CBWTFs in operation and 33 no. of CBWTFs are under construction. Also, the Bio-medical Waste Management Rules, 2016 mandates that the operator of a CBWTF authorised by the prescribed authority is required to take all necessary steps to ensure that the bio-medical waste collected from the occupier is transported, handled, stored, treated and disposed of, without any adverse effect to the human health and the environment, in accordance with the BMWM Rules and the guidelines issued by the Central Government or the Central Pollution Control Board (CPCB) from time to time. Therefore, these guidelines have been prepared with an aim to have uniformity in ensuring site selection, allowing and establishment of a state-of-the-art CBWTF, operation as well as verification of compliance to the BMWM Rules, 2016 throughout the country. However, any other aspects which are not been covered under these guidelines and needs attention, in such a case, the prescribed authority may take suitable action in the interest of protection of the environment in consultation with MoEF & CC/CPCB. Also, it is pertinent to mention here that these guidelines are mandatory henceforth under the Bio-medical Waste Management Rules, 2016

2) **Criteria for development of a new Common Bio-medical Waste Treatment and Disposal Facility for a locality or region.**

Prior to allowing any new CBWTF, following criteria or steps may be followed:

- a) Prescribed authority under the BMWM Rules, 2016 [i.e., State Pollution Control Board (SPCB) in the respective State or Pollution Control Committee (PCC) in the respective

Union Territory Administration] is required to prepare an inventory or review with regard to the bio-medical waste generation at least once in five years in the coverage areas of the existing bio-medical waste treatment and disposal facility. The prescribed authority is also required to extrapolate the coverage-area wise bio-medical waste generation for the next ten years.

- b) SPCB/PCC is required to conduct gap analysis w.r.to coverage area of the bio-medical waste generation and also projected over a period of next ten years, adequacy of existing treatment capacity of the CBWTF in each coverage area of radius 75 KM, as given in **Annexure-I**.

All the SPCBs and PCCs shall conduct the gap analysis and based on the gap analysis, action plan for development of new CBWTFs is required to be prepared and submitted to MoEF & CC & CPCB within six months' time. In case of States/UTs, where no CBWTF is available, in such a case, SPCB/PCC being prescribed authority under the BMW Rules is required to submit the detailed proposal to MoEF & CC/MoH & FW through the respective State Government or UT Administration. Also, the option of forming association by the group of health care facilities (HCFs) to develop their own CBWTF also be encouraged following these guideline. In case, any coverage area requires additional treatment capacity, in such a case, action may be initiated by the prescribed authority for allowing a new CBWTF in that locality without interfering the coverage area of the existing CBWTF and beds covered by the existing CBWTF.

- c) SPCB/PCC shall identify the coverage area, which require additional treatment facility and bring it to the notice of the concerned department in the business allocation of land assignment in the respective State Government or UT Administration. The department in the business allocation of land assignment shall be responsible for providing suitable site in the identified coverage area for setting up of a CBWTF, in consultation with the prescribed authority (i.e., SPCB/PCC), other stakeholders and in accordance with these guidelines issued by CPCB from time to time.
- d) Alternately, a CBWTF may also be allowed to be established on a land procured by an entrepreneur in accordance with the location criteria suggested under these guidelines.
- e) The SPCB/PCC or concerned department in the business allocation of land assignment in the respective State Government or UT Administration may seek expression of interest from the proponents for development of new CBWTF (s) in the identified coverage area. Upon allocation of site to the proponent, the proponent is

required to take necessary approvals as required under the Environment (Protection) Act, 1986 for development of the new CBWTF in accordance with these guidelines.

- f) In the absence of expression of interest by any proponent, then SPCB/PCC shall insist health care facilities to form association and to develop its own CBWTF in line with these guidelines or to have captive treatment facilities for ensuring treatment and disposal of generated bio-medical waste as stipulated under the BMWM Rules, 2016.
- g) In case of any regulatory action including closure of any existing CBWTF is inevitable, the respective SPCB/PCC may take action under the BMWM Rules including for making alternate arrangement to ensure safe disposal of the bio-medical waste generated from the member health care facilities of such default CBWTF through CBWTF located nearby.
- h) In case of hilly areas considering the geography, only one CBWTF with adequate treatment capacity may be developed covering atleast two districts to cater treatment services to the HCFs located in the respective Districts. The selection and allocation of site etc., should be done as per the criteria suggested under these guidelines. The treatment charges to be prescribed by the respective SPCB/PCC in consultation with the State Advisory Committee.

The criteria for development of CBWTFs in any coverage area is also depicted in **Figure 1**.

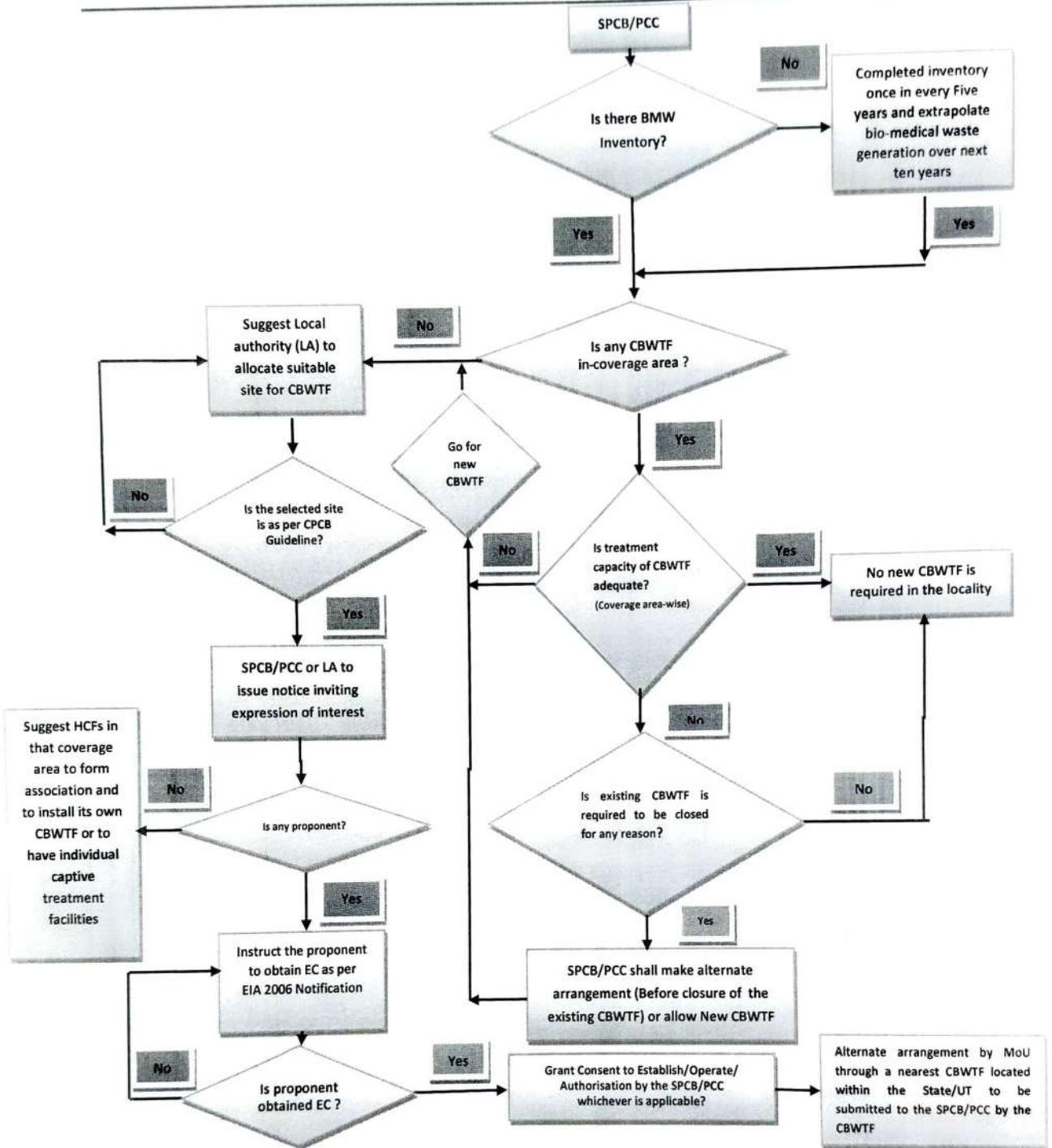


Figure 1. Criteria for Development of a CBWTF in a coverage area

3) **Duties of the operator of a common bio-medical waste treatment and disposal facility**

The duties of the operator of a common bio-medical waste treatment and disposal facility (CBWTF) as enunciated under Rule 5 of the Bio-medical Waste Management Rules, 2016 shall be ensured and complied with. Also, all the existing CBWTFs shall also complete augmentation of the existing incineration facility so as to comply w.r.to the residence time as well as emission norms including for Dioxins and Furans prescribed under BMW Rules, 2016 within two years from the date of notification of the BMW Rules, 2016 (i.e., prior to 27.03.2018). In addition to the above, to ensure proper management of bio-medical waste in the respective coverage area, as a mitigation measure, especially in the event of

- (a) a temporary break down (not more than a week) of a CBWTF especially for rectification of the refractory lining of the incineration chambers or change of requisite APCD due to failure; and
- (b) Closure of a CBWTF for violation of the provisions of the BMW Rules or any other reason.

Prior to commencement of a new CBWTF as well as all the existing CBWTF Operators are required to submit action plan, to the respective SPCB/PCC, for imposing suitable condition while granting authorisation under the BMW Rules, 2016. The action plan should also include:

- (a) a MoU made with the nearest CBWTF located within the respective State/UT, as alternate arrangement. In case, if there is no CBWTF located nearby then such CBWTF should have to install stand by treatment equipment (equal to the existing treatment capacity as per consents granted by the SPCB/PCC), and
- (b) decontamination plan of the CBWTF for execution of such plan prior to closure of a CBWTF.

4) **Applicability of these guidelines**

These guidelines are applicable to all the upcoming or new CBWTFs. In case of the existing CBWTFs, these guidelines shall be applicable in case

- (a) the existing CBWTFs desires to expand or enhance the existing treatment capacity
(or)
- (b) the existing CBWTFs desires to modernize the existing treatment equipment with the new equipment with enhancement in the existing treatment capacity.

- 183 - 144

5) **Environmental laws applicable for commissioning or operation of a CBWTF**

Operation of a CBWTF leads to air emissions as well as waste water generation as in case of an industrial operation. Most common sources of waste water generation in CBWTFs are vehicle washing, floor washing, and scrubbed liquid effluent from air pollution control systems attached with the incinerator/plasma pyrolysis. Incineration as well as DG Set is the general source of air emissions.

5.1 Any other approvals (such as Land Use /Change in Land Use as applicable) required from the concerned authorities under various laws have to be complied with by the proponent of the CBWTF prior to development of a CBWTF.

5.2 **Consents under Water (Prevention and Control of Pollution) Act, 1974 and Air (Prevention and Control of Pollution) Act, 1981 as well as Authorization under the BMW Rules, 2016**

The project proponent of the CBWTF is required to obtain 'Consent to Establishment' under Rule 25 of the Water (Prevention and Control of Pollution) Act, 1974 and under Rule 21 of the Air (Prevention and Control of Pollution) Act, 1981, from the respective prescribed authority i.e. SPCB/PCC. Upon installation of the requisite equipment, the CBWTF Operator is also required to obtain authorization under BMW Rules, 2016 co-terminus with consent to operate under Water (Prevention and Control of Pollution) Act, 1976 & Air (Prevention and Control of Pollution) Act, 1981 from the respective SPCB/PCC prior to commencement of the CBWTF.

5.3 **Environmental Clearance under EIA Notification 2006**

Ministry of Environment, Forest & Climate Change (MoEF & CC), notified amendment to the EIA Notification 2006 and published vide MoEF & CC Notification of S.O. 1142 (E) dated April 17, 2015. According to this notification, the 'bio-medical waste treatment facility' is categorized under the Item 7 (da) in the schedule, requiring 'environmental clearance' from the State Environment Impact Assessment Authority (SEIAA). Therefore, the CBWTF operator is also required to obtain 'Environmental Clearance (EC)' from the respective SEIAA or Ministry of Environment, Forest & Climate Change (MoEF & CC), as the case may be, before any construction work, or preparation of land by the projects management, which include the following:

- a) All new projects or activities pertaining to the bio-medical waste treatment facility; and
- b) Expansion and modernization with additional treatment capacity of existing bio-medical waste treatment facility (excluding augmentation of incineration facility)

for compliance to the residence time as well as Dioxins and Furans without enhancing the existing treatment capacity).

- c) Any expansion or modification in the treatment capacity or relocation of the existing CBWTF (requires compliance to the relevant provisions notified under the Environment (Protection) Act, 1986 by the MoEF & CC

6) **Location criteria**

In the context of these guidelines, buffer zone represents a separation distance between the source of pollution in CBWTF and the receptor - following the principle that the degree of impact reduces with increased distance. The following parameters may be considered for ascertaining buffer distance on case-to-case basis:

- (i) potential for spread of infection from wastes stored in the premises.
- (ii) applicable standards for pollution control and the relative efficiency of the existing incinerators and emission control systems,
- (iii) potential of fugitive dust emission from incinerators,
- (iv) potential for discharge of wastewater
- (v) the potential for odour production,
- (vi) the potential for noise pollution,
- (vii) the risk posed to human health and safety due to exposure to emissions from incinerator,
- (viii) the risk of fire and
- (ix) Significance of the residual impacts such as bottom ash and fly ash.

As far as possible, the CBWTF shall be located near to its area of operation in order to minimize the transportation distance in waste collection, thus enhancing its operational flexibility as well as for ensuring compliance to the time limit for treatment and disposal of bio-medical waste as stipulated under the BMW Rules (i.e., within 48 hours). Also, the location of the CBWTF should be in conformity to the CRZ Norms and other provisions notified under the Environment (Protection) Act, 1986. The location shall be decided in consultation with the State Pollution Control Board (SPCB)/ Pollution Control Committee (PCC). The location criteria for development of a CBWTF are as follows:

- (a) A CBWTF shall preferably be developed in a notified industrial area without any requirement of buffer zone **(or)**
- (b) A CBWTF can be located at a place reasonably far away from notified residential and sensitive areas and should have a buffer distance of preferably 500 m so that it shall

have minimal impact on these areas. In case of non-availability of such a land, the buffer zone distance from the notified residential area may be reduced to less than 500 m by SPCB/PCC without referring the matter to CPCB by prescribing additional control measures such as (i) adoption of best available technologies (BAT) by the proponent of CBWTF; (ii) prescribing stringent standards for operation of the CBWTF by the SPCB/PCC; (iii) adoption of zero liquid discharge by the CBWTF and (iv) in case of any complaints from the public, then CBWTF should prove that the facility is not causing any adverse impact on environment and habitation in the vicinity. If SPCB/PCC is not in a position to resolve the issue relating to buffer zone while selecting the site for CBWTFs, in such a case, SPCBs/PCCs may refer the matter to CPCB.

- (c) The CBWTF can also be developed as an integral part of the Hazardous Waste Treatment Storage and Disposal Facility (TSDF) subject to obtaining of necessary approvals from the authorities concerned including 'environmental clearance' as per Environmental Impact Assessment 2006 and further amendments notified under the Environment (Protection) Act, 1986, provided there is no CBWTF exist within 150 KM distance from the existing TSDF.

7) Land requirement

Sufficient land shall be allocated to the CBWTF to provide all requisite systems which include dedicated space for storage of waste (both treated and untreated), waste treatment equipment, vehicle washing bay, vehicle parking space, ETP, incineration ash storage provision, administrative room, space for DG Set etc.,.

- (a) Preferably, a CBWTF shall be set up on a plot size of not less than one acre in all the areas. However, a CBWTF can be developed in adjacent plots but cannot be set up in two or more different plots located in different areas. Separate plots can be permitted only for vehicle parking if located in the close vicinity of the proposed CBWTFs or the existing CBWTFs.
- (b) In case of upcoming or new CBWTFs (both in municipal limits with population more than 25 lakhs or in rural areas), the land area requirement may be relaxed (but in any case not less than 0.5 acre) by the SPCB/PCC, with additional control measures such as zero liquid discharge, increase in stack height, stringent emission norms, odour control measures or any other measures felt necessary by the prescribed authority on case-to-case basis, only in consultation with CPCB.

~~186~~ / 40

8) Coverage area of CBWTF

Suggested coverage area for development of a CBWTF is as follows:

- a) A CBWTF located within the respective State/UT shall be allowed to cater healthcare units situated at a radial distance of 75 KM. However, in a coverage area where 10,000 beds are not available within a radial distance of 75 KM, existing CBWTF in the locality (located within the respective State/UT) may be allowed to cater the healthcare units situated upto 150 KM radius w.r.to its location provided the bio-medical waste generated is collected, treated and disposed of within 48 hours as stipulated under the BMWM Rules. ✓
- b) In case, number of beds is exceeding >10,000 beds in a locality (i.e. coverage area of the CBWTF under reference) and the existing treatment capacity is not adequate, in such a case, a new CBWTF may be allowed in such a locality in compliance to various provisions notified under the Environment (Protection) Act, 1986, to cater services only to such additional bed strength of the HCFs located.
- c) In case of hilly areas, considering the geography, only one CBWTF with adequate treatment capacity may be developed covering atleast two districts to cater treatment services to the HCFs located in the respective Districts. The selection and allocation of site etc. should be done as per the criteria suggested under these guidelines. The treatment charges to be prescribed by the respective SPCB/PCC in consultation with the State Advisory Committee to be constituted under the BMWM Rules by the respective State Government or UT Administration.

9) Treatment equipment

The Common Bio-medical Waste Treatment Facility should treat the bio-medical waste as per BMWM Rules and as per the authorisation granted by the prescribed authority. The CBWTF should have the following treatment facilities:

a) *Incineration/Plasma Pyrolysis*

Incineration is a controlled combustion process where waste is completely oxidized and harmful microorganisms present in it are destroyed/ denatured under high temperature. The guidelines for "Design & Construction Requirements of Bio-medical Waste Incinerators" by CPCB from time to time shall be followed for selecting/or augmenting the incinerator.

198

Amazure P-20



2025:CHC-JP:268

55 03.03.2025
NB Ct. 02

Calcutta High Court
In The Circuit Bench At Jalpaiguri
Appellate Side

WPA 443 of 2025

M/s. Greenzen Bio Private Ltd. & Anr.
Vs.
The State of West Bengal & Ors.

Ms. Reshmi Ghosh,
Mr. Deborshi Dhar.
...for the petitioners.

Mr. Momenur Rahman,
Mr. Kumar Shantanu.
...for the State.

Affidavit of service filed on behalf of the petitioners
is taken on record.

It appears that service is not complete for a few of
the respondents.

The hearing of the case is adjourned for the week..

(Jay Sengupta, J.)



Government of West Bengal

This document having UDIN **25-G-GA000004-C-1741254589959** has been created by **WEST BENGAL POLLUTION CONTROL BOARD** with authorised person's Aadhaar no XXXXXXXX4130 on 03:19PM, March 06, 2025.

This document is available at UDIN platform till 03:19PM, March 06, 2030.



Annexure P/21
to in para
foregoing
by **M. Paul**
on this **10/11/25** **Mem 25**

AD 11.03.25
Commissioner of Affidavit
Circuit Bench of Calcutta High Court



Gibanan Mukherjee
Authorised Signatory
(E-signed)
Department of IT&E



150

WEST BENGAL POLLUTION CONTROL BOARD
 Paribesh Bhawan, 10A, Block LA, Sector III
 Salt Lake City, Bidhan Nagar, Kolkata – 700 106, INDIA
 Website : www.wbpcb.gov.in. e-mail : wbpcbnet@wbpcb.gov.in

Category of the Industry : RED

Application Type: CTO

CTO No.: WBPCB/6077910/2024

Date : 06/03/2025

Consent to Operate (CTO) under Section 25 & 26 of the Water (Prevention and Control of Pollution) Act, 1974 as amended and Section 21 of the Air (Prevention and Control of Pollution) Act, 1981 as amended.

Reference: Application No.: 6077910

The West Bengal Pollution Control Board (hereinafter referred to as State Board) under the provisions of Section 25 & 26 of the Water (Prevention and Control of Pollution) Act, 1974 as amended and Section 21 of the Air (Prevention and Control of Pollution) Act, 1981 as amended, and Rules and Orders made thereunder hereby grants Consent to Unique Universal Bio Waste LLP (hereinafter referred to as Applicant) for its unit located at Mouza – Chhatgujrimari, Vill- Kaluabari, P. O- Debithakurbari, P. S- Rajganj, Dist – Jalpaiguri. PIN – 735133 for the period from 06/03/2025 to 28/02/2030 to operate the industrial unit/project and to discharge liquid effluent and gaseous emission from the premises / land of the industrial unit/project, in accordance with the conditions as mentioned below, provided that on any day at any instance the quantity and quality of liquid discharge and gaseous emission shall not exceed the permissible limit as specified in this consent letter and in the Environment (Protection) Act, 1986 and Rules thereunder, as amended.

Breach of the conditions and / or failure to comply with the conditions as mentioned below shall render the industry/project liable for prosecution under Section 25 & 26 of the Water (Prevention and Control of Pollution) Act, 1974 as amended and Section 21 of the Air (Prevention and Control of Pollution) Act, 1981 as amended.

The State Board reserve the right to revoke, amend and/or make any reasonable variation / change / alter the conditions of this consent letter giving notice to the industry.

Conditions :

- 1 This Consent is valid for the following activities :

Sl.No	Name of Activity/Products/By-products	Production Capacity (Per Month)
1	Common Bio-medical Waste Treatment Facility for collection, transportation, treatment & Disposal of Bio-medical wastes generated from bedded & non bedded health care facilities using 2x250kg/hr. capacity plasma pyrolysis (1no. standby), 1x1500 Liter/batch capacity autoclave and 1x500 kg/hr. capacity shredder	7000 Kg/Day

- 2 The industry shall remain responsible for quantity and quality of liquid effluent and air emission.
- 3 Daily waste water generation and discharge shall not exceed :

No. of outlets	Source of Waste Water	Quantity in Kilo Liters/day	Place of discharge
1	Scrubber, vehicle washing, floor washing etc.	6.1	Treated in ETP and reused
2	Domestic	2	Septic tank & Soak pit

This is computer generated document from UCAMM by WBPCB

WBPCB/6077910/2024

Page 1



151

12

4. To bring into any altered or new outlet / outfall or to change the place of discharge, the industry shall have to inform the Board and obtain prior permission of the Board in this effect.
5. The industry shall provide comprehensive facility for treatment of industrial liquid waste and domestic liquid waste (sewage, sullage and liquid effluent generated from canteen), and operate and maintain the same continuously so that the quality of final effluent conforms to the Standard as given below:

Outlet No.	Nature of effluent	Parameters and standard		Unit	Frequency of sampling
		Parameters	Standards		
1	Industrial	Oil & Grease	10	mg/L	Quarterly
1	Industrial	pH	6.5 to 9.0		Quarterly
1	Industrial	Total suspended Solid (TSS)	100	mg/L	Quarterly
1	Industrial	Chemical Oxygen Demand (COD)	250	mg/L	Quarterly
1	Industrial	Biological Oxygen Demand (BOD)	30	mg/L	Quarterly
1	Industrial	Bio-assay test	90% survival of fish after 96 hours in 100% effluent		Quarterly
2	Domestic	pH	5.5 to 9.0		Yearly
2	Domestic	Total suspended Solid (TSS)	100	mg/L	Yearly
2	Domestic	Biological Oxygen Demand (BOD)	30	mg/L	Yearly
2	Domestic	Oil & Grease	10	mg/L	Yearly
2	Domestic	Biological Oxygen Demand (BOD)	250	mg/L	Yearly

Provisions shall be made to install sensor based Water Quality monitoring system and flow meter to share the information with the state board on a Real time basis.

6. Daily water consumption for the following purposes shall not exceed

SL NO.	Purpose	Quantity (KL/Day)
1.		2.4
2.		6.0
3.	Others (Washing)	4.0

7. The Industry shall install suitable digital device for measuring the volume of water consumed for different purposes as mentioned above giving correct result to the satisfaction of the State Board. The device shall be able to provide information to disseminate the quantity on a real time basis.

8. All the stacks connected to various sources of emissions must be designated by numbers.

9. The industry shall install comprehensive pollution control equipment and operate and maintain the same to conform to the standard as given below:

"This is computer generated document from OCMMIS by WBPCB"

WBPCB/60/79/10/2024

Page 2



152 JB

Stack height from ground level (m)	Stack attached to emission source	Capacity of emission source	Consumption Unit	Fuel details		Control system (if any)	Concentrations of parameters not to exceed					Frequency of sampling	Remarks
				Fuel used	Quantity		PM (mg/N m ³)	CO (%)	Acid Mist (mg/N m ³)	Pb (mg/N m ³)	SO ₂ (mg/N m ³)		
7.5	DG Set	125	KVA	HSD	0.04 Kilo Liters/Hour							Yearly	Pl. see Annexure I
30		250	Kg/Hour	Electric	12 Kilo Watt Hr	Cyclone, water scrubber etc.	50	50			400	Total Dioxins & Furans- 0.1ng TEQ/Nm ³ (at 11% O ₂) and Hg and its compounds 0.05mg/Nm ³ at 11% oxygen correction	Quarterly 2 x 250 kg/hr. capacity Plasma Pyrolysis (Ino. stand by). All monitored values shall be corrected to 11% oxygen on dry basis



10 The industry shall provide ports in the form of platform etc. for monitoring / sampling and use by the State Board's staff as well as necessary permanent facilities such as ladder, same shall be made available for inspection and authorized agencies.

11 Waste generation, treatment and disposal shall be as specified below :

S.No	Description of Waste	Quantity	Treatment and Disposal
1	DG Waste oil/Spent oil	0.5 Kilo Liters/Year	Through authorized recycler
2	ETP Sludge	54 Kg/Day	Through CHWTSDF
3	Ash	250 Kg/Day	Through CHWTSDF
4	Plastic, Glass etc.	40 Metric Tonnes/Year	Through authorized recycler

The Industry shall obtain Authorisation for waste and also register for EPR wherever applicable.

12 The industry shall take adequate measures for control of noise level from its own sources within the premises within the limit given below :

Time	Limit in dB (A) Leq
Day time (06 a.m. to 10 p.m.)	65
Night time (10 p.m. to 06 a.m.)	55

Noise barriers should be installed if the Noise Level is found to be exceeding the desired levels.

13 The industry shall at all times maintain good house-keeping and control pollution (including fugitive emissions) from all sources to maintain clean environment in & around factory premises and in surrounding areas.

"This is computer generated document from OCMMS by WRPCB"

WRPCB/607-9/10/2024
Page 5



- 153
- 14 The Industry shall bring about at least 33% of the total land area under the tree cover
 - 15 The Industry shall provide sufficient alternate electric power source like Green DG or Storage Battery System etc. to operate all pollution control facilities. In absence of such alternate power source, the production shall be stopped/controlled to conform to the conditions of the Consent.
 - 16 The industry shall install a separate energy meter showing the consumption of energy for operation of pollution control devices and shall install suitable device for measuring the volume of water consumed for different purposes as mentioned in SI.No. 3.
 - 17 The Industry shall provide drainage system for discharge of industrial and domestic effluent and a separate drainage system for storm-water.
 - 18 The industry shall maintain a separate register showing consumption of chemicals used in pollution control systems.
 - 19 The Industry shall get the samples of hazardous wastes / leachates analysed at least once in a year from a laboratory recognised by the West Bengal Pollution Control Board and ensure that they conform to the limits stipulated. Test reports shall be sent to the Board.
 - 20 The Industry shall submit the Environmental Statement Report for the financial year ending 31st March of the current year in the prescribed form (Form V) as required under the provisions of Rule 14 of the Environment (Protection) [Second Amendment] Rules 1992 by 30th September of every year, to the WBPCB.
 - 21 The Industry shall allow the officers of the State Board to enter into the premises of the unit at any reasonable time to inspect the pollution control systems and shall provide adequate and safe facility for collection of air, wastewater and solid waste samples for monitoring by the State Board as well as by authorized agencies of the State Board, as and when required by them.
 - 22 The industry shall maintain an Inspection Book in the factory premises which shall be made available to inspecting officers of the State Board for inspection, review and to write down any direction or observation as is deemed necessary during the inspection.
 - 23 The Industry shall furnish to the State Board all information in respect of quality, quantity, rate of discharge, place of discharge of liquid effluent and air emission.
 - 24 The Industry shall maintain adequate and trained personnel among its staff for proper maintenance and operation of consent and/or emission control devices and for overall environment management of the unit.
 - 25 The Industry shall have to make registration for the use of groundwater if any, with State Water Investigation Directorate (SWID).
 - 26 The Industry shall intimate to the State Board immediately of any occurrence or apprehension of occurrence of discharge of any poisonous, noxious or pollutants in excess of quality as well as quantity as mentioned earlier to any receiving water body/receiving system or to atmosphere owing to accident or other unforeseen incident/event including natural disaster. The Applicant shall (i) take all steps adequate to prevent such accident discharge / release of poisonous, noxious or pollutants and to limit their consequences to persons and the environment, (ii) provide to the persons working on the site with the information, training and equipment including antidotes necessary to ensure their safety and mitigate the accidental release of poisonous noxious or pollutants to the environment.
 - 27 If the Industry is using Diesel Generator set or generating any other hazardous waste, it should install a Digital Display Board to discriminate all information as stipulated in this regard.
 - 28 The industry shall make an application to the State Board in the prescribed form for renewal of the consent at least 120 (one hundred & twenty) days before the date of expiry of this Consent.
 - 29 The industry shall not make any alteration / expansion / modification in the existing manufacturing process and equipment, pollution control system and shall not alter or bring in any new outlet/outfall or stack or change the place of discharge, without prior approval of the Board.

This is computer generated document from OUMMS by WBPCB

WBPCB/2024/910/2024

Page 4



- 30 The industry shall comply with all applicable Environmental Acts and Rules. 159
- 31 The Industry shall comply with the provisions of relevant Waste Management Rules and also submit Annual Returns / Manifests on regular basis.
- 32 Concealing factual data or submission of false or fabricated data/information may result in revocation of Consent to Operate and attract action under the provisions of the Water (Prevention and Control of Pollution) Act, 1974 and the Air (Prevention and Control of Pollution) Act, 1981.

Special Conditions:

Pl. see Annexure I & II.

Any violation of the aforesaid conditions shall entail cancellation of this Consent for Operate.

For and on behalf of West Bengal Pollution Control Board



06/03/2025

Chief Engineer
Waste Management Cell



This is computer generated document from UCAMS by WRPCB

WRPCB

Page 5



ANNEXURE II to 'Consent to Operate' of M/s Unique Universal Bio Waste LLP

136 47

Name of the unit: M/s Unique Universal Bio Waste LLP

Mouza – Chhatgujrimari, Vill- Kaluabari, P. O- Debithakurbari,

P. S- Rajganj, Dist – Jalpaiguri, PIN – 735133

1. The unit should follow the Revised Guidelines for Common Bio-medical Waste Treatment and Disposal Facilities and also the Guidelines for Bar Code System for Effective Management of Bio-medical Waste published by the Central Pollution Control Board in December, 2016 and April, 2018 respectively.
2. The unit should comply with the terms and conditions stipulated in the 'Consent to Establish' issued vide memo no. 545-2N-20/2023 (E) dated 13/09/2023 and 'Environmental Clearance' vide no. EC23B057WB123900 dated 01-09-2023, File no. EN/T-II-1/086/2022 dated 01/09/2023 properly.
3. The Common Bio-medical Waste Treatment Facility shall cater health care units situated at a radial distance of 75KM within the State of West Bengal. However, in a coverage area where 10,000nos. beds are not available within radial distance of 75KM, the Common Bio-medical Waste Treatment Facility shall cater the healthcare units situated up to 150KM radius w. r. t its location within the state of West Bengal.
4. Analysis report of effluent and emission should be submitted initially within 30days hereof.
5. Thickness of all plastic carry bags should be at least one hundred and twenty (120) microns as per the provision laid down in the Plastic Waste Management (Amendment) Rules, 2021 and EPR registration should be obtained through online centralized portal '<https://eprplastic.cpcb.gov.in>' as per the Plastic Waste Management (Amendment) Rules, 2022.
6. This 'Consent to Operate' is valid upto 28-02-2030 for Common Bio-medical Waste Treatment Facility for collection, transportation, treatment & disposal of Bio-medical wastes generated from bedded & non-bedded health care facilities using 2 x 250Kg/hr. capacity Plasma Pyrolysis (one number stand by), 1 x 1500lit/batch capacity Autoclave and 1 x 500Kg/hr. capacity Shredder.
7. This 'Consent to Operate' is issued without prejudice to the rights and contentions of the parties in any pending case before any competent Court of Law.



Annexure P-22

18
157



Government of West Bengal

This document having UDIN **25-G-GA000004-C-1741254265280** has been created by **WEST BENGAL POLLUTION CONTROL BOARD** with authorised person's Aadhaar no. **XXXXXXXX4130** on **03:14PM, March 06, 2025**.

This document is available at UDIN platform till **03:14PM, March 06, 2030**.



Annexure..... *P/22*
to in paragraph.....
foregoing.....
by..... *M. Pal*
on this..... *11*..... *Mar 25*

11.03.25
Commissioner
Circuit Bench
at



Sibansu Mukherjee
Authorised Signatory
(E-signed)
Department of IT&E



158

Ref No. - WBPCB/6083166/2024

Dated:- 06/03/2025

FORM-III

(Authorization for operating a facility for generation, collection, reception, treatment, storage, transport and disposal of biomedical wastes as per the Bio-Medical Waste Management Rules, 2016 and as amended)

1. M/s Unique Universal Bio Waste LLP, Hiren Chandra Roy an occupier or operator of the facility located at Mouza – Chhatgujrimari, Vill- Kaluabari, P. O- Debithakurbari, P. S- Rajganj, Dist – Jalpaiguri. PIN – 735133 is hereby granted an authorisation for: Collection, Reception, Transportation, Storage, Treatment or Processing or Conversion. Disposal or destruction use. Any other form of Handling.

2. M/s Unique Universal Bio Waste LLP is hereby authorized for handling of biomedical waste as per the capacity given below:

- (i) HCF/CBMWTF type: CBMWTF
- (ii) Health Care Facility Category : Biomedical waste management agencies
- (iii) Number of beds of HCF: NA
- (iv) No of HCFs covered by the CBMWTF: -
- (v) No of beds covered by the CBMWTF: -
- (vi) Installed treatment and disposal capacity of CBMWTF: 7000 kg per day
- (vii) Jurisdictional area and distance covered by the CBMWTF: Nil of Annex-I
- (viii) Quantity of BMW treated or disposed :



Type of Waste Category	Quantity permitted for Handling (kg per day on monthly average basis)
Yellow	--
Red	--
White	--
Blue	--
Total	--

3. This Authorization shall be in force for a period up to 28/02/2030 from 06/03/2025

4. This Authorization is subject to the conditions stated below and to such other conditions as maybe specified in the rules for the time being in force under the Environment (Protection) Act, 1986.

Terms and Conditions of Authorisation

- 1. The authorisation shall comply with the provisions of the Environment (Protection) Act, 1986 and the rules made there under.
- 2. The authorisation or its renewal shall be produced for inspection at the request of an officer authorised by the prescribed authority.
- 3. The person authorized shall not rent, lend, sell, transfer or otherwise transport the biomedical wastes without obtaining prior permission of the prescribed authority.
- 4. Any unauthorised change in personnel, equipment or working conditions as mentioned in the application by the person authorised shall constitute a breach of his authorisation.

This is computer generated document from UCMMIS by WBPCB

WBPCB/6083166/2024
 Page 1



It is the duty of the authorised person to take prior permission of the prescribed authority to close down the facility and such other terms and conditions may be stipulated by the prescribed authority. 20-

Additional Conditions:

1. The occupier/operator must handle & manage bio-medical wastes as prescribed in the Bio-medical Waste Management Rules, 2016 and take all steps to ensure that such waste is handled without any adverse effect to human health & the environment.
2. The occupier shall handle mercury bearing waste as per guidelines issued by CPCB for the "Environmentally Sound Management of Mercury Waste Generated from Health Care Facilities."
3. Every authorized person shall maintain record related to generation, collection, temporary storage in accordance with rules.
4. No untreated waste shall be stored onsite for more than 48 hours.
5. The applicant shall submit an Annual Report in Form-IV to the Board by 30th June every year as required under the provisions (Rule-13) of the Bio-medical Waste Management Rules, 2016.
6. The West Bengal Pollution Control Board reserves its right to revoke, withdraw, make any reasonable variation of the conditions or change or alter this 'Authorization' by giving one month notice to the Applicant.
7. Application for renewal of authorization shall be filled at least 120 (one hundred & twenty) days before the date of expiry.

Specific conditions:

Pl. see Annexure I.



[Handwritten Signature]

06/03/2024

**Chief Engineer
Waste Management Cell**

"This is computer generated document from GCMMS by WRPCB"

WRPCB/0603/2024

Page 2



8/c

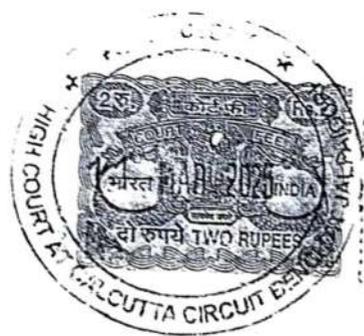
Amavore - 8/23

160

DISTRICT: DARJEELING

Received by
Chinshikha Dey
on behalf of Adv
Prady Singh
Adv
11-03-2025

IN THE HIGH COURT AT CALCUTTA
CONSTITUTIONAL WRIT JURISDICTION
CIRCUIT BENCH AT JALPAIGURI
APPELLATE SIDE



W.P.A. No. 443 of 2025

IN THE MATTER OF :
An application under Article 226
of the Constitution of India;

-AND

IN THE MATTER OF :
M/s. Greenzen Bio Private
Limited & Anr.

.....PETITIONERS

VERSUS

The State of West Bengal & Ors.

..... RESPONDENTS

Received
Kumar Jantun
of the State
11/03/2025 S-1128

SUPPLEMENTARY AFFIDAVIT ON BEHALF OF THE PETITIONERS

I, Mohinder Pal Singh, Son of Late Dilip Singh, aged about 59
years, by faith- Hindu, by occupation -service, residing at 4/285,
Parwati Bagla Road, Thana Kohna, Kanpur, Nawab Ganj, Kanpur

13

Nagar, Uttar Pradesh, 208002, do hereby solemnly affirm and say as follows: -

1. The instant writ application was filed on 18th February, 2025 and the Learned Advocate-on-Record thereafter effected service upon all the respondents.
2. The respondents duly received the copy of the writ petition along with the communication letter that the instant writ application shall appear on 3rd March, 2025 or so soon thereafter.
3. The instant writ application was taken up for hearing on 3rd March, 2025, when despite service none appeared on behalf of the respective respondents except for the state respondents. A copy of the order dated 3rd March, 2025 is annexed and marked as annexure "P-20"
4. Subsequently, the petitioners have come across a Consent to Operate dated 6th March, 2025 issued by the West Bengal Pollution Control Board in a haste, since the WBPCB was in receipt of the copy of the writ application and despite the CTO being rejected on 3rd December, 2024, the same was re-issued on 6th March, 2025 pending adjudication of the instant writ application. A copy of the

Consent to Operate dated 6th March, 2025 is annexed and marked as annexure "P-21"

5. That an Authorization dated 6th March, 2025 was issued by the West Bengal Pollution Control Board in favour of the respondent No. 9. A copy of the Authorization dated 6th March, 2025 is annexed and marked as annexure "P-22"

6. The respondents despite being aware that the writ application was filed challenging the grant of Environmental Clearance dated 1st September, 2023 and the Consent to Establish dated 13th September, 2023 had issued the Consent to Operate and Authorization both dated 6th March, 2025.

7. The instant writ petition was taken up for consideration by the Hon'ble Court on 10th March, 2025 when the Learned Counsel of the petitioners brought the same before this Hon'ble Court during course of hearing. Upon perusing the same, the Hon'ble Court granted liberty to file the instant supplementary affidavit to bring on record the Consent to Operate dated 6th March, 2025 and Authorization dated 6th March, 2025.

8. The petitioners in this writ application has challenged the application of the respondent No. 9 which was allowed without conducting gap analysis. That SPCB/PCC is required to conduct gap analysis w.r.to coverage area of the bio-medical waste generation and also projected over a period of next ten years, adequacy of existing treatment capacity of the CBWTF in each coverage area of radius 75 km. That the SPCBs and PCCs shall conduct the gap analysis and based on the gap analysis, action plan for development of new CBWTFs is required to be prepared and submitted to MoEF and CC and CPCB within six months' time.

9. The petitioners have challenged that the respondent authorities have processed the application of the respondent No. 9 for setting up of a CBWTF at Kaluabari, Rajganj, Baikunthapur within 16.60 kms distance from the CBWTF of the petitioners. The same is not only barred under the BMW Rules, 2016 and also specifically clarified in guidelines for managing Bio-Medical wastes.

10. That without the gap analysis the respondent No. 9 was allowed to submit TOR and in subsequent steps it was allowed to participate. That despite not fulfilling the distance criteria, the consent to establish was approved in favour of the respondent No.9

on 13th September, 2023. Herein, in the instant writ application petitioners have prayed for withdrawing the Consent to Establish dated 13th September, 2023 being annexure P- 15 in the instant writ application.

11. That the Environmental Clearance (EC) was also granted by SEIAA in favour of the respondent No. 9 in violation of the BMW Rules, 2016. Herein, in the instant writ application petitioners have prayed for withdrawing the Consent to Establish dated 1st September, 2023 being annexure P- 16 in the instant writ application.

12. It is pertinent to reiterate that the respondent No. 9 has not set up its CBWTF but had applied before the West Bengal Pollution Control Board for issuing the Consent to Operate in favour of the respondent No. 9. That the WBPCB rejected such application on 31st December, 2024 and the status of the rejection as obtained from website is annexed as annexure P-17.

13. The case of the petitioners in the instant writ application is that since the respondent No. 9 does not have a CBWTF it cannot apply for a Consent to operate.

14. In the event the Pollution Control Board file report, the same has to be in consonance with the Ministry of Environment, Forest and Climate Change by a Government order dated 14th October, 2022 has inter-alia, clarified that new facilities may be allowed on the basis of gap analysis by SPCBs wherever required. That the authority had specifically asked to ensure that gap analysis studies and BMWM Rules, 2016 and CPCB guideline provisions must become one of the fundamental grounds of granting ECs to HCFs and CBWTFs and such Government order dated 14th October, 2022 is annexed as annexure P- 18 herein.

15. That as per the revised guidelines the coverage area of a CBWTF:-

“8. Coverage area of CBWTF:

Suggested coverage area for development of a CBWTF:

- a) A CBWTF located within the respective State/UT shall be allowed to cater healthcare units situated at a radial distance of 75 KM. However, in a coverage area where 10,000 beds are not available within a radial distance of 75 KM. existing CBWTF in the locality (located within the respective

State/UT) may be allowed to cater the healthcare units situated up to 150 KM radius w.r.to its location provided the bio-medical waste generated is collected, treated and disposed of within 48 hours as stipulated under the BMWM Rules.

16. The petitioners are inter-alia relying on this specific provision of the CPCB Guidelines.

17. The petitioners had prayed for withdrawing the Environmental Clearance dated 1st September, 2023 granted in favour of the respondent No. 9 and had also prayed for withdrawing the Consent to Establish dated 13th September, 2023 in the instant writ application. Since despite service upon the respondent West Bengal Pollution Control Board, since WBPCB decided not to represent before the Hon'ble Court on 3rd March, 2025, but decided to issue the Authorization dated 6th March, 2025 and Consent to Operate dated 6th March, 2025, the same are liable to set aside and withdrawn with immediate effect for the reasons stated herein above.

18. Unless the Authorization dated 6th March, 2025 and Consent to Operate dated 6th March, 2025 issued by the WBPCB are withdrawn, the petitioners shall suffer irreparable loss and injury.

19. I submit that this supplementary affidavit be treated as a part of the instant writ petition.

20. That the statements made in paragraphs 1, 3, 7, 8, 9, 10, 11, 17 of the petition are true to my knowledge and those made in paragraphs 2, 4, 5, 12, 13 are derived from the records which I verily believe to be true and the rest thereof are my humble submissions before this Hon'ble Court.

Mohinder Pal Singh
Singh

Prepared in my office

Deponent is known to me

Panna Mukherjee
Advocate

Panna Mukherjee
Advocate

Enroll No.

Solemnly affirmed before me on this the 11th day of March, 2025

I certify that the all annexure are legible

F/1872/1935/2019

Panna Mukherjee
Advocate

A- Banerjee - 11.03.25
Commissioner
Commissioner of Affidavit
Circuit Bench of Calcutta High Court
at Jalpaiguri

168

55 03.03.2025
NB Ct. 02

Calcutta High Court
In The Circuit Bench At Jalpaiguri
Appellate Side

WPA 443 of 2025

M/s. Greenzen Bio Private Ltd. & Anr.
Vs.
The State of West Bengal & Ors.

Ms. Reshmi Ghosh,
Mr. Deborshi Dhar.
... for the petitioners.

Mr. Momenur Rahman,
Mr. Kumar Shantanu.
... for the State.

Affidavit of service filed on behalf of the petitioners
is taken on record.

It appears that service is not complete for a few of
the respondents.

The hearing of the case is adjourned for the week..

(Jay Sengupta, J.)

Annexure P/20
to in per. B
foregoing by Mr. Paul
on this 11th Mur 25

A-B-11-03-25
Circuit Bench

SYNOPSIS

That the Respondent No.9 states that the Writ petition has been filed by the Petitioner for issuance of a writ of mandamus upon the State Respondents to withdraw and/or cancel and set aside the environmental clearance, consent to establish Common Bio-Medical Waste Facility (CBWTF) at Tehsil Rajganj granted to Respondent No.9 by the State Respondents and to stay the environmental clearance recommendation made to the Respondent No. 9 by the State Respondents by virtue of which the Respondent No. 9 has been authorized to set up a Common Bio-Medical Waste Facility (CBWTF) at Tehsil Rajganj, Respondent No.9 states that the Petitioners of the instant Writ Petition had filed a more or less similar writ petition being WPA No. 1374 of 2023 for issuance of writ of mandamus against one M/s S.N.G Envirosolutions Private Limited who was the Respondent No. 10 therein and the present Respondent No. 9 was the Respondent No. 11 therein and the State Respondents are the same herein and therein.

List of Dates:

30.06.2023	Order passed by Hon'ble Justice Sabyasachi Bhattacharyya in W.P.A No. 1374 of 2023.
21.08.2023	Order passed by Hon'ble Justice Abhijit Gangopadhyay in W.P.A No. 1374 of 2023.
25.08.2023	Order passed by Hon'ble Justice Abhijit Gangopadhyay in W.P.A No. 1374 of 2023.
15.09.2023	Order passed by Hon'ble Justice Gaurang Kanth in W.P.A No. 1374 of 2023.
12.10.2023	Order passed by Hon'ble Justice Shampa Dutt (Paul) in W.P.A No. 1374 of 2023.
20.11.2023	Order passed by Hon'ble Justice Shampa Sarkar in W.P.A No. 1374 of 2023.

(2)

DISTRICT: JALPAIGURI

IN THE HIGH COURT AT CALCUTTA
CIRCUIT BENCH AT JALPAIGURI
CONSTITUTIONAL WRIT JURISDICTION
APPELLATE SIDE

C.A.N.No. of 2025
Arising from
W:P.A No. 443 of 2025

In the matter of:
An application for appropriate orders challenging the maintainability of the instant Writ Petition in view of the Order dated 21.11.2023 passed by this Hon'ble Court in WPA No. 1374/2023 along with CAN No. 1 of 2023 (M/s Greenzen Bio Pvt. & Anr. Vs The State of West Bengal & Ors.);

And

In the matter of:

1. M/s. Greenzen Bio Private Limited a Private Limited Company duly incorporated and registered under the Companies Act, 1956 represented by its Managing Director Vineeta Burman, having its

Registered Office at Radha
Apartment, Iskon Mandir Road, 2nd
Floor, Siliguri, Darjeeling, West
Bengal, Pin - 734001;

2. Vineeta Burman, aged about 43
years, Wife of Sri Ramakant
Burman, Director of M/s. Greenzen
Bio Private Limited, residing at
397/1/1, Dakshindari Road, Dum
Dum, North 24-
Parganas, Kolkata 700048;

...Petitioners

Versus

1. The State of West Bengal, service
through the Principal Secretary,
Department of Health & Family
Welfare, Government of West
Bengal, having office at "Swasthya
Bhawan" GN-29, Salt Lake, Sector-
V, District - North 24 parganas,
Kolkata- 700091;
2. The Secretary, Department of Health
& Family Welfare, Government of
West Bengal, having office at
"Swasthya Bhawan" GN-29, Salt
Lake, Sector-V, District North 24-
Parganas, Kolkata- 700091;

3. The State Environment Impact Assessment Authority, Department of Environment, Government of West Bengal, 5th Floor, Pranisampad Bhawan, Block LB-II, Salt Lake, Sector-III, Bidhannagar, Kolkata - 700106;
4. The Chief Environment Officer and Member Secretary, State Environment Assessment Department Impact Authority, Environment, of Government of West Bengal, 5th Floor, Pranisampad Bhawan, Block LB-II, Salt Lake, Sector-III, Bidhannagar, Kolkata - 700106;
5. Central The Pollution Control Board, Ministry of Environment, Forest & Climate Change, Government of India, Parivesh Bhawan, East Arjun Nagar, Delhi - 110032;
6. The West Bengal Pollution Control Board, Paribesh Bhawan, 10A, Block-LA, Sector-III, Salt Lake, Kolkata - 700106;

7. The Member Secretary, West Bengal Pollution Control Board, Paribesh Bhawan, 10A, Block-LA, Sector-III, Salt Lake, Kolkata 700106;
8. The Member State Expert Committee, Pollution West Control Secretary, Appraisal Bengal Board, Government of West Bengal, "Madhuban", Cooperative Housing Society, AC-142, New Town, Street No. 47, Kolkata 700156;
9. Unique Universal Bio-Waste LLP, having office at Canal Road, Opposite 3 No. Bridge, towards Sharda Sishu Tirtha, School, Village Dangapara, Mouza Binnaguri, Post Office Balaram, Police Station New Jalpaiguri, Balaram, Jalpaiguri, Rajganj, West Bengal, Pin - 735135.
...Respondents

APPLICATION IS INCAPABLE OF BEING VALUED AS THE SAME
ARISES OUT OF A WRIT PROCEEDING.

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

175
The humble petition on behalf of the Respondent No. 9 above named most respectfully.

S H E W E T H:

1. Your Respondent No.9 is Limited Liability Partnership firm being represented by one of its Designated Partner Sri Hiren Chandra Roy having its registered office at as mentioned herein above.
2. Your Respondent No.9 states that the Writ petition has been filed for issuance of a writ of mandamus upon the State Respondents to withdraw and/or cancel and set aside the environmental clearance, consent to establish Common Bio-Medical Waste Facility (CBWTF) at Tehsil Rajganj granted to Respondent No.9 by the State Respondents and to stay the environmental clearance recommendation made to the Respondent No. 9 by the State Respondents by virtue of which the Respondent No. 9 has been authorized to set up a Common Bio-Medical Waste Facility (CBWTF) at Tehsil Rajganj.
3. The Petitioners have alleged that the said clearance, consent and the recommendations granted by the Government who are the State Respondents to the Respondent No. 9 were given contrary to the Bio Medical Waste (Management and Handling) Rules, 1998 (hereinafter referred to as the said Rules).
4. Your Respondent No.9 states that the Petitioners of the instant Writ Petition had filed a more or less similar writ petition being WPA No. 1374 of 2023 for issuance of writ of mandamus against one M/s S.N.G Enviro Solutions Private Limited who was the Respondent No. 10 therein and the present Respondent No. 9 was the Respondent No.

11 therein and the State Respondents are the same herein and therein.

5. Your Respondent No.9 states that the provision relied upon by the Petitioners in WPA No. 1374 of 2023 was under Rule 7(3) of the said Rules. The said Rule states that no occupier shall establish onsite treatment and disposal facility, if service of a common bio medical waste facility is available at a radial distance of 75 kms. The Rule 7(4) of the said Rules states that in cases where common bio-medical waste facilities (CBWTF) are not available, the occupiers can set up requisite bio medical waste treatment equipments, as stated in the said Rule.
6. Your Respondent No.9 states that further reliance by the Petitioners in WPA No. 1374 of 2023 has been placed on the revised guidelines for common bio medical waste treatment facilities, especially the guideline No.8 which deals with coverage area of a CBWTF. Paragraphs 8(a) and 8(b) are quoted below for convenience:-

"8(a) A CBWTF located within the respective State/UT shall be allowed to cater healthcare units situated at a radial distance of 75 KM. However, in a coverage area where 10,000 beds are not available within a radial distance of 75 KM, existing CBWTF in the locality (located within the respective State/UT) may be allowed to cater the healthcare units situated upto 150 KM radius w.r. to its location provided the bio-medical waste generated is collected, treated and disposed of within 48 hours as stipulated under the BMWM Rules.

b) In case, number of beds is exceeding >10,000 beds in a locality (i.e. coverage area of the CBWTF under reference) and the existing treatment capacity is not adequate, in such a case, a new CBWTF may be allowed in such a locality in compliance to various provisions notified under the Environment (Protection) Act, 1986, to cater services only to such additional bed strength of the SCFs located."

It appears from the aforementioned provisions/guidelines that a CBWTF which is located in a state or a union territory shall be allowed to cater to health care units situated at a radial distance of 75 kms. However, in a coverage area where 10,000 beds are not available within a radial distance of 75 kms., the existing CBWTF in the locality may be allowed to cater to the health care units situated up to a radial distance of 150 kms. with reference to its location, provided the bio-medical waste generated is collected, treated and disposed of within 48 hours as stipulated under the said Rules.

[In case the number of beds exceed 10,000 in the locality (coverage area of CBWTF) and the existing treatment capacity is not adequate, in such case a new CBWTF may be allowed in such a locality to cater to the services of the additional beds.]

7. Your Respondent No.9 states that in WPA No. 1374 of 2023 this Hon'ble Court vide its order dated 30.06.2023 passed an interim order against the Respondent Nos. 10, 11 and 12 therein on trust, since Ld. Counsel appearing for the Petitioners therein submitted that the copies of the Writ Petitions sent to the Respondents have been duly received by them and the Affidavit of Service shall be filed during the course of the day.

A copy of the said order dated 30.06.2023 passed in WPA No. 1374 of 2023 is annexed herewith and marked as Annexure 'R-1'.

8. Your Respondent No.9 states that being the Respondent No.11 therein and having come to know about the interim order of this Hon'ble Court dated 30.06.2023 passed therein, the Respondent No. 11 therein filed a CAN application being CAN No. 2 of 2023 in WPA No. 1374 of 2023 stating that the interim order dated 30.06.2023 was obtained by the Petitioners therein by wholly misleading the Hon'ble Court by stating that all the parties have received the writ petition. The Hon'ble Court in WPA No. 1374 of 2023 passed an order dated 21.08.2023 imposing a cost of Rs. 10 Lakhs upon the Petitioner therein for breaching the trust of the Hon'ble Court and at the same time the Hon'ble Court also vacated the interim order dated 30.06.2023.

A copy of the said order dated 21.08.2023 passed in WPA No. 1374 of 2023 is annexed herewith and marked as Annexure 'R-2'.

9. Your Respondent No.9 states that it was not served the copy of the application of WPA No. 1374 of 2023 as would be evident from the orders dated 25.08.2023 and 15.09.2023 passed by this Hon'ble Court along with a direction to the Petitioner to serve a copy of the application upon the Respondent no. 11 therein.

A copy of the said orders dated 25.08.2023 and 15.09.2023 passed in WPA No. 1374 of 2023 is annexed herewith and collectively marked as Annexure 'R-3'.

10. Your Respondent No.9 states that from the order dated 12.10.2023 passed by this Hon'ble Court in WPA No. 1374 of 2023 wherein the

179

Petitioners by an Affidavit has stated that the Respondent No. 11 could not be served as the postal tracking record shows that the Item was on hold as the addressee cannot be located. The Hon'ble Court on perusal of the record and the previous orders directed the Petitioners to serve Notice upon the Ld. Counsel who appeared on 21.08.2023 on behalf of the Respondent No. 11.

A copy of the said order dated 12.10.2023 passed in WPA No. 1374 of 2023 is annexed herewith and marked as Annexure 'R-4'.

11. Your Respondent No.9 states that service upon the Respondent No. 11 therein in WPA No. 1374 of 2023 was not complete and the present Respondent No. 9 being the Respondent No. 11 therein in WPA No. 1374 of 2023 was unrepresented as is evident from the final order dated 20.11.2023 passed by the Hon'ble Court in WPA No. 1374 of 2023.

12. Your Respondent No.9 states that the Petitioners in WPA No. 1374 of 2023 made a specific prayer against the Respondent No. 11 therein which is as follows:

ii. Issue a Writ of or in the nature of Mandamus commanding the respondents and/or their men and/or agents and/or assigns to forthwith and/or immediately withdraw and/or cancel and/or set aside any recommendation granted to Unique Universal Bio-Waste LLP for setting up a CBMWTF at Village Kaluabari, P.O. Debithakurhari, P.S. Rajganj, Mouza Chhatgujrilmari, Pargana Balkunthapur, District -Jalpaiguri, West Bengal and M/s Medicare Environmental Management Private Limited, Illuabari Industrial Estate, Matikunda-1 (G.P).

Illuabari (Mouza), Islampur (P.S), Uttar Dinajpur (D)
West Bengal, Pin- Pin-733202 to act in accordance with law by
acting in the manner stated hereinabove;

Your Respondent No. 9 craves leave of the Hon'ble Court to file a copy
of the Writ Petition being WPA No. 1374 of 2023 during the time of
hearing or as directed by the Hon'ble Court.

13. Your Respondent No.9 states that the Petitioners have preferred the
instant Writ Petition praying inter-alia the following :

- i. Issue a Writ of or in the nature of Mandamus commanding the
respondents and/or their men and/or agents and/or
assigns to forthwith and/or immediately withdraw and/or
cancel and/or set aside the Environmental Clearance dated
1.9.2023 and Consent to Establish dated 13.9.2023 granted in
favour of M/s. Unique Universal Bio-Waste LLP for setting up a
CBWTF at Village Kaluabari, P.O. Debithakurbari, P.S. Rajgunj,
Chhatgujriimari, Baikunthapur, Mouza Pargana District
Jalpaiguri, West Bengal and to act in accordance with law by
acting in the manner stated hereinabove;
- ii. Issue a Writ of or in the nature of Mandamus commanding the
respondents and/or their men and/or agents and/or assigns to
forthwith and/or immediately stay the Environmental
Clearance recommendation made in favour of M/s. Unique
Universal Bio-Waste LLP for setting up CBWTF at Village
Kaluabari, P.O. Rajgunj, Chhatgujriimari, Debithakurbari,
Mouza P.S. a Pargana Baikunthapur, District Jalpaiguri, West
Bengal and to act in accordance with law by acting in the
manner stated hereinabove;

- iii. Issue a Writ in the nature of Certiorari respondents to directing transmit all records pertaining to the instant case before this Hon'ble Court so that conscionable justice may herein be rendered by setting aside cancelling and/or setting aside the Environmental Clearance dated 1.9.2023 and Consent to Establish dated 13.9.2023 granted in favour of M/s. Unique Universal Bio-Waste LLP for setting up a CBWTF at Village Kaluabari, P.O. Debithakurbari, P.S. Rajgunj, Mouza Chhatgujriimari, Pargana Baikunthapur, District Jalpaiguri, West Bengal and the petitioners to operate as the existing CBWTF in Zone 1;
- iv. Issue Rule NISI in terms of prayer (i) to (iii) as above and to make the Rule absolute if no cause and/or insufficient cause is shown in answer thereto;
- v. Issue an interim order of stay staying the recommendation process, withdraw the Environmental Clearance and Consent to operate granted to Unique Universal Bio-Waste LLP for setting up a CBWTF at Village -Kaluabari, P.O. Debithakurbari, P.S. Rajgunj, Chhatgujriimari, Baikunthapur, Mouza District Jalpaiguri, West Bengal;
- vi. Issue an ad-interim order withdrawing the Environmental Clearance and Consent operate granted to Unique Universal Bio-Waste LLP;
- vii. Order for cost and incidental to this application to be paid to the petitioners by the respondents;
- viii. Such further or other order or orders as Your Lordships may deem fit and proper.

14. Your Respondent No.9 states that prayer number "II" in WPA No. 1374 of 2023 and the prayer number "I" of the instant Writ Petition are more or less the same in spirit and content and in the instant Writ Petition

182

the Petitioners have referred to Environmental Clearance dated 1.9.2023 and Consent to Establish dated 13.9.2023 granted to the Respondent No. 9 by the State Respondents. It is pertinent to mention here that the said Environmental Clearance dated 1.9.2023 and Consent to Establish dated 13.9.2023 granted to the Respondent No. 9 by the State Respondents date back to the adjudication period of WPA No. 1374 of 2023 but the Petitioners in spite of having knowledge of the same did not bring it to the notice of the Hon'ble Court in WPA No. 1374 of 2023 and the final order of WPA No. 1374 of 2023 was passed by the Hon'ble Court on 20.11.2023.

15. Your Respondent No.9 states that affidavits having been exchanged in WPA No. 1374 of 2023, the matter was taken up for final hearing and the final order was passed by the Hon'ble Court on 20.11.2023 and the operative portion of the said order is as follows:

Having heard the learned advocates for the respective parties, this court finds that in the writ petition which was filed sometime in June, 2023, the steps taken by the West Bengal Pollution Control Board in respect of the unit of the petitioners, has not been mentioned. The non-compliances by the unit, are galore.

The fact that the application for renewal of consent to operate was pending, as the agreement with the land owner had neither been renewed nor extended, is vital. The maintainability of a writ petition at the behest of an agency which was not authorized by law to operate, is answered in the negative. The petitioners have violated the rules and relevant proceedings are pending.

The guidelines do not prohibit establishment of another operator for the purpose of removal of biomedical waste within 75 kilometres radius of the existing unit, if the authorities are of the opinion that the capacity of the existing unit could not cater to more than ten thousand beds.

It also appears that the Pollution Control Board had held several inspections and found that the petitioner No.1 was operating after expiry of the authorization and beyond the capacity authorized. Negligence in performance of the job was detected. Heaps of bio-medical waste had been discovered near the unit which had not been treated and disposed of in accordance with the rules and guidelines.

The deeming clause with regard to renewal would not apply. In the affidavit-in-opposition filed by the respondent nos.7 and 8, it has been categorically mentioned that when the petitioners applied for the renewal, the respondent No.7 had asked the petitioners to upload relevant documents, which had not been done. Secondly, on five occasions, orders were passed with certain directions for compliance of the rules, which the petitioner No.1 failed. Accordingly, a complaint case under the relevant law was also filed alleging criminal offence. A show cause notice has also been issued with regard to failure and non-compliance of the petitioners.

This Court finds that not only there are proceedings initiated in the criminal court by the Pollution Control Board against the petitioners for non-compliance of the rules and for allowing biomedical waste to be heaped up in the locality without any treatment whatsoever, the authorization of the petitioners had

also expired. The authority has decided to proceed against the petitioners in accordance with the relevant laws and compensation for violation of the norms has also been imposed.

Under such circumstances, as of now, the petitioners do not have either any authority or legal right to operate its own unit. The bio-medical wastes discharged, have to be collected, treated and disposed of in accordance with the rules and there are more than 23,000 beds in the area. The law also does not prohibit setting up of a separate unit, if the authorities are of the opinion that the existing plant is not capable of handling the waste in the area or had performed poorly. The authority can also set up units even if the petitioners' unit is in operation, if the existing capacity of the unit to cater to beds in excess of 10,000, is inadequate. The petitioners have not been able to show any evidence that the authorities had violated the law and the recommendation in favour of the respondent No.10 was either arbitrary or discriminatory. The estimates of the beds in 2008 when the petitioners were recommended, cannot be the same at present. The State-respondents had assessed the capacity and the increased requirement and had decided to establish seven more units by a tendering process. The petitioners also participated. The authorization/capacity which was given to the petitioners to cater 15,000 beds, expired and there is ample evidence before this Court, filed by way of affidavits by the Pollution Control Board, the State-respondents as also the respondent Nos.3 and 4, indicating that other units are required to be established for proper management of biomedical wastes which had not been done effectively and the matter required expert handling. Secondly, if the biomedical wastes had been lying around in a heap, as was found near the plant of the petitioners without proper treatment, the same was cause

of health and environmental hazard and is a serious lapse. Such situation is required to be avoided.

Records have been placed, which show that the entire process of selection was held by a tendering process and the T1 was recommended to operate the plant. This Court, does not find any reason to pass any orders in this writ petition. If the petitioners' case is regularized and the petitioners obtain an authorization to operate after all the proceedings are over, the petitioners may approach the authorities for necessary orders. However, the challenges in the writ petition are baseless and unfounded.

Accordingly, the writ petition is disposed of without any orders.

In view of the disposal of the writ petition, the connected application has become infructuous and the same is disposed of accordingly.

However, there shall be no order as to costs.

Parties are directed to act on the basis of the server copy of this order.

A copy of the said order dated 20.11.2023 passed in WPA No. 1374 of 2023 is annexed herewith and marked as Annexure 'R-5'.

16. Your Respondent No. 9 states that in view of the order dated 20.11.2023 passed by the Hon'ble Court in WPA No. 1374 of 2023 it is clear that the Petitioners without complying with the directions of this Hon'ble Court with regard to the regularization and authorization of the Petitioners to operate after all the proceedings are over and then only the petitioners may approach the authorities for necessary orders. However, the Hon'ble Court has held that the challenges in the writ petition are baseless and unfounded.

17. Your Respondent No. 9 states that in view of the order dated 20.11.2023 passed by the Hon'ble Court in WPA No. 1374 of 2023 it is clear that the Petitioners do not have any issue, ground or capacity to prefer the instant Writ Petition as all the issues, allegations, grounds have been dealt with and adjudicated upon in finality by the Hon'ble Court in WPA No. 1374 of 2023. The Petitioners have also not averred any statements regarding their regularization and authorization to operate their unit and hence the Petitioners are precluded from preferring the instant Writ Petition.
18. Your Respondent No. 9 states that the Petitioners without any reason and absolutely in an arbitrary manner with the sole intention of harassing the Respondent No. 9 has preferred the instant Writ Petition which is against the principles of equity, natural justice and fair play and as such the instant Writ Petition is required to be dismissed as non maintainable by the Hon'ble Court and the Petitioner must be imposed heavy penalty and costs for filing a frivolous and vexatious application before the Hon'ble Court.
19. Your Respondent No. 9 states that the abovementioned grounds are good grounds for dismissing the instant Writ Petition as not maintainable which I shall substantiate at the time of hearing.
20. Unless the orders as prayed for herein are not passed by the Hon'ble Court, your Respondent No.9 shall suffer irreparable loss and injury.
21. This application is made bona fide and for the ends of justice.

Under the premise as aforesaid
Your Lordships would graciously

be pleased to pass an order dismissing the instant Writ Petition as not maintainable and pass such further order and/or orders as Your Lordship may deem fit and proper so as to protect the right and interest of the Respondent No. 9;

And

Your petitioner prays for such Orders and/or further orders as Your Lordship's may deem fit and proper.

And your petitioner as in duty bound shall ever pray.

AFFIDAVIT

I, Hiren Chandra Roy, Son of Motaram Roy, Aged about 49 years, resident of Bada Para, Madaighat, Madaighat, Jalpaiguri, District- Jalpaiguri, Pin-735139 do hereby solemnly affirm and say as follows;-

1. That I am Designated Partner of the Respondent No.9 in the instant case and as such am well acquainted with facts and circumstances of the instant case and competent enough to make and affirm this Affidavit.
2. That the statements made in paragraphs 1 to 21 are true to my knowledge and beliefs and rests are my humble submissions before This Hon'ble court.

Prepared in my office

Deponent and Identified by me

Advocate

Advocate

Solemnly affirmed before me on
this the 30th day of April, 2025.

I certify that all annexures are legible
and the petition contains number
of pages.

Advocate

Commissioner



DISTRICT: DARJEELING

IN THE HIGH COURT AT CALCUTTA

CIRCUIT BENCH AT JALPAIGURI

CONSTITUTIONAL WRIT JURISDICTION

APPELLATE SIDE

C.A.N. 1 of 2025

W.P.A No. 443 of 2025

In the matter of:

An application for appropriate orders challenging the maintainability of the instant writ petition in view of the order dated 21.11.2023 passed by this Hon'ble Court in W.P.A No. 1374/2023 along with C.A.N. 1 of 2023 (M/s. Greenzen Bio Pvt. and Anr. -versus- The State of West Bengal and Ors.)

-And-

In the matter of:

M/s. Greenzen Bio Private Limited , and Anr.

.....Petitioners

-Versus-

The State of West Bengal and Ors.

.....Respondents

*copy received for
for No. 7
[Signature]
22/11/25*

*Recd.
[Signature]
22/11/25*



Sr-2485

13

190

OBJECTION BY WAY OF AN AFFIDAVIT BY THE PETITIONERS TO THE
APPLICATION FILED BY THE RESPONDENT NO. 9

I, Shitanshu Shekhar Jha, Son of Ashok Kumar Jha, aged about 28 years, by faith- Hindu, by occupation-Service, residing at J P Road, Kali Mandir, Harharguttu, Bagbera, Jamshedpur, Jharkhand, Pin - 831002, do hereby solemnly affirm and say as follows:-

1. A copy of the application for appropriate order (hereinafter referred to as the "said application") affirmed by one Hiren Chandra Roy (hereinafter referred to as the "answering respondent") on 30th April, 2025 has been served upon my Learned Advocate-on-Record on 30th April, 2025 during the course of hearing.
2. I have perused the said application and have understood the purport, content and/or tenor thereof.
3. I have been advised to deal with those allegations which are relevant and I restrain myself to deal otherwise, save and except those being matter of record.
4. Before dealing with the contentions of the said application, I say that the applicant in the said application, is the respondent No. 9 in the instant writ application. The case of the petitioners is that the respondent No. 9 without setting up a Common Bio-Medical Waste Treatment Facility (hereinafter referred to as 'CBWTF') had applied before the West Bengal Pollution Control Board for issuing the Consent to Operate in favour of the respondent No. 9. That once WBPCB had rejected such application on 31st December, 2024 and the petitioners in

13/4

the instant writ application prayed for setting aside of the Environmental Clearance dated 1st September, 2023 and Consent to Operate dated 13th September, 2023 being annexure P-15 to the writ application since the same were issued in violation of the Bio-Medical Waste (Management and Handling) Rules, 1998.

5. The petitioners state that after filing of the instant writ application, when the same was listed for hearing on 3rd March, 2025, despite service none appeared on behalf of the respondent No. 9 and West Bengal Pollution Control Board knowing fully well that the writ application is pending adjudication, the Consent to Operate dated 6th March, 2025 and Authorization dated 6th March, 2025 was issued by the West Bengal Pollution Control Board in a haste, so that the respondent No. 9 can be facilitated in all manner.

6. The petitioners state that this is a case, wherein the respondent No. 9 is backed by the state authorities and the West Bengal Pollution Control Board and their erstwhile members, for their own gain.

7. The petitioners state that from the chain of events narrated in the writ application, supplementary affidavit and affidavit used by the petitioners to the report filed by the WBPCB, it can be concluded very easily that setting up of the CBWTF by the respondent No. 9 is well organized and calculative plan of the state authorities by instructing the WBPCB to issue certificates in such a manner so that escaping everyone's knowledge the respondent No. 9 very tactfully violating BMW Rules, 2016 sets up a purported CBWTF without the necessary sanction and before it could set up and operate the CBWTF it has illegally obtained Consent to Operate, which is usually issued after a CBWTF starts operating.

8. The petitioners state that a writ application being W.P.A No. 1374 of 2023 was instituted by the petitioners for withdrawing the recommendation granted to M/s. S.N.G. Envirosolutions Private Limited to set up a CBWTF at Tehsil- Rajganj, Jalpiaguri. Simultaneously therein a prayer was also made for withdrawing and setting aside the recommendation granted to the respondent No. 9 for setting their CBWTF at Kaluabari, Rajgunj, Chhatgujrimari, District - Jalpaiguri in November, 2022.

9. The petitioners state that in W.P.A No. 1374 of 2023 the petitioners assailed the recommendation granted to the respondent No. 9 by their representation dated 6th January 2023, which was not considered by the SEIAA and has lost its effect by then. In the present writ application, the petitioners have challenged the Environmental Clearance dated 1st September, 2023 and Consent to Operate dated 30th September, 2023, which are subsequent development and therefore the two cause of action in the two writ applications are different from each other.

10. The petitioners further state that in view of the principles of Res Judicata enumerated in Section 11 of the Code of Civil Procedure, 1908, the courts are debarred from trying any suit or issue in which the matter is directly and substantially in issue in a former suit between the same parties has been heard and finally decided by such court. Herein, the parties to the writ application W.P.A No. 1374 of 2023 are not the same, as in the present writ application and the cause of action is also not same as in W.P.A No. 1374 of 2023. The petitioners prayed for setting aside the recommendation process of respondent No. 9, whereas in the present writ application the petitioners prayed for setting aside of the Environmental Clearance dated 1.9.2023 and the setting

aside of the Consent to Establish dated 13th September, 2023 and also by the supplementary affidavit the petitioners have prayed for setting aside of the authorization dated 6th March, 2025 and Consent to Operate dated 6th March, 2025, which were issued tactfully by WBPCB without appearing in the instant writ application.

11. The petitioners state that the Chief Medical Officer of Health, Coochbehar by a Government Order No. 3124 dated 5th June, 2025 partially modified the existing assignment of Common Bio-Medical Waste Management Facility for disposal of bio-medical waste generated in different public health facilities across the district of Coochbehar and re-allocated the healthcare facilities. The reallocation as stated by the Chief Medical Officer of Health, Coochbehar is based as per decision taken in the SLAC meeting held on 29th April, 2025 at State Level.

A copy of the Government Order No. 3124 dated 5th June, 2025 is annexed and marked as annexure "R-1".

12. The petitioner states that as it appears from the order that the Chief Medical Officer of Health, Coochbehar has referred that the existing agency being M/s. Greenzen Bio Private Limited at Mouza-Binnaguri, Post Office - Fulbari, Police Station - Bhaktinagar, District-Jalpaiguri, PIN- 734015 will continue its operation till 08.06.2025 and from 09.06.2025, M/s. Unique Universal Bio Waste LLP, Mouza-Chhatgujrimari, Village - Kaluabari, Post Office - Debithakurbari, Police Station - Rajganj, District- Jalpaiguri, PIN- 735133 will be doing the lifting, transportation, treatment and disposal of Bio-Medical wastes generated in different public health facilities across the Coochbehar district and this arrangement will remain valid until further modification.

13. The petitioner states that the Chief Medical Officer of Health, Coochbehar having full knowledge that the CBWTF of M/s. Unique Universal Bio Waste LLP has till date not established its plant and without setting up the unit/CBWTF it cannot dispose bio-medical waste collected from hospitals. M/s. Unique Universal Bio Waste LLP had taken undue advantage of the state authorities to obtain the Consent to Operate dated 6th March, 2025 and Authorization dated 6th March, 2025 from the West Bengal Pollution Control Board.

14. Without prejudice to the above and fully relying on the same I now proceed to deal with the contents of the instant application.

15. The statement made in paragraph 1 of the said application, is matter of record and I offer no comment.

16. With regard to the statements made in paragraphs 2 and 3 of the said application I do not admit anything contrary to and/or inconsistent with the record. The entire conduct of the state respondents along with the respondent No. 9 is in gross violation of the BMW Rules.

17. The statement made in paragraph 4 of the said application is emphatically denied. The respondent No. 9 is also aware that W.P.A No. 1374 of 2023 is not similar to the present writ application as the answering respondent has himself used the words "more a less similar writ petition". Therefore, the answering respondent is himself aware that the present writ application is arising out of a fresh cause of action and therefore do not attracted the principle of Res Judicata. It is very upsetting to read that the answering

respondent has written that the state respondents are the same herein and therein. To the best of the knowledge of the petitioners the answering respondent has tried to forcefully raise non-maintainability issue by making irresponsible statements without the slightest knowledge of the principles of Res Judicata.

18. The statements made in paragraph 5 of the said application are matter of record and I do not admit anything contrary to and/or inconsistent with the record. I say that there is no bar in relying on the same Rules in two separate writ petitions. The answering respondent herein admitted, that in the existence of the petitioner's CBWTF, no other onsite treatment and disposal facility can be established, like the respondent No. 9 within radial distance of 75 kms. Herein, within 16.6 kms respondent No. 9 has set up its CBWTF, and has admitted its own violation of the BMW Rules and Guidelines. The answering respondent has failed to make out a case of non-maintainability in this paragraph. The BMW Rules is violated both by the state respondents and the respondent No. 9 earlier in the year 2023 and it continued till date.

19. The statements made in paragraph 6 of the said application are matter of record and I do not admit anything contrary to and/or inconsistent with the record. I say that there is no bar in relying on the same Guidelines in two separate writ petitions. The case of the petitioners in both the writ petition is the setting up of a CBWTF in violation of the BMW Rules, 2016 and Guidelines. The answering respondent has admitted herein that if the number of beds exceeds 10000, then only a separate CBWTF will be set up to cater service to the excess beds above 10000. Herein, the petitioners are operating for only 8745 beds. Therefore, the

answering respondent has admitted that only if there is excess of 10000 beds, then only the respondent No. 9 can set up the CBWTF and in the present case it cannot set up in the given circumstances, as there is no excess beds and an existing CBWTF must have the minimum beds to give service to, otherwise the same shall suffer irreparable loss and it shall cause both environmental hazard and violation of existing Rules. .

20. The statements made in paragraph 7, 8, 9, 10 and 11 of the said application are matter of record and I do not admit anything contrary to and/or inconsistent with the record. I say that since the service was not completed, which was beyond the knowledge of the writ petitioner, upon subsequent filing of an application by the aggrieved respondent in writ petition No. 1374 of 2023, the interim order was vacated. However, the petitioner states that, it is pertinent to mention that, the present respondent No. 9 being respondent No. 11 in W.P.A No. 1374 of 2023 has very tactfully changed its address and/or uploaded wrong address so that service cannot be effected upon it. Moreover, it is pertinent to mention that the interim order was not passed against the respondent No. 9 and it has not filed any application for vacating such interim order. The respondent No. 9 herein is espousing the cause of another party and trying to raise confusion in the mind of the Hon'ble Court without disclosing the true and actual facts. The respondent No. 9 is called up to produce the applications and orders passed in the other writ petition, whereby it has raised such objection. The respondent No. 9 is throughout raising a separate issue not relatable with the instant writ application

21. The statement made in paragraph 12 of the said application is matter of record and I do not admit anything contrary to and/or inconsistent with the record.

22. The statement made in paragraph 13 of the said application is matter of record and I do not admit anything contrary to and/or inconsistent with the record. The answering respondent has set out the prayers of the instant writ application.

23. The statements made in paragraph 14 of the said application are denied and I do not admit anything contrary to and/or inconsistent with the record. The answering respondent once again tried to misguide this Hon'ble Court by trying to draw a similarity between two writ petitions and the answering respondent has grossly failed in such attempt. The answering respondent refers to prayers in two different writ petitions as "are more or less the same in spirit and content". Therefore, the answering respondent is aware that the prayers in the present writ petition is not similar to that of W.P.A No. 1374 of 2023. The present writ petition is preferred on fresh cause of action which is subject matter of adjudication in fresh and has not been decided earlier.

24. The statements made in paragraph 15 of the said application is matter of record and I do not admit anything contrary to and/or inconsistent with the record. The answering respondent has merely set out the order passed in W.P.A No. 1374 of 2023.

25. The statements made in paragraph 16 of the said application are denied. I say that the answering respondent has not made

himself aware that the petitioners are having the necessary regularization and authorization to run the CBWTF and as such work orders were issued by the Health Department. The answering respondent has no locus to raise the issue, as it is not a state instrumentality and moreover is has no relevance in the instant case. The answering respondent is revering around the bushes, mindlessly and thereby making irrelevant comments.

26. The statements made in paragraph 17 of the said application are emphatically denied. I say that the answering respondent has grossly failed to understand the purport and content of the present writ application and tried to mislead this Hon'ble Court, despite having knowledge that the two writ petitions arose out of separate cause of action and the answering respondent has himself admitted that the two writ petitions have 'more or less same spirit and content' since it is aware that it has grossly failed to establish its content for attracting the principle of Res Judicata. In the entire application the answering respondent has not taken a single point of non-maintainability under the principle of Res Judicata.

27. The statement made in paragraph 18 of the said application is denied. I deny that the writ petition is against the principles of equity, natural justice and fair play and I deny that as such the instant writ petition is required to be dismissed as non-maintainable by the Hon'ble Court and I deny that the petitioner must be imposed heavy penalty and cost. I deny that the writ petition is filed with frivolous and vexatious content.

28. The statement made in paragraph 19 of the said application is denied. I rely on the grounds set out in the instant writ application.

29. The statement made in paragraph 20 of the said application is denied. I deny that unless the order as prayed for herein are not passed by the Hon'ble Court the respondent No. 9 shall suffer irreparable loss and injury.

30. The statement made in paragraph 21 of the said application is denied. The writ application is made bona fide and for the ends of justice and the said application is liable to be dismissed with cost.

31. The statements made in paragraphs 1, 4 to 10, 15 to 30 are true to my knowledge and those made in paragraphs 11, 12 and 13 are information derived from record which I verily believe to be true and the rest are my humble submissions before this Hon'ble Court.

Prepared in my Office.

Panna Mukherjee
Advocate.

Shikanta Sherkar Jh
The Deponent is known to me.

Identified by me

Panna Mukherjee
Advocate.

Solemnly affirmed before me on

this the *14th* day of July, 2025.

F/1878/1935/2019

A. Banerjee 16.07.25
Commissioner

Comm.



Government of West Bengal
Office of the Chief Medical Officer of Health
Cooch Behar
Tel : 228874 (03582) Fax : 228966
E-mail : cmoh.cbr@gmail.com

No. 3124

Date 05/06/2025

ORDER

In reference to the order issued vide memo no-100-HS(MS)/HF/O/HS(MS)/BMW-02/2022 dt:16/05/2025 issued by the Special Secretary to the Government of West Bengal in partial modification of the existing assignment of Common Bio-medical Waste Management Facility (CBMWTF) with respect to lifting, transportation, treatment and disposal of bio-medical wastes generated in different public health facilities across the Cooch Behar district has been re-allocated as shown in Annexure A. This re-allocation is based as per decision taken in the SLAC meeting held on 29.04.2025 at State level.

So, the existing agency Green Zen Bio Pvt. Ltd, Mouza- Binnaguri, P.O.- Fulbari, P.S.- Bhaktinagar, Dist.- Jalpaiguri PIN-734015 will continue its operation till 08.06.2025 and from 09/06/2025, Unique Universal Bio Waste LLP, Mouza Chhatgujrimari, Village- Kaluabari, PO- Debithakurbari, PS- Rajganj, District- Jalpaiguri, Pin-735133 will be doing the lifting, transportation, treatment and disposal of bio-medical wastes generated in different public health facilities across the Cooch Behar district and this arrangement will remain valid until further modification in this regard. The rate with respect to lifting, transportation, treatment, and disposal of bio-medical wastes generated in different public health facilities will be applicable in pursuance of the related notifications as and when issued.

[Signature]
05.06.2025
Chief Medical Officer of Health
Cooch Behar

Memo No. 3124/1116

Date 05/06/2025

Copy forwarded for information and necessary action for wide circulation:

1. The Director of Health Services, Govt of West Bengal
2. The Hon'ble Sabhadipati, Zilla Parishad, Cooch Behar
3. The District Magistrate, Cooch Behar
4. The Chairman, RKS, SD Hospital, Dinhat/Mathabhanga/Tufanganj/Mekhliganj
5. The Additional Director (AA & V), Govt. of West Bengal
6. The D. CMOH- I/II/III/IV/DMCHO/DPHNO, Cooch Behar
7. The Supdt., SD Hospital Dinhat/Mathabhanga/Tufanganj/Mekhliganj Cooch Behar
8. The Superintendent, Tufanganj Mental Hospital/JD Hospital, Cooch Behar
9. The ACMOHs, All Sub division, Cooch Behar
10. The BMOHs, All Blocks, Cooch Behar
11. The MOICs, All PHCs, Cooch Behar
12. The T.O., Cooch Behar/ Dinhat/ Mathabhanga/ Mekhliganj/ Tufanganj Treasury
13. The Accounts Officer, Office of the CMOH, Cooch Behar
14. The Director/Proprietor, M/s. Unique Universal Bio Waste LLP
15. The Director/Proprietor, M/s Greenzen Bio Pvt Ltd.
16. Office copy

[Signature]
05.06.2025
Chief Medical Officer of Health
Cooch Behar

201

DISTRICT: DARJEELING

IN THE HIGH COURT AT CALCUTTA

CIRCUIT BENCH AT JALPAIGURI

CONSTITUTIONAL WRIT JURISDICTION

APPELLATE SIDE

C.A.N. 1 of 2025

W.P.A No. 443 of 2025

-And-

In the matter of:

M/s. Greenzen Bio Private Limited
and Anr.

.....Petitioners

-Versus-

The State of West Bengal and Ors.

.....Respondents

OBJECTION BY WAY OF AN
AFFIDAVIT BY THE PETITIONERS
TO THE APPLICATION FILED BY
THE RESPONDENT NO. 9

Parna Mukherjee

Advocate

7, Old Post Office Street

1st Floor, Room No. 14

Kolkata 700 001

Email - mukherjeeparna308@gmail.com

Enrollment no- F/1878/1935/2019

(M) 9330120322

202

DISTRICT: JALPAIGURI

IN THE HIGH COURT AT CALCUTTA
CIRCUIT BENCH AT JALPAIGURI
CONSTITUTIONAL WRIT JURISDICTION
APPELLATE SIDE

Received
4/9/25
at
11.05 am

C.A.N 1 of 2025
W.P.A No. 443 of 2025

In the matter of:
M/s Greenzen Bio Private Limited
and Another

... Petitioners

Versus

The State of West Bengal and
others

... Respondents

AFFIDAVIT-IN-REPLY ON BEHALF OF THE RESPONDENT NO. 9
AGAINST THE AFFIDAVIT-IN-OPPOSITION TO THE C.A.N APPLICATION
FILED BY THE PETITIONER CHALLENGING THE MAINTAINABILITY OF
THE WRIT PETITION :-

I, Hiren Chandra Roy, Son of Motaram Roy, aged about 49 years, by faith - Hindu, by occupation - service, resident of Bada Para, Madaighat, Jalpaiguri, District - Jalpaiguri, Pin - 734135, do hereby solemnly affirm and state as follows:

1. I am the Designated Partner of the Respondent No.9 Limited Liability Partnership Firm in the instant writ petition and as such I am well acquainted with the facts and circumstances of the case.

2. That I have received a copy of the Affidavit-in-Opposition (hereinafter called the said opposition) filed on behalf of the Petitioner against the CAN Application of the Respondent No. 9 challenging the maintainability of the Writ Petition and I have gone through the said opposition and have understood the content and purport thereof and I am competent to affirm this affidavit and give a reply in respect of the affidavit-in-opposition filed on behalf of the Petitioner. I would deal with only those paragraph and/or paragraphs and/or portions therein which are necessary for the hearing of the instant writ petition.
3. At the very outset I say that the Affidavit-in-Opposition has been based on surmises and conjectures, vague in nature and the contents thereof are contradictory to each other having no legal basis and foundation. The Affidavit-in-Opposition has been made with mala fide intention and the contents of the Affidavit-in-Opposition are fraught with baseless allegations against the answering respondent with the sole intent to cover up the unlawful and illegal acts and conducts of the Petitioner.
4. I say that now I shall deal with the allegations as contained in the said opposition in seriatim. I deny and dispute the contents of the said opposition save and except those which are matters of record.
5. Save and except what are specifically admitted herein all allegations contrary thereto are deemed to be denied and disputed.
6. With reference to the statements made in paragraph nos. 1, 2 and 3 of the said opposition, I say that all these are matters of record and imports no reply by me.

7. With reference to the statements made in paragraph no. 4 and 5 of the said opposition, the said contents are vehemently disputed and denied by me. I say that the Respondent No. 6 in compliance to the order dated 10.03.2025 in the instant writ filed a report in the form of an affidavit wherein para no. 10 is of utmost importance and relevant to the context and the said para no. 10 of the said report is reproduced as follows:

"I most humbly submit that the private respondent no. 9 herein applied for Consent to Operate (CTO) for the first time on 09/12/2024. Subsequent thereto on 16/01/2025 requisite inspection was carried out by the authorized representatives of WBPCB after serving notice upon the private respondent no. 9. I most humbly submit that there was no rejection of the CTO application of the private respondent no. 9 on 31/12/2024 as alleged by the writ petitioners. I further submit that upon notice being issued by the WBPCB on 16/01/2025, certain queries were raised by WBPCB officials which was replied to by the private respondent no. 9 vide its letters dated 22/01/2025 and 28/02/2025. A subsequent notice was raised by the WBPCB on 21/02/2025 for plant visit and site inspection which was done on 21/02/2025. Upon such inspection the WBPCB official recommended some minor modifications which were accordingly carried out by the private respondent no. 9. Thus, the CTO was finally issued on 06/03/2025 by the WBPCB in favour of the private respondent no. 9 in compliance with relevant rules and guidelines issued by the competent authority. The issuance of the CTO in favour of the private respondent no. 9 was followed by the Authorization dated 06/03/2025. The entire process from issuance of CTE (Consent to Establish) to the issuance of CTO (Consent to Operate) was a continuous process involving site visits, site

inspections, raising of queries, etc. which is totally an independent process notwithstanding the issuance of the CTO during the pendency of the instant writ petition. I also submit that the private respondent no. 9 was approved for EC upon receipt of reply from the WBPCB based on Gap Analysis which was received by the WBPCB vide Memo No. 153(1)/1S-74/2001(Pt. IX) dated 24/08/2023.

A copy of the screenshot of the online portal showing no rejection of application of the private respondent no. 9 and Inspection Report annexed herewith and marked as Annexure 'R-5'.

A copy of the EC approval in favour of the private respondent no. 9 is annexed herewith and marked as Annexure 'R-6'.

In this context I submit that the contentions of the Petitioner that the Respondent No. 6 rejected the application of the answering Respondent on 31st December, 2024 is absolutely false, frivolous and concocted and there has been no violation in the answering Respondent being granted environmental clearance and consent to operate by the State Respondents.

8. With reference to the statements made in paragraph no. 6 of the said opposition, the said contents are vehemently disputed and denied by me. I say that the Petitioner has resorted to whimsical and defamatory statements without any justifiable reasons and made with the malafide intention to annihilate and harass the answering respondent.
9. With reference to the statements made in paragraph no. 7 of the said opposition, the said contents are vehemently disputed and denied by me.
10. With reference to the statements made in paragraph nos. 8, 9 and 10 of the said opposition are in reference to the prayers of the

Petitioner in respect of a Writ Petition being WPA No. 1374 of 2023 filed by the instant Petitioner against one M/s S.N.G Envirosolutions Private Limited (Respondent No. 10 therein) and the answering Respondent as Respondent No. 11 therein.

Your Respondent No.9 states that the Petitioners in WPA No. 1374 of 2023 made a specific prayer against the Respondent No. 11 therein (answering Respondent No. 9 herein) which is as follows:

ii. *Issue a Writ of or in the nature of Mandamus commanding the respondents and/or their men and/or agents and/or assigns to forthwith and/or immediately withdraw and/or cancel and/or set aside any recommendation granted to Unique Universal Bio-Waste LLP for setting up a CBWTF at Village Kaluabari, P.O. Debithakurbari, P.S. Rajganj, Mouza Chhatgujriimari, Pargana Baikunthapur, District -Jalpaiguri, West Bengal and M/s Medicare Environmental Management Private Limited, Illuabari Industrial Estate, Matikunda-1 (G.P), Illuabari (Mouza), Islampur (P.S), Uttar Dinajpur (D) West Bengal, Pin- Pin-733202 to act in accordance with law by acting in the manner stated hereinabove .*

The answering Respondent No.9 states that the Petitioners have preferred the instant Writ Petition praying inter-alia the following:

ii. *Issue a Writ of or in the nature of Mandamus commanding the respondents and/or their men and/or agents and/or assigns to forthwith and/or immediately stay the Environmental Clearance recommendation made in favour of M/s. Unique Universal Bio-Waste LLP for setting up CBWTF at Village Kaluabari, P.O. Rajgunj, Chhatgujriimari, Debithakurbari, Mouza P.S. a Pargana Baikunthapur, District Jalpaiguri, West Bengal and to act in accordance with law by acting in the manner stated hereinabove;*

The answering Respondent No.9 states that the Petitioners have preferred the instant Writ Petition praying inter alia as follows:

- i. Issue a Writ of or in the nature of Mandamus commanding the respondents and/or their men and/or agents and/or assigns to forthwith and/or immediately withdraw and/or cancel and/or set aside the Environmental Clearance dated 1.9.2023 and Consent to Establish dated 13.9.2023 granted in favour of M/s. Unique Universal Bio-Waste LLP for setting up a CBWTF at Village Kaluabari, P.O. Debithakurbari, P.S. Rajgunj, Chhatgujriimari, Baikunthapur, Mouza Pargana District Jalpaiguri, West Bengal and to act in accordance with law by acting in the manner stated hereinabove;

I say that the prayer no. (ii) in WPA No. 1374 of 2023 is same and identical as prayer no. (ii) in the instant Writ Petition.

I further say that the prayer no. (i) in the instant Writ Petition mentions about Environmental Clearance dated 1.9.2023 and Consent to Establish dated 13.9.2023 granted to the answering Respondent are in "pari materia" to the prayer no. ii in the instant Writ Petition and prayer no. ii in WPA No. 1374 of 2023.

11. With reference to the statements made in paragraph nos. 11, 12 and 13 of the said opposition being matters of record in respect of the letter dated 05.06.2025 issued by the CMOH, Cooch Behar which relates to CBMWTF with respect to lifting, transportation, treatment and disposal of bio medical waste generated in different public health facilities across the Cooch Behar District.

I say that WPA No. 1374 of 2023 and the instant writ petition both are in regard to CBMWTF with respect to lifting, transportation,

treatment and disposal of bio medical waste generated in different public health facilities across the Jalpaiguri District. Hence the letter dated 05.06.2025 will not come to the aid of the Petitioner in the instant Writ Petitioner. Moreover, the CMOH, Cooch Behar by its letter dated 05.06.2025 has restricted operation of the Petitioner till 08.06.2025 and the functioning of the answering respondent shall commence from 09.06.2025 and shall remain valid unless modified.

12. With reference to the statements made in paragraph nos. 14, 15, 16 and 17 of the said opposition, the said contents are vehemently disputed and denied by me. I say that the said paragraphs are mere denials by the Petitioner of the contents of the application of the answering Respondent.
13. With reference to the statements made in paragraph nos. 18 and 19 of the said opposition, the said contents are vehemently disputed and denied by me. I say that the Petitioner has resorted to self contradictory statements and has wrongfully quoted that the Petitioner's are operating only for 8745 beds, whereas, State Respondent data shows otherwise which has been relied upon by this Hon'ble Court while disposing WPA No. 1374 of 2023 and in the final order dated 20.11.2023 the Hon'ble Court has observed that there are more than 23,000 beds in the area of operation.
14. With reference to the statements made in paragraph nos. 20, 21, 22 and 24 of the said opposition, the said contents are vehemently disputed and denied by me. I say that the said paragraphs are mere denials by the Petitioner of the contents of the application of the answering Respondent.

15. With reference to the statements made in paragraph nos. 23 and 26 of the said opposition, the said contents are vehemently disputed and denied by me. I say that the reliefs claimed for by the Petitioner in the instant Writ Petition and in WPA No. 1374 of 2023 are same and WPA No. 1374 of 2023 has been finally disposed by this Hon'ble Court by an order dated 20.11.2023. I further say that the Petitioner does not have a fresh cause of action to file the instant writ petition or that the cause of action in the instant writ petition and WPA No. 1374 of 2023 are separate.

16. With reference to the statements made in paragraph nos. 25 of the said opposition, the said contents are vehemently disputed and denied by me. I say that the Petitioner has not filed any documents to show that the Petitioner's case has been regularized by the concerned authority and the Petitioner's have obtained authorization to operate.

I further say that by order dated 20.11.2023 this Hon'ble Court while disposing WPA No. 1374 of 2023 has observed that the challenges in WPA No. 1374 of 2023 are baseless and unfounded.

17. With reference to the statements made in paragraph nos. 27, 28, 29 and 30 of the said opposition, I say that save and except for what are matters of record, the rest are disputed and denied by me. I say that the instant writ application requires to be dismissed by the Hon'ble Court as the writ petition has no justifiable grounds to be allowed by the Hon'ble Court and the Petitioner is not entitled to the reliefs as prayed for.

18. That the statements made in Paragraph Nos. 1 to 18 are true to my knowledge rest are my humble submission before this Hon'ble Court.

Prepared in my office:

Advocate

All Annexure are legible

Advocate

Solemnly affirmed before me on
the 04TH September, 2025.

Deponent is known to me:
Identified by me:

Advocate

COMMISSIONER

DISTRICT JALPAIGURI

IN THE HIGH COURT AT CALCUTTA
CIRCUIT BENCH AT JALPAIGURI
CONSTITUTIONAL WRIT JURISDICTION

C.A.N. 01 of 2025

Arising from

W.P.A No. 443 of 2025

M/s. Greenzen Bio Private Limited

Petitioner

Versus

The State of West Bengal and others.

... Respondents

AFFIDAVIT IN REPLY

DIWASH GUPTA

Advocate

Bar Association,

High Court Calcutta

Circuit Bench at Jalpaiguri

Ph- 838884128

Soumi Guha Thakurta, ADVOCATE
HIGH COURT, CALCUTTA

Bar Association, Room No. 8, High Court, Calcutta

Amare- 8/26

212

Mobile : 9811728861

E-mail : soumigt@gmail.com

CHAMBER : 32, Dr. Biresh Guha Street, Kolkata - 700 017

To.

- ✓ Ms. Parna Mukherjee, Advocate for the petitioner,
7, Old Post Office Street, Room No. 14, Kolkata- 700001
Mobile: 9330120322
2. The Secretary. Department of Health & Family Welfare.
Government of West Bengal, having office at "Swasthya
Bhawan", GN-29, Salt Lake, Sector-V, District - North 24
Parganas. Kolkata- 700091.
3. The State Environment Impact Assessment Authority.
Department of Environment, Government of West Bengal.
5th Floor, Pranisampad Bhawan, Block LB-II, Salt Lake,
Sector-III, Bidhannagar, Kolkata - 700106;
4. The Chief Environment Officer and Member Secretary,
State Environment Impact Assessment Authority,
Department of Environment, Government of West Bengal.
5th Floor, Pranisampad Bhawan, Block LB-II, Salt Lake,
Sector-III, Bidhannagar, Kolkata - 700106;
5. The West Bengal Pollution Control Board, Paribesh
Bhawan. 10 A. Block-LA Sector-III, Salt Lake. Kolkata -
700106;
6. The Member Secretary, West Bengal Pollution Control
Board, Paribesh Bhawan, 10A. Block-LA. Sector-III. Salt
Lake, Kolkata- 700106;
7. The Member Secretary, State Expert Appraisal
Committee, West Bengal Pollution Control Board,
Government of West Bengal. "Madhuban", Cooperative
Housing Society, AC-142, New Town, Street No. 47,
Kolkata - 700156;
8. Unique Universal Bio-Waste LLP, having office at Canal
Road, opposite 3 No. Bridge, towards Sharda Sishu Tirtha
School, Village - Dangapara, Mouza - Binnaguri, Post
Office-Balaram, Police Station - New Jalpaiguri, Balaram,
Jalpaiguri, Rajganj, West Bengal, Pin - 735135.

Received on 15/7/2025
3:39 pm

Soumi Parna Thakurta
14/07/25

213

Ref: WPA No. 443 of 2025

In the matter of :

Greenzen Bio Pvt Ltd & Anr

-Vs-

State of West Bengal & Ors

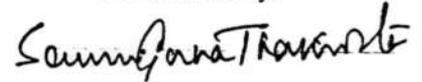
Sir/Madam,

Please find attached herewith the copy of the Affidavit in Opposition, alongwith all the annexures, filed on behalf of the Respondent No. 5 (Central Pollution Control Borad) for the above captioned matter.

Kindly accept and acknowledge the same.

Thanking you.

Yours sincerely,



(Soumi Guha Thakurta)

14/07/25

Encl: As above

01c
District: Darjeeling

214

IN THE HIGH COURT AT CALCUTTA
CIRCUIT BENCH AT JALPAIGURI
CONSTITUTIONAL WRIT JURISDICTION
(APPELLATE SIDE)



W.P.A No. 443 of 2025

In the matter of:

M/s Greenzen Bio Private Limited &
Another

..... Petitioner

-Versus-

The State of West Bengal & Ors

..... Respondents

S. 2379

Affidavit In Opposition on behalf of Respondent No. 5

I, Mrinal Kanti Biswas Son of Shri Saroj Kumar Biswas, aged about 43 years, by faith-Hindu, by Occupation-Service, having office at the Regional Directorate, Central Pollution Control Board, 1582, Rajdanga Main Road, Kolkata-700107 does hereby solemnly affirm and declare as under:

1. That I, in capacity of Scientist 'E' & Regional Director in the Central Pollution Control Board (hereinafter referred to as 'CPCB' or 'Answering Respondent'), Regional Directorate, Kolkata, have made myself acquainted with the facts and circumstances of the instant case and available records, I am well versed with the facts and

circumstances of the matter and as such competent & authorized to submit this reply on behalf of Respondent No. 5.

2. That, I have read and understood the averments made by Applicant in synopsis, list of dates, grounds and annexure enclosed with the Writ Petition and at the outset it is respectfully submitted that the answering respondent denies all claims, contentions, allegations and averments against answering respondent CPCB in the above Writ Petition contrary to anything stated or submitted in this reply. Nothing in the Writ Petition may be deemed to have been accepted or admitted by the answering Respondent for want of a specific denial or non-traverse, save any averment which has been expressly admitted hereinafter.

3. That, CPCB is a Board constituted under Section 3 of The Water (Prevention and Control of Pollution) Act, 1974. It performs the functions under The Water (Prevention and Control of Pollution) Act, 1974, The Air (Prevention and Control of Pollution) Act, 1981 and The Environment (Protection) Act, 1986.

4. That the averments made in the present petition is against grant of Environmental Clearance and Consent to Establish to Respondent No. 9 i.e. a Common Biomedical Waste Treatment Facility namely M/s Unique Universal Bio-Waste LLP, Badapara, Jalpaiguri, West Bengal, by State Environmental Impact Assessment Authority, West Bengal and West Bengal Pollution Control Board, respectively. The petitioner alleged that Respondent No. 9 is proposed to be established within 16.6 km from Petitioner's Common Biomedical Waste Treatment Facility (hereafter referred to as CBWTF) which is a violation of Biomedical Waste Management Rules, 2016 (hereafter referred to as BMWM Rules, 2016).

5. That, it is to submit that earlier a similar Writ Petition No. 1374 of 2023 was filed by the Petitioner before Hon'ble High court of Calcutta (Jalpaiguri Bench) against establishment of a CBWTF namely M/s S.N.G. Envirosolutions Private Limited, Jalpaiguri, West Bengal, within radius of 75 km radius from the Petitioner's CBWTF. The said matter was disposed of by Hon'ble High Court vide order dated 20.11.2023 without any order mentioning that the challenges in the Writ Petition are baseless and unfounded.

6. That the averment made in Paragraph 1 is information about Petitioner No. 1 and 2. Hence, need no comments from this Answering Respondent.

7. That under the averment made in Paragraph 2, the Petitioner mentioned that the present Writ Petition is against setting up of a CBWTF in violation of BMWM Rules, 2016 and CPCB guidelines. In this regard, it is humbly submitted that as per BMWM Rules, 2016, prescribed authority for grant or renewal or refusal of authorization under BMWM Rules, 2016 is State Pollution Control Board/Pollution Control Committee (hereafter will be referred as SPCB/PCC) of respective State/UT. It is humbly submitted that CPCB has prepared guidelines for Common Bio-medical Waste Treatment and Disposal Facilities on December 21, 2016 (Copy of guidelines is annexed as P-19 of the Writ Petition) as per the Bio-medical Waste Management Rules, 2016, which is further revised on April 12, 2025 (Copy of guidelines is attached as Annexure -A of this reply affidavit). Following major amendments have been carried out in the latest guidelines for Criteria for development of a new Common Bio-medical Waste Treatment and Disposal Facility for a locality or region:

Clause	As per CPCB guidelines,2016	As per CPCB guideline 2025
2)	<p>Prior to allowing any new CBWTF, the prescribed authority i.e. SPCB/PCC was required to conduct a gap analysis with respect to the coverage area for biomedical waste generation, its projection over the next ten years, and the adequacy of the existing treatment capacity of the CBWTF within a 75 km radius.</p>	<p>Prior to allowing any new CBWTF, the prescribed authority i.e.SPCB/PCC is required to conduct gap analysis w.r.to coverage area of the bio-medical waste generation, its projection over a period of next ten years, adequacy of existing treatment capacity of the CBWTF in each coverage area of radius 75 km as per the methodology given by CPCB for conduct of gap analysis.</p> <p>Additionally, decision may be taken by concerned SPCB/PCC based on gap analysis report to allow new facility or expansion of an existing facility. Adequacy of the existing facility to handle quantum of biomedical waste and/or compliance with the norms prescribed under BMWM Rules, 2016 shall also be taken into account.</p>

It is also to submit that as per the guidelines, all the SPCBs and PCCs shall conduct the gap analysis and based on the gap analysis, action plan for development of new CBWTFs is required to be prepared

and submitted to MoEF&CC and CPCB within six months. In case of States/UTs, where no CBWTF is available, in such a case, SPCB/PCC being prescribed authority under the BMWM Rules is required to ensure establishment new facilities. SPCB/PCC may submit the detailed proposal to MoEF&CC/MoH&FW through the respective State Government or UT Administration. Association of HCFs may also be encouraged to develop their own CBWTF following these guidelines. In case, any coverage area requires additional treatment capacity, in such a case, action may be initiated by the prescribed authority for allowing a new CBWTF in that locality based on the gap analysis report without interfering the coverage area of the existing CBWTF.

It is also to humbly submit that CPCB has prepared methodology to conduct gap analysis with respect to generation and treatment of biomedical waste and vide letter dated 12.12.2024 CPCB circulated the same to all SPCBs/PCCs. CPCB vide letter dated 12.12.2024 also communicated remarks on gap analysis report of West Bengal Pollution Control Board. Copy of CPCB guidelines for CBWTFs, methodology for conducting gap analysis and CPCB letter dated 12.12.2024 are attached at Annexure-A, Annexure-B and Annexure-C, respectively.

8. That the averments made in Paragraph 3 and 4 are information regarding Petitioner's CBWTF. Hence, need no comments from this Answering Respondent.

9. That under the averments made in Paragraph 5 to 9, the Petitioner mentioned about BMWM Rules, 2016 and reproduced clauses of the said Rule. In this regard, it is humbly submitted that BMWM Rules, 2016 was notified by Ministry of Environment, Forest and Climate Change to ensure environmentally sound management of

biomedical waste. Copy of BMWM Rules, 2016 is attached as P-1 of the Writ Petition.

10. That the averments made in Paragraphs 10 and 11 are information regarding setting up of Petitioner's CBWTF. The Petitioner also mentioned about coverage area of CBWTF as per CPCB guidelines. In this regard, it is humbly submitted that CPCB has issued revised guidelines for Common Bio-medical Waste Treatment and Disposal Facilities on December 21, 2016 as per the Bio-medical Waste Management Rules, 2016, which is further revised on April 12, 2025. Following major amendments have been carried out in the latest guidelines for the coverage area of CBWTF in the guidelines issued in 2025:

Clause	As per CPCB guidelines, 2016	As per CPCB guideline 2025
8)	Coverage area of CBWTF was suggested as radial distance of 75 km if 10,000 beds are available. Further, CBWTF may be allowed to cater the healthcare units situated upto 150 KM if 10,000 beds are not available within radius of 75 Km provided the bio-medical waste generated is collected, treated and disposed of within 48 hours as stipulated under the BMWM Rules.	CBWTF located within the respective State/Union Territory may be allowed to cater to healthcare units situated within a radial distance of 75 kilometers, subject to the condition that the facility possesses adequate treatment capacity to handle the bio-medical waste generated within the said radius. For the purpose of determining adequacy, 90% of the total

Additionally, the guidelines suggested that in case, number of beds exceeds 10,000 beds in a locality (i.e. coverage area of the CBWTF under reference) and the existing treatment capacity is not adequate, in such a case, a new CBWTF may be allowed in such a locality in compliance to various provisions notified under the Environment (Protection) Act, 1986, to cater services only to such additional bed strength of the HCFs located.

treatment capacity as authorized by the concerned State Pollution Control Board (SPCB) or Pollution Control Committee (PCC) shall be considered. It shall further be ensured that bio-medical waste generated is collected, treated and disposed of within 48 hours as stipulated under the BMWM Rules.

The concerned SPCB/PCC shall undertake a gap analysis, to assess the quantum of bio-medical waste generated vis-à-vis the available treatment capacity of the CBWTF (considering 90% of the authorized treatment capacity). In case the analysis indicates a shortfall in treatment capacity or if the existing CBWTF is found to be non-compliant with the provisions of the Bio-Medical Waste Management

		Rules, 2016, the SPCB/PCC may consider proposals for establishing a new CBWTF or for expansion of an existing facility, ensuring that bio-medical waste generated is collected, treated and disposed of within 48 hours as stipulated under the BMWM Rules.
--	--	---

11. That the averments made in Paragraph 12 to 15 are information regarding office memo dated 22.01.2016 of Department of Health & family Welfare, Govt. of West Bengal wherein all Health Care Facilities operational in West Bengal were directed to ensure disposal of biomedical waste generated by them through six(6) CBWTFs in West Bengal and subsequent agreement of the Petitioner with Health Department regarding allotment of hospitals. Hence, need no comments from this Answering Respondent.

12. That the averments made in Paras 16 to 19 are regarding authorization as well as Consent to Operate granted to Petitioner's CBWTF for treatment and disposal of biomedical waste by West Bengal Pollution Control Board and petitioner has also obtained Environmental Clearance from State Environment Impact Assessment Authority (hereafter referred to as SEIAA). In this regard, it is humbly submitted that besides obtaining Consent to Operate from the State Pollution Control Board, operator of CBWTF is also required to obtain authorization under BMWM Rules, 2016 from prescribed authority i.e.

State Pollution Control Board/Pollution Control Committee of respective State/UT and the authorization shall be synchronised with the validity of the consents. It is also to humbly submit that as per Environmental Impact Assessment Notification, 2006, published vide Ministry of Environment, Forest & Climate Change (hereafter referred to as MoEF & CC), notification of S.O. 1142 (E) dated April 17, 2015, CBWTF operator is also required to obtain Environmental Clearance (hereafter referred to as EC) from the respective SEIAA or MoEF & CC, as the case may be, before any construction work, or preparation of land by the projects management.

13. That the averments made in Paragraphs 20 and 21 are regarding application submitted to SEIAA by Respondent no. 9 i.e. M/s Unique Universal Bio-Waste LLP, Badapara, Jalpaiguri, West Bengal, for setting up of a CBWTF at a radial distance of 16.6 Km from Petitioner's CBWTF. It is also mentioned that application of Respondent no. 9 was considered without conducting gap analysis. In this regard, the reply made at Paragraphs 7 and 10 of this reply affidavit may be referred.

14. That the averments made in Paragraphs 22 to 24 are statements regarding allotment of government healthcare facilities to CBWTFs for collection, transportation, treatment and disposal of biomedical waste by Health & Family Welfare Department, Government of West Bengal. Hence, need no comments from this answering Respondent.

15. That the averments made in Paragraphs 25 to 34 are statement regarding procedure followed by Petitioner to obtain authorisation, Consent to Establish and Consent to Operate for Petitioner's CBWTF. In this regard, reply made in Paragraph 12 of this reply affidavit may be referred.

16. That under the averments made in Paragraphs 35 and 36, the Petitioner mentioned that at present Petitioner's CBWTF is covering 8745 beds. The Petitioner also mentioned that number of beds covered by the Petitioner's CBWTF is below of minimum number of beds recommended in CPCB guidelines and thus may be allowed to cater the healthcare units situated up to 150 km radius. In this regard, reply made in Paragraphs 7 and 10 of this reply affidavit may be referred.

17. That the averments made in Paragraphs 37 to 40 are information regarding number of beds covered by Petitioner's CBWTF during year 2019 to 2023. Hence, need no comments from this Answering Respondent.

18. That the averment made in Paragraph 41 is regarding processing of the application of Respondent No. 9 i.e. M/s Unique Universal Bio-Waste LLP, Badapara, Jalpaiguri, West Bengal, for development of CBWTF within a distance of 16.6 km from the Petitioner's CBWTF. In this regard, reply made in Paragraphs 7 and 10 of this reply affidavit may be referred.

19. That the averments made in Paragraphs 42 to 43 regarding Environmental Clearance and Consent to Establish issued to Respondent No. 9 i.e. M/s Unique Universal Bio-Waste LLP, Badapara, Jalpaiguri, West Bengal, by SEIAA, West Bengal and West Bengal Pollution Control Board without conducting gap analysis. In this regard, reply made in Paragraphs 7, 10 and 12 of this reply affidavit may be referred.

20. That the averments made in Paragraphs 44 to 45 are information regarding rejection of application of Consent to Operate applied by Respondent No. 9 i.e. M/s Unique Universal Bio-Waste LLP, Badapara,

Jalpaiguri, by West Bengal Pollution Control Board. Hence, need no comments from this Answering Respondent.

21. That under the averments made in Paragraphs 46 to 50, the Petitioner reproduced Rule 7, Rule 9, Rule 17 of BMW Rules, 2016 and clauses of guidelines for CBWTFs, such as criteria for development of new CBWTF and Coverage area of CBWTF. This is a matter of record and hence, need no comments from this Answering Respondent.

22. That under the averments made in Paragraphs 51 to 52, the Petitioner mentioned about the clauses of criteria for development of new CBWTF and coverage area of CBWTF of the guidelines for CBWTFs. In this regard, it is to humbly submit that CPCB has revised the guidelines for CBWTFs on 12.04.2025 and the same is annexed as Annexure-I.

23. That under the averments made in Paragraphs 53 and 54, the Petitioner mentioned about the coverage area of Petitioner's CBWTF and also mentioned that no other CBWTF can come within a radius of 75 km from the existing CBWTF. In this regard, the reply made at Paragraphs 7 and 10 of this reply affidavit may be referred.

24. That the averments made at Paragraphs 55 to 57 are statements regarding preparation of guidelines by CPCB and the responsibilities of the State government, including SPCB/PCC. In this regard, the reply made under Paragraph 12 and 22 may be referred.

25. That under the averments made at Paragraph 58 to 62, the Petitioner alleged that the respondent authorities have acted contrary to the principle of reasonableness. In this regard, it is humbly submitted that comments of this answering respondent made in above paras may kindly be referred.

26. That under the averments made in Paragraph 63 (I to XXXVIII) are regarding grounds of the present application. In this regard, it is humbly submitted that reply made in previous Paragraphs of the reply affidavit may be referred.

27. That the averments made in Paras 64 to 68 are regarding Petitioner's submission before the Hon'ble High Court. Hence, need no comments from this Answering Respondent.

28. That the contents of the above paragraphs are true and correct to the best of my knowledge and that nothing has been concealed thereof.

Prepared in my office

Soumitra Thakur
Advocate

Amal Kanti Bhowmik
Deponent is known to me

Clerk to. *Soumitra Thakur*
Advocate

Solemnly affirmed before me this

The 8th day of July, 2025

Sulal Nayak
Commissioner 08/7/25

DISTRICT: DARJEELING

IN THE HIGH COURT AT CALCUTTA
CONSTITUTIONAL WRIT JURISDICTION
CIRCUIT BENCH AT JALPAIGURI

APPELLATE SIDE

W.P.A No. 443 of 2025

In the matter of:

An application under Article 226 of
the Constitution of India;

And

In the matter of:

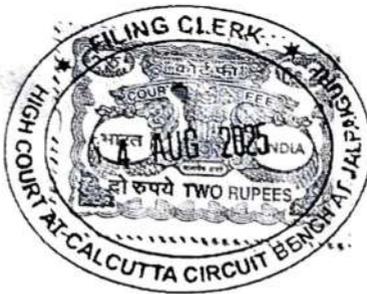
M/s Greenzen Bio Private Limited
and Another.

.....Petitioners

-Versus-

The State of West Bengal and Ors.

.....Respondents



S-2931

AFFIDAVIT -IN - REPLY ON BEHALF OF THE PETITIONERS TO THE
AFFIDAVIT-IN-OPPOSITION FILED BY THE RESPONDENT NO. 5

I, Dawa Narbu Dukpa, Son of Tshering Dukpa, aged about 43
years, by faith - *buddhist*, by occupation service, residing at
Mangpu Cinchona Plantation Ranju Valley, Kurseong, Darjeeling,
Pin - 734313, do hereby solemnly affirm and say as follows:-

1. A copy of the Affidavit-in-Opposition (hereinafter referred to as
the "said affidavit") affirmed by one Mrinal Kanti Biswas (hereinafter

1
Sm

referred to as the "answering respondent") on 8th July, 2025 has been served upon my Learned Advocate-on-Record on 15th July, 2025.

2. I have perused the said affidavit and have understood the purport, content and/or tenor thereof.

3. With regard to the statements made in paragraphs 1 and 2 of the said affidavit, I offer no comment.

4. The statement made in paragraph 3 of the said affidavit is matter of record. I say that the Central Pollution Control Board (hereinafter referred to as the "said CPCB") is constituted under The Water (Prevention & Control of Pollution) Act, 1974 and is entrusted with the powers and functions under the Air (Prevention & Control of Pollution) Act, 1981.

5. The statements made in paragraph 4 of the said affidavit are reiteration of the statements made in the instant writ application. The answering respondent has not denied the petitioners allegation of the respondent No. 9 establishing a CBWTF within 16.6 Kms of the petitioners' existing CBWTF in violation of Biomedical Waste Management Rules, 2016.

6. The statements made in paragraph 5 of the said affidavit are denied. I say that in the writ application being W.P.A No. 1374 of 2023 the petitioners prayed for setting aside of the recommendation granted to M/s. SNG Enviro Solutions Private Limited and also staying the recommendation process of the respondent No. 9. By order dated 20th November, 2023 the writ application was disposed off with the observation that if the

petitioners' case is regularized and the petitioners' obtain an authorization to operate after all the proceedings are over, the petitioners may approach the authorities for necessary orders. On this pretext the Hon'ble Court held that the challenges to the writ petitioners are baseless and unfounded.

7. With regard to the statements made in paragraph 6 of the said affidavit, I offer no comment.

8. The statements made in paragraph 7 of the said affidavit are mostly matter of record and I do not admit anything contrary to and/or inconsistent with the record. I say that both the West Bengal Pollution Control Board and Central Pollution Control Board take decision along with the Secretary, Health and Family Welfare Department, Government of West Bengal for granting recommendation and authorization for setting up of a Common Bio-Medical Waste Treatment Facility in such an area, which is subject to scrutiny before setting up of a CBWTF. It is specifically provided in the Revised Guidelines for Common Bio-medical Waste Treatment and Disposal Facilities as notified and published by the Central Pollution Control Board under the Ministry of Environment, Forest and Climate Change for setting up of a CBWTF, which shall be allowed to cater to healthcare units situated at radial distance of 75 Kms and such coverage area where 10000 beds are not available, then such CBWTF may be allowed to cater the healthcare units situated up to 150 Kms radius. Thus, this is not in doubt that the petitioners' area is covered till 75 Kms radial distance extended to 150 Kms and the same is not disputed by the answering respondent. That as per the revised guidelines as relied on by the answering respondent, such modification nowhere provides the need for a new CBWTF within 16.6 Kms of the existing

CBWTF. Rather, it insists on the coverage area of 75 Kms radius and based on gap analysis report the existing CBWTF may also be granted an extension of its area. That from the annexure 'B' and 'C' it appears that that the gap analysis had non-uniformity in data and approach and therefore it was requested to be revised. On reading of the same, it nowhere appears that the CPCB has suggested the setting up of a CBWTF which 16.6 Kms of the existing one. No such report to that effect has been submitted. Moreover, such report of gap analysis nowhere suggest the requirement of a new CBWTF, due to inadequate service of the petitioners' CBWTF.

9. The statements made in paragraph 8 of the said affidavit are reiteration of the statements made in the instant writ application and I offer no comment.

10. The statements made in paragraph 9 of the said affidavit are matter of record and I do not admit anything contrary to and/or inconsistent with the record. The answering respondent relies on the BMW Rules, 2016, which is part of the writ application.

11. The statements made in paragraph 10 of the said affidavit are reiteration of the statements made in the instant writ application and I do not admit anything contrary to and/or inconsistent with the record. The answering respondent has given a comparison table of the CPCB Guidelines, 2016 and CPCB Guidelines, 2025, but the same is not annexed to the said affidavit. The CPCB Guideline, 2025 similarly provides that a CBWTF located may be allowed to cater to healthcare units situated within a radial distance of 75 Kms. and in case the analysis indicates a shortfall in treatment capacity or if the existing CBWTF is found non-compliant

with the BMW Rules, 2016, then the SPCB/PCC may consider proposal for establishing a new CBWTF or for expansion of an existing facility. Therefore, the answering respondent has grossly failed to show any requirement of granting recommendation and permission to the respondent No. 9 to set up their CBWTF very near to the existing CBWTF of the petitioners' by violating the BMW Rules, 2016 and CPCB Guidelines.

12. The statements made in paragraph 11 of the said affidavit are reiteration of the statements made in paragraphs 12 to 15 of the instant writ application.

13. The statements made in paragraph 12 of the said affidavit are mostly matter of record and I refer to and rely on the statements made in paragraphs 16 to 19 of the instant writ application.

14. The statements made in paragraph 13 of the said affidavit are denied and I do not admit anything contrary to and/or inconsistent with the record. I say that the answering respondent has not dealt with and denied the contentions of paragraphs 20 and 21 of the instant writ application. I say that the gap analysis though was conducted did not reflect a single statement of the necessity of establishing the CBWTF of respondent No. 9. That also the answering respondent has not pointed out a sentence which requires a new CBWTF to be set up.

15. The statements made in paragraphs 14 and 15 of the said affidavit are reiteration of the statements made in paragraphs 22 to 34 of the instant writ application and the answering respondent

has not dealt with the contentions of the writ application, thus affirming the statements.

16. The statements made in paragraphs 16 and 17 of the said affidavit are reiteration of the statements made in paragraphs 35 to 40 of the instant writ application and once again the answering respondent has not dealt with the contentions in such paragraphs. Since not denied, it is therefore admitted that the petitioners' CBWTF is covering 8745 beds and also admitted that it is much below the minimum number of beds a CBWTF should be allotted. The petitioners disclosed the number of beds they provided service to since 2019 to 2023 and then at present providing service to only 8745 beds and such facts are not denied at all by the answering respondent.

17. The statements made in paragraphs 18 and 19 of the said affidavit are reiteration of the statements made in paragraphs 41 to 43 the instant writ application. I say that once again the answering respondent has grossly failed to deny the contentions, whereby the gap analysis report nowhere provided the requirement of the respondent No. 9 setting up a CBWTF in violation of the BMW Rules, 2016 and the gap analysis report also did not point out anywhere the gap can be reduced below 75 Kms to 16.6 Km. due to inadequacy of the existing CBWTF.

18. The statements made in paragraphs 20, 21 and 22 of the said affidavit are mostly matter of record and I do not admit anything contrary to and/or inconsistent with the record. However, I say that the answering respondent has failed to deal with the contentions of paragraphs 44 to 52 of the instant writ application. That from the revised guidelines of CPCB on 12th April, 2025

nowhere such revised guidelines provide that a new CBWTF can be establish less than 75 Kms of the existing one or that relaxation is given while conducting gap analysis.

19. The statements made in paragraph 23 and 24 of the said affidavit are matter of record and I do not admit anything contrary to and/or inconsistent with the record. I say that the answering respondent has not denied the requirement of the statute that no other CBWTF can come within a radius of 75 Kms from the existing CBWTF.

20. The statements made in paragraphs 25 and 26 of the said affidavit are denied. I also rely on the grounds made out in the instant writ application.

21. With regard to the statements made in paragraph 27 of the said affidavit I offer no comment.

22. The statements made in paragraphs 1, 3 to 21 are true to my knowledge and the rest are my humble submissions before this Hon'ble Court.

Prepared in my Office.

Panna Mukherjee
Advocate.

Panna Mukherjee
The Deponent is known to me.

Identified by me

Panna Mukherjee
Advocate.

F/1878/1935/2019

Solemnly affirmed before me on
this the ^{14th} day of August, 2025.

Suleal Nageswar
Commissioner
14.8.25

233



Greenzen Bio Pvt. Ltd.

Radha Appartment Iskon Mandir Road, 2nd Floor,
Siliguri, Darjeeling West Bengal, India. 734001

GBPL/BMW/2025-26/344
Date-09/08/2025

AUTHORITY LETTER

To Whom It May Concern

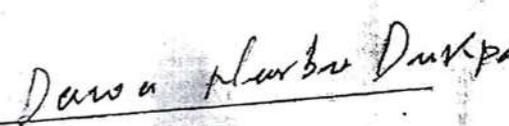
I, **Ramakant Burman**, being the Director of M/s **GREENZEN BIO PRIVATE LIMITED**, bearing CIN: U74210WB2006PTC110311, do hereby authorize: **Mr. Dawa Narbu Dukpa**, S/o Mr. Tshering Dukpa, residing at Lalung Basty Mangpu Cinchona Plantation Darjelling Sadar-734313, holding Aadhaar No. 222273881441, and presently serving as the Marketing Head of the Company, to sign, submit, verify, and file any documents, petitions, affidavits, or applications before the High Court at Calcutta or its Circuit Bench at Jalpaiguri, on behalf of M/s **GREENZEN BIO PRIVATE LIMITED**.

This authorization is given to facilitate the legal and administrative functions of the company and shall remain valid until revoked in writing.

Greenzen Bio Private Limited


Director

Ramakant Burman
Director



Dawa Narbu Dukpa
(Authorised Person)
Greenzen Bio Private Limited


Director

Attested by
Ramakant Burman
Director

C A R E F O R N A T U R E

DISTRICT: DARJEELING

IN THE HIGH COURT AT CALCUTTA
CONSTITUTIONAL WRIT JURISDICTION
CIRCUIT BENCH AT JALPAIGURI

APPELLATE SIDE

W.P.A No. 443 of 2025

In the matter of:

An application under Article 226 of
the Constitution of India;

And

In the matter of:

M/s Greenzen Bio Private Limited
and Another.

.....Petitioners

-Versus-

The State of West Bengal and Ors.

.....Respondents

AFFIDAVIT -IN - REPLY ON BEHALF
OF THE PETITIONERS TO THE
AFFIDAVIT-IN-OPPOSITION FILED
BY THE RESPONDENT NO. 5

Parna Mukherjee
Advocate
7, Old Post office Street
1st Floor, Room No 14
Kolkata- 700001
email-
mukherkeeparna308@gmail.com
M- 9330120322

Annexure-R-28

235

DISTRICT: DARJEELING

IN THE HIGH COURT AT CALCUTTA
CIRCUIT BENCH AT JALPAIGURI
CONSTITUTIONAL WRIT JURISDICTION
APPELLATE SIDE

W.P.A. NO. 443 OF 2025

IN THE MATTER OF:
An application under Article 226 of the
Constitution of India;

-And-

IN THE MATTER OF:
M/s Greenzen Bio Private Limited & Anr.

...Petitioners

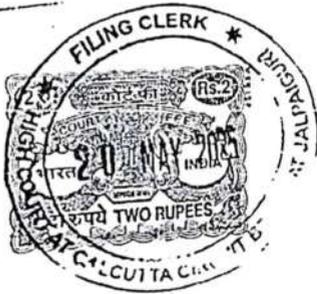
-Versus-

The State of West Bengal and Ors.

...Respondents

AFFIDAVIT-IN-OPPOSITION FILED BY THE RESPONDENT NO. 6

I, Prasun Kumar Mondal, son of Late Provash Chandra Mondal, aged about 54 years, by occupation service, presently working as Assistant Environmental Engineer, and Officer-in-Charge, Siliguri Regional Office, West Bengal Pollution Control Board, "Paribesh Bhawan", Paribahan



Nagar, Matigara, Darjeeling - 734010, do hereby solemnly affirm and say as follows:-,

1. That I am presently working as the Assistant Environmental Engineer, and Officer-in-Charge, Siliguri Regional Office, West Bengal Pollution Control Board, and as such I am well-aware of and fully acquainted with all the material facts of the present case and being aware of the relevant facts and circumstances, I beg to swear this affidavit on behalf of the respondent no. 6 in this instant writ petition.

2. That a copy of this Writ Petition (hereinafter mentioned as the said Petition) has been served upon me and I have gone through the said petition filed on behalf of the Petitioner. I say that I have understood the meaning, contents and purport thereof. I have made myself well aware of and fully acquainted with all the relevant facts pertaining to this instant Writ Petition. I have been advised to deal with and/or traverse only those statements and allegations made in the writ petition, which are material for proper adjudication of the present writ petition. Save what are matters of record, what can be substantiated there from and excepting what are specifically admitted by me hereunder, I deny and dispute each and every statement and allegation made in the said writ petition in seriatim, as if the same were specifically traversed. Any statement or allegation made in the said writ petition and not specifically dealt with by me hereunder should not be deemed to have been admitted or accepted by me in any manner whatsoever. Being well versed with all the material facts, I am affirming this Affidavit.

3. I most humbly submit that the instant writ petition is not maintainable either in law or in fact. I say that the Petitioners have no Locus standi to invoke the writ jurisdiction of the Hon'ble Court.
4. With regard to paragraphs 1, 2, 3, 4, 5, 6, 7, 8 and 9 of the said writ petition, I deny and dispute all statements and allegations save and except those statements that are matters of record. I vehemently deny that the West Bengal Pollution Control Board has allowed any CBWTF to be set up in violation of Bio-Medical Waste Management Rules, 2016 and the CPCB Guidelines. I most humbly submit that term "occupier" in Rule 3(m) of the Bio-Medical Waste Management Rules, 2016 means a person having administrative control over the institution and the premises generating bio-medical waste, which includes a hospital, nursing home, clinic, dispensary, veterinary institution, animal house, pathological laboratory, blood bank, health care facility and clinical establishment, irrespective of their system of medicine and by whatever name they are called. I also submit that the term "operator of a common bio-medical waste treatment facility" as defined in Rule 3(n) of the Bio-Medical Waste Management Rules, 2016 means a person who owns or controls a Common Bio-medical Waste Treatment Facility (CBMWTF) for the collection, reception, storage, transport, treatment, disposal or any other form of handling of bio-medical waste.
5. With regard to paragraphs 10, 11, 12, 13, 14, 15, 16, 17, 18 and 19 of the said writ petition, I deny and dispute all statements and allegations save and except those statements that are matters of record. I humbly submit that the Health and Family Welfare Department has divided the State of West Bengal into 13 zones in the year 2019 and selected agencies for lifting, transportation, treatment and disposal of Bio-Medical Wastes from the Government bedded hospitals following BMW Rules

2016. The purpose was to encourage better practices at BMW disposal and to encourage more agencies to set up CBMWTF in the zones allocated. The process of establishment of CBMWTF is regulated by the WBPCB. The Health and Family Welfare Department as a user agency allocates its hospitals to the existing CBMWT plants authorized by WBPCB operating in the State. I humbly submit that as per the decision taken in the meeting of the Committee dated 31/08/2022, it was decided that each district can have at least two CBMWTF (Common Bio-Medical Wastes Treatment Facilities) and bigger district with more BMW generation can have even three such facilities.

6. I humbly submit that in connection with establishment of new CBWTFs in compliance with the Bio-Medical Wastes Management Rules, 2016 and CPCB guidelines, as revised, there is no restriction in setting up of more than one CBWTF at one location and the CPCB guidelines for CBWTFs also do not restrict installation of new facility in a coverage area if the existing facility does not have adequate capacity to handle quantum of Bio-Medical Wastes and/or if the existing facility does not comply with the norms prescribed under the BMW Rules, 2016.

A copy of the clarification issued by Director & Head, Waste Management-I Division, of the CPCB issued to the Member Secretary, WBPCB dated 07/12/2022 is annexed herewith and marked as Annexure -'R-1'.

7. With regard to paragraphs 20, 21, 22, 23, 24, 25, 26, 27, 28 and 29 of the said writ petition, I deny and dispute all statements and allegations save and except those statements that are matters of record. I humbly submit that the contention raised by the petitioners in the instant writ

petition stating that the private respondent no. 9 cannot be given permission to operate their proposed plant as the same contravenes the provision of the BMW Rules, 2016 and the CPCB guidelines is not at all factually correct and is therefore untenable. I humbly submit that guidelines for common Bio-Medical Waste Treatment and Disposal facilities of Central Pollution Control Board, published in April, 2025 in Para 8(a) and 8(b) do not specifically prohibit the authority from recommending other agencies to operate their plant in case an existing operator is found unable to comply with the prescribed norms under the BMW Rules on account of having inadequate capacity to handle the quantum of Bio-Medical Wastes generated in an existing coverage area.

8. I humbly submit that the petitioner no. 1 has not been diligently complying with the directions as issued by the WBPCB from time to time. It is a fact that the petitioner no. 1 was show caused for not sending live scanning data of bio-medical wastes bags in the CPCB portal. A Show Cause Notice dated 08/08/2024 was issued to the petitioner no. 1 in this regard. I further submit that several directions were issued to the petitioner no. 1 by the Chief Engineer, Operation and Execution Cell, WBPCB on account of violations committed by the petitioner no. 1 in proper storage, containment and treatment of bio-medical wastes at its facility from time to time. The unit of the petitioner no. 1 upon inspection by the authorized official of WBPCB were found short of expected standards and were directed to take corrective measures in compliance with BMW Rules.

A copy of the Show Cause Notice dated 08/08/2024 and copies of such directions issued to the petitioner no. 1 are annexed herewith and collectively marked as Annexure 'R-2'.

240

10. I most humbly submit that apart from the show cause notices and the numerous directions issued to the writ petitioner from time to time, a complaint case under Section 200 of the Code of Criminal Procedure vide C.R. Case No. 13 of 2018 was also filed against the writ petitioner upon being found guilty of commission of offences under Sections 15 and 16 of the West Bengal Environment Protection Act 1986 read with the relevant Rules which is currently pending adjudication before the Court of Learned Judicial Magistrate, 3rd Court, at Jalpaiguri. In addition there to a Certificate Case vide C.C. No. 01/2024-2025/WBPCB/Kol for a Certificate amount Rs. 3022500/- is also pending before the Court of the

9. I humbly submit that petitioner no. 1 was catering to allotted hospitals in the districts of Coochbehar, Jalpaiguri, Darjeeling, Malda, Uttar Dinajpur, Dakshin Dinajpur, including Silliguri, North Bengal Medical College and Hospital and other Government Hospitals in an around North Bengal including some private hospitals. There are more than 23,000 beds across the area being serviced by the writ petitioners but the writ petitioners' installed treatment and disposal capacity is limited to 15,000 beds only. As such the facilities as provided by the writ petitioners is grossly inadequate to cater to all the existing hospitals and medical institutions in and around North Bengal. As such, the Government in presence of the Chairman of the State Level Advisory Committee took a decision to authorize at least two facilities per district and three facilities for bigger districts in its meeting held on 31/08/2022 in order to effectively collect, treat and dispose of bio-medical wastes. Hence, the private respondent no. 9 were authorized to set up their plant in strict compliance of the existing norms in this regard.

Certificate Officer, Jalpaiguri on account of non-payment of penalty imposed upon the writ petitioners in connection with the treatment and disposal of bio-medical wastes. I also submit that several complaints had been received from various quarters against the writ petitioners for causing severe environmental pollution on account of inadequate management of bio-medical wastes, and for causing grave hazards to public health.

A copy of the Notice issued to writ petitioner in connection with Certificate Case vide C.C. No. 01/2024-2025/WBPCB/Kol. is annexed herewith and marked as Annexure 'R-3'.

A copy of a complaint dated 07/03/2025 made by the Pradhan of Fulbari-II Gram Panchayat against the writ petitioners is annexed herewith and marked as Annexure 'R-4'.

11. With regard to paragraphs 30, 31, 32, 33, 34, 35, 36, 37, 38, 39, 40, 41, 42, 43, 44, 45 and 46 of the said writ petition, I deny and dispute all statements and allegations save and except those statements that are matters of record. I most humbly submit that the private respondent no. 9 herein applied for Consent to Operate (CTO) for the first time on 09/12/2024. Subsequent thereto on 16/01/2025 requisite inspection was carried out by the authorized representatives of WBPCB after serving notice upon the private respondent no. 9. I most humbly submit that there was no rejection of the CTO application of the private respondent no. 9 on 31/12/2024 as alleged by the writ petitioners. I further submit that upon notice being issued by the WBPCB on 16/01/2025, certain queries were raised by WBPCB officials which was replied to by the private respondent no. 9 vide its letters dated 22/01/2025 and

242

28/02/2025. A subsequent notice was raised by the WBPCB on 21/02/2025 for plant visit and site inspection which was done on 21/02/2025. Upon such inspection the WBPCB official recommended some minor modifications which were accordingly carried out by the private respondent no. 9. Thus, the CTO was finally issued on 06/03/2025 by the WBPCB in favour of the private respondent no. 9 in compliance with relevant rules and guidelines issued by the competent authority. The issuance of the CTO in favour of the private respondent no. 9 was followed by the Authorization dated 06/03/2025. The entire process from issuance of CTE (Consent to Establish) to the issuance of CTO (Consent to Operate) was a continuous process involving site visits, site inspections, raising of queries, etc. which is totally an independent process notwithstanding the issuance of the CTO during the pendency of the instant writ petition. I also submit that the private respondent no. 9 was approved for EC upon receipt of reply from the WBPCB based on Gap Analysis which was issued by the WBPCB vide Memo No. 153(1)/1S-74/2001(Pt. IX) dated 24/08/2023.

A copy of the screenshot of the online portal showing no rejection of application of the private respondent no. 9 and Inspection Report annexed herewith and marked as Annexure 'R-5'.

A copy of the EC approval in favour of the private respondent no. 9 is annexed herewith and marked as Annexure 'R-6'.

12. I most humbly submit that the fresh Consent to Operate (CTO) granted in favour of the petitioners' CBWTF is nothing but a mere renewal of the Consent to Operate earlier granted in favour of the petitioners' CBWTF. Such renewal however, does not prevent the Pollution Control Board

AS

from issuing CTO in favour of the private respondent no. 9 in any manner.

13. With regard to paragraphs 47, 48, 49, 50, 51, 52, 53, 54, 55, 56, 57, 58, 59, 60, 61 and 62 of the said writ petition, I deny and dispute all statements and allegations save and except those statements that are matters of record. I humbly submit that no fundamental right of the writ petitioners have been infringed and/or abrogated by any act on the part of the State Pollution Control Board. I further submit that the writ petitioners in order to continue their monopoly over the collection treatment and disposal of bio-medical wastes, are unnecessarily trying to obstruct and/or hinder the functioning of the private respondent no. 9, and the instant writ petition is nothing but an attempt to pressurize the respondents into giving in to the unreasonable demands of the writ petitioners.
14. I most humbly submit that the grounds as narrated in the writ petition are all misconceived and unsustainable in view of the facts and circumstances as stated hereinabove and as such, the writ petition as preferred by the writ petitioners are devoid of any merit. I say that the petitioners are not entitled to any of the reliefs as prayed for in the petition.
15. I most humbly submit that there exist no sustainable grounds to invoke the extraordinary writ jurisdiction of this Hon'ble Court under Article 226 of the Constitution of India, as no fundamental right of the writ petitioners have been infringed by any act of the respondents herein.
16. I most humbly submit that the writ petitioners have consciously tried to mislead this Hon'ble Court by advancing false narratives with a view to

244

maintain their monopolistic business model at the expense of the environment and public health at large.

- 17. I humbly submit that the grounds put forth in this present Writ Petition are not tenable in the eye of law.
- 18. I humbly submit that the answering respondent reserves the right to file additional Affidavit-in-Opposition or to make specific submissions with regard to the whole contention made in this Writ Petition at the time of hearing if the same is found necessary.
- 19. I most humbly submit that the writ petitioners have failed make out a positive case in support of their claim as such the same should be dismissed with cost.
- 20. I most humbly submit that the statements made in paragraph 1 & 2 above are true to my knowledge and the statements made in paragraphs 4 to 13 have been derived from records and 14 to rest of my most humble submissions before this Hon'ble Court.

Prepared in my office
Momen Kelman
 Advocate

Prashant K. H. Desai
 The Deponent is known to me

Identified by me
Momen Kelman
 Advocate
 WSB 427/2007

Solemnly affirmed before me on this
 the 20th day of May, 2025.

A. Banerjee-20.05.25
 Commissioner

All annexure are legible
Momen Kelman
 Advocate

Commissioner of Affidavit
 Circuit Bench of Calcutta High Court
 at Jalpalguri

MS
12

245

45

Annexure P-8



8913539/2022
12/12/22

केन्द्रीय प्रदूषण नियंत्रण बोर्ड
CENTRAL POLLUTION CONTROL BOARD
पर्यावरण, वन एवं जलवायु परिवर्तन मंत्रालय भारत सरकार
MINISTRY OF ENVIRONMENT, FOREST & CLIMATE CHANGE GOVT. OF INDIA

By Speed Post

F. No. B-31011/BMW (3398/61.1)/2022/WM-I 6260

December 7, 2022

To,

The Member Secretary,
West Bengal Pollution Control Board,
Paribesh Bhawan, 10A, Block- LA,
Sector III, Salt Lake City,
Calcutta- 700106.

Sub.: Clarification for establishment of new CBWTFs in compliance with the Biomedical Waste Management Rules, 2016 and CPCB Guidelines-reg.

Sir,

This has reference to establishment of new CBWTFs in compliance with the Biomedical Waste Management Rules, 2016 and CPCB Guidelines. CPCB is in receipt of many complaints/clarifications related to establishment of new CBWTF and coverage area of CBWTF

In this regard, it is to clarify that as per CPCB revised guidelines for CBWTFs, SPCB/PCC is required to conduct the gap analysis w.r.to coverage area of the bio-medical waste generation and also its projection over a period of next ten years and adequacy of existing treatment capacity of the CBWTF in each coverage area of radius 75 KM.

Further, CPCB revised guidelines also suggests that the coverage area of CBWTF to cover 10,000 beds with flexibility of extending coverage area up to 150 km if 10,000 beds were not available within 75 km. However, as required under Rule 8 (7) of BMW Rules, 2016, CBWTF is required to ensure that the waste is treated and disposed of within 48 hours.

It is also to clarify that Biomedical Waste Management Rules, 2016 do not restrict setting up of more than one CBWTF at one location and CPCB revised Guidelines for CBWTFs also do not restrict installation of new facility in a coverage area, if the existing facility does not have adequate capacity to handle quantum of biomedical waste and/or does not comply with the norms prescribed under BMW Rules, 2016.

Yours faithfully,

West Bengal Pollution Control Board

Diary No. 10996

Date 12/12/22

Referred to: SEE (BMW)

Remarks:

(V. P. Yadav)

Director & Head

Waste Management-I Division

Member Secretary

Discovered
SM
12/12/22

Kalyan
Admin. file
12/12/22

'परिवेश भवन' पूर्वी अर्जुन नगर, दिल्ली-110032

Parivesh Bhawan, East Arjun Nagar, Delhi-110032

दूरभाष/Tel : 43102030, 22305792, वेबसाईट/Website : www.cpcb.nic.in

-19- 246. ANNEXURE - 'R-2'



WEST BENGAL POLLUTION CONTROL BOARD

(Department of Environment, Govt. of West Bengal)

Panbesh Bhawan, 10 A, Block-LA, Sector-III,
Bidhannagar, Kolkata - 700 106

Tel: 2202-3000 Fax: 2202-3099
e-mail: net.wbpcb-wb@bangla.gov.in

Website: www.wbpcb.gov.in

Date: 08.08.2024

No. /IS-74/2001(Pt. IX)

~~vs. Green Zen Bio Pvt. Ltd.,
Innua Binnaguri, P.O. Fulbari,
S. Bhaktinagar, Dist. Jalpaiguri, PIN - 734015~~

~~vs. Greentech Environ Management Pvt. Ltd.
Hamua Road, P.S.-Mograhat, P.O.-Chakparan Kantakhali,
Dist-24 Pgs (S), PIN-743503.~~

~~vs RVD Waste Tech Pvt. Ltd.
aichar, Toganfuliya Metal Road,
O.-Koichar, P.S.-Mangalkot
Arba Bardhaman-713143~~

~~'Show Cause Notice' for not sending live scanning data of Bio-medical waste bags in
CPCB portal for implementation of Centralized Barcode System for Tracking of Bio-
medical Waste (CBST-BMW).~~

~~This office letter vide memo no. 32/IS-74/2001(Pt- IX) dated 15-02-2024~~

State Board directed you to send live scanning data of Bio-medical waste bags in CPOB
portal for implementation of Centralized Barcode System and continue the same regularly.
It appears from the portal of Central Pollution Control Board that you are not sending said data.
You are directed to 'Show Cause' why regulatory action will not be initiated for aforesaid non-
compliance.

Your reply should reach within 07 (seven) days from the date hereof.

~~sent - 2/08/24
Chief Engineer
Waste Management Cell~~

~~Memo No. IS-74/2001(Pt- IX)~~

~~is forwarded for information to:-~~

~~1. A to the Member Secretary, WBPCB~~

~~sent - 2/08/24~~

Date: 07.08.2024

Annexure.....
to in paragraph.....
foregoing petition affirmed
by.....
on this..... Day of.....

A. B. Mondal
Commissioner of Affidavit
Circuit Bench of Calcutta High Court
at Jalpaiguri



LIFE
Lifestyle for
Environment

Department of Environment, Government of West Bengal
Parthesh Bhawan, 104, Block - LA, Sector III, Bidhannagar
Kolkata 700 106, Ph. No.: 2202-3097/3096
Website: www.wbpcb.gov.in, Email: net.wbpcb-wb@bongla.gov.in

247

Date: 10/9/2024

Memo No

-V/PB/SRO-JaiG-50-2008

DIRECTION

WHEREAS, M/s. Greenzen Bio Pvt. Ltd. (hereinafter referred to as the unit) located at Mouza-Binnuguri, P.O.-Fulbarihat, P.S.-Bhaktinagar, Dist.-Jalpaiguri, Pin-734015 is a Common Bio-medical Waste Treatment Facility (CBWTF)

AND WHEREAS, the unit was inspected by the West Bengal Pollution Control Board (hereinafter referred to as the State Board) official on 12/03/2024 and the following observations were made by the inspecting official:-

- A large quantity of untreated mixed waste was stored in open area within the unit premises.
- During inspection online continuous emission monitoring system was not displaying any data as its PM sensor was broken.
- Incinerator ash was stored in open area that resembled a dumping ground for waste.
- Treated and untreated plastic waste was found to be stored in backyard.
- During inspection stack monitoring was conducted for the stack attached to the incinerator and the unit has failed to meet the emission standard of particulate matter. During earlier joint inspection on 09/11/2023 by the Central Pollution Control Board and the State Board official, the unit also failed to meet the PM emission standard. The results are given below:-

Date of Sampling	Sample collected from	Parameter	Result obtained (mg/Nm ³)	Permissible limit (mg/Nm ³)
12.03.2024	Incinerator stack	PM	66.61	50
09.11.2023			246.0	

AND WHEREAS, during inspection effluent sampling (from outlet of ETP) was also conducted and the analysis report shows non-compliance in respect of BOD (BOD-47.02 mg/l against the permissible limit of 30 mg/l). Earlier during inspection on 09.11.2023, the unit also failed to comply with the effluent discharge norms in respect of pH (pH-10.65 against the permissible limit of 6.5-9.0).

AND WHEREAS, the unit possesses Consent to Operate and Bio-medical Waste Authorization of the State Board which are valid upto 30.04.2029

AND WHEREAS, as per non-compliance observed during joint inspection by the officials of CPCB & WBPCB, the Chairman, Central Pollution Control Board issued a Direction and Show Cause Notice vide Memo No. B-31011/BMW(16260)/2024/WMD-1/950 dated 02/02/2024 to take corrective measures immediately for compliance of BMW Rules, 2016 and its amendments.

AND WHEREAS, it is to be mentioned that the State Board received a complaint from M/s. Sun Hospital & Diagnostic Centre, Bhanu Nagar, B.S.F. Road, Kadamtala, Shibmandir, Darjeeling-734 011 through Central Pollution Control Board regarding irregular service for lifting of BMW from their hospital resulting in creation of several nuisances within its premises.

AND WHEREAS, previously, the State Board had issued a Direction to the unit vide Memo No. 87-2S(BM)-2453/2008(Pl.-I) dated 31.08.2019 with imposition of an Environmental Compensation (EC) of Rs. 15,22,500/- and a Bank Guarantee (BG) of Rs. 15,00,000/-. But the unit did not submit the EC & BG amount at that time.

AND WHEREAS, the State Board had issued another Direction vide Memo No. 493-2S(BM)-2453/2008(Pt.-I) dated 06.05.2022 to immediately submit the Environmental Compensation of Rs. 15,22,500/- and a Bank Guarantee of Rs. 15,00,000/- as was imposed earlier by the State Board vide order dated 31.08.2019. But this time also the unit has not submitted the said EC & BG amount.

AND WHEREAS, the State Board had again issued a Direction vide Memo No. 371-2S(BM)-2453/2008(Pt.-I) dated 24.04.2023 to submit the Environmental Compensation of Rs. 15,22,500/- and a Bank Guarantee of Rs. 15,00,000/- as was imposed earlier by the State Board vide order dated 31.08.2019 & 06.05.2022 within 30th April, 2023. Sr. Law Officer of the State Board was requested to expedite the matter which is pending before the Chief Judicial Magistrate Court, Jalpaiguri against the unit. Sr. Law Officer was also requested to start proceedings against the unit regarding recovery of the said EC & BG amount under the West Bengal Public Demands Recovery Act, 1913, if the unit fails to submit the above stated EC & BG amount as earlier imposed by the State Board within the stipulated time period.

AND WHEREAS, the State Board issued a letter to the Certificate Officer, Jalpaiguri vide Memo No. 166/2S(BM)-2453/2008(Pt.-I) dated 30.05.2023 dated to recover the said EC & BG amount under the West Bengal Public Demands Recovery Act, 1913 due to non-submission of the above mentioned EC & BG amount within the stipulated time period.

AND WHEREAS, the unit was called for a hearing on 21.05.2024 at the Head office of the Board. The complainant was also requested to remain present in the hearing. Smt. Rituparna Bala, Proprietor of M/s. Sun Hospital appeared in the hearing and alleged that M/s. Greenzen Bio Pvt. Ltd. has not lifted bio-medical waste from their hospital properly within schedule time. Shri Arunoday Das Bhowmick, Manager submitted that they are not discharging any effluent outside and the treated effluent is recycled. However, they would take corrective measures for compliance of environmental norms in respect of both air and water. He also submitted that BMW are being collected from the alleged hospital on a regular basis and in this regard necessary supporting documents would be given to the State Board.

AND WHEREAS, it is to be mentioned that the State Board received a letter from the Certificate Officer, Jalpaiguri, Office of the District Magistrate, Jalpaiguri, Certificate Section vide Memo No. 156/1(2)/Cert. dated 11.07.2024 which was originally addressed to M/s. Greenzen Bio Pvt. Ltd. located at Mouza-Binnaguri, P.O.-Fulbarihat, P.S.-Bhaktinagar, Dist.-Jalpaiguri, Pin-734015 directing to pay the arrear demand Certificate Amount Rs. 30,22,500/- on or before 30.07.2024.

NOW THEREFORE, considering the above, M/s. Greenzen Bio Pvt. Ltd., CBWTF located at Mouza-Binnaguri, P.O.-Fulbarihat, P.S.-Bhaktinagar, Dist.-Jalpaiguri, Pin-734015 is hereby directed as follows:-

1. That, the CBWTF shall take corrective measures for compliance of environmental norms in respect of both air and water under Bio-medical Waste Management Rules, 2016 and its amendments. In this regard, an action taken report is to be submitted to the State Board within 15.09.2024.
2. That, the CBWTF shall store the bio-medical waste in a designated place. It should not be kept in open area within its unit premises.
3. That, the CBWTF shall also store incinerator ash under covered shed.
4. That, the CBWTF shall always make the online continuous emission monitoring system functional so that data in real time will be displayed.
5. That, the CBWTF shall take necessary steps regarding proper collection of bio-medical wastes from the member hospitals within the stipulated time period as Bio-medical Waste Management Rules, 2016 and its amendments.

The Waste Management Cell and the Asst. Environmental Engineer & In-charge, Siliguri Regional Office of the State Board are requested to oversee the compliance of Board's direction.

15- 249
...under the provision of Section 31A of Water (Prevention & Control of Pollution) Act, 1987, Section 31A of Air (Prevention & Control of Pollution) Act, 1986 and Rules made there under after being approved by the Competent Authority

By Order,

Sd/-
Officer-on-Special Duty
(Operation & Execution)
West Bengal Pollution Control Board

Date: 06/09/2024

Memo No. 10064 (10)-WPB/SRO/Jai/G-50-2008

Copy forwarded for information and necessary action to:-

- 1 M/s Greenzen Bio Pvt. Ltd., Mouza-Binnaguri, P.O.-Fulbarihat, P.S.-Bhaktinagar, Dist.- Jalpaiguri, Pin-734015
- 2 The Regional Director, Central Pollution Control Board, Regional Directorate, Kolkata, Southend Conclave, 6th Floor, 1582, Rajdanga Main Road, Kolkata-700107
- 3 M/s Sun Hospital & Diagnostic Centre, Bhanu Nagar, B.S.F. Road, Kadamtala, Shibmandir, Darjeeling-734 011
- 4 The Chief Engineer, Planning & EJM Cell, WBPCB
- 5 The Chief Engineer, Waste Management Cell, WBPCB
- 6 The Senior Law Officer, WBPCB
- 7 The Asst. Environmental Engineer & In-charge, Siliguri Regional Office, WBPCB
- 8 T.A. to the Member Secretary, WBPCB
- 9 P.A. to the Chairman, WBPCB
- 10 Technical Cell, WBPCB for updating the website
- 11 Environment Officer- Communication, WBPCB - for circulation through float file
- 12 Guard file of O & E Cell

Sd/-
Officer-on-Special Duty
(Operation & Execution)
West Bengal Pollution Control Board



West Bengal Pollution Control Board
 (Department of Environment, Government of West Bengal)
 Paribesh Bhawan, Bldg. 10A, Block LA
 Sector III, Bidhannagar, Kolkata 700 106
 Tel: 2335-6730, 2335-9088/7428/8211/6731/0261/8861
 Fax: (0091) (033) 2335-2813

Memo No. -2S(BM)-2453/2008(Pt.-I)

Date: /04/2023

DIRECTION

WHEREAS, M/s. Greenzen Bio Pvt. Ltd. (hereinafter referred to as the unit) located at **Mouza – Binnaguri, P.O.- Fullbari, P.S.- Bhaktinagar, , Dist.- Jalpaiguri, Pin – 734015** is a Common Bio-medical Waste Treatment Facility (CBMWTF) having treatment facility with BMW generation equivalent to 15000 nos. bed/day. The unit 1X150 kg./hr. HSD fired dual chambered incinerator which is provided with quencher, multi cyclone, ventury scrubber, cyclone separator (No. 1), wet scrubber, cyclone separator (No.2) and a stack of height 30m from G.L. The unit has also one autoclave of capacity 648 lit./batch with computer recording facility and one shredder of capacity 25 kg./hr.

AND WHEREAS, the unit was inspected by the **West Bengal Pollution Control Board** (hereinafter referred to as the State Board) officials on 15.12.2022 and the following observations were made during inspection:

- Autoclave and shredder were functional. Recyclable autoclave wastes are sent to the recyclers without any treatment.
- All the places inside the unit premises were found to be heaped with bio-medical waste and incinerator ash, looked like a dumping ground of waste.
- The treatment capacity of the CBMWTF is inadequate considering the waste collected in the region.
- The capacity of the unit is 3.6 MT/day, but it is collecting waste around 7.0 MT/day as per records available. Legacy waste forces the unit to run its incinerator beyond its capacity. As per record of incinerator, it had incinerated around 6.8 MT/day in November,2022.
- The feeder gate of the incinerator was found to be damaged and high fugitive emission was observed in the incinerator area.
- The unit has a vehicle washing platform and vehicles are washed inside the unit and the washed effluent flows to ETP.
- Overall BMW management of the unit was found to be very poor.
- During inspection stack sampling was conducted for the stack attached to the incinerator and the analysis report shows compliance.
- The unit has an effluent treatment plant (ETP) and scrubbing water is treated in ETP and again recycled for scrubbing. During inspection the ETP was functional. Effluent collected from the ETP outlet during inspection and analysis report also shows compliance.
- No designated onsite storing facility was observed.

AND WHEREAS, the Consent to Operate of the unit expired on 31.12.2022. The unit has applied online for renewal of CTO and feedback regarding submission of relevant documents including valid land documents has been given to the unit, but no information has been uploaded from their end. The unit has not obtained Hazardous Waste Authorization from the State Board. The unit is operating without valid Consent to Operate of the State Board since January,2023.

AND WHEREAS, it is to be mentioned that the lease agreement of the land of the unit being Dag No. 79, R.S. Khatian No. 328/5, J.L. No. 3, Mouza – Binnaguri, P.O.- Fullbari, P.S.- Bhaktinagar, , Dist.- Jalpaiguri, Pin – 734015 has been expired and the unit has not submitted any documents regarding renewable of the said land agreement after expiry of the same.

AND WHEREAS, it is to be also mentioned that a Criminal complaint case against the unit is pending before the Chief Judicial Magistrate Court, Jalpaiguri.

051

AND WHEREAS, previously the State Board had issued two directions to the unit vide dated 31.08.2019 and 06.05.2022 with imposition of an Environmental Compensation (EC) of Rs. 15,22,500/- and a Bank Guarantee (BG) of Rs. 15,00,000/-. But the unit did not submit the EC & BG amount till date.

AND WHEREAS, the unit was called for a hearing on 21.03.2023 at the Head office of the Board for the above mentioned violation of environmental norms. The Vice President on behalf of the unit appeared in the hearing and submitted that they have already taken necessary steps for total refurbishment of the whole plant in order to comply with the environmental norms. An action taken report will be submitted by them at the earliest.

AND WHEREAS, it is evident that some of the project proponents have already obtained Environmental Clearance for setting up new Common Bio-medical Waste Treatment Facility in different districts of West Bengal, but they have not approached the State Board for obtaining Consent to Establish for such projects. The Technical Committee opined that such project proponents may be directed to appear before the State Board through a hearing for giving an opportunity of being heard.

NOW THEREFORE, considering the above, **M/s. Greenzen Bio Pvt. Ltd.** located at Mouza – Binnaguri, P.O.- Fullbari, P.S.- Bhaktinagar, , Dist.- Jalpaiguri, Pin – 734015 is hereby directed as follows:

1. **That**, the unit is allowed a time period upto **30th April, 2023** to regularize Consent to Operate of the State Board with producing valid land documents as asked for.
2. **That**, the unit shall submit the **Environmental Compensation(**EC) of **Rs. 15,22,500/-** (Rupees fifteen lakhs twenty two thousand five hundred) as was previously imposed upon the unit by the State Board vide Memo Nos. 87-2S(BM)-2453/2008(Pt.-I) dated 31.08.2019 and 493-2S(BM)-2453/2008(Pt.-I) dated 06.05.2022 within **30th April, 2023** by Demand Draft in favour of **WEST BENGAL POLLUTION CONTROL BOARD** payable at Kolkata for non-compliance of environmental norms.
3. **That**, the unit shall execute the **Bank Guarantee (BG)** (proforma enclosed) of **Rs. 15,00,000/-** (Rupees fifteen lakhs) as was previously imposed upon the unit by the State Board vide Memo Nos. 87-2S(BM)-2453/2008(Pt.-I) dated 31.08.2019 and 493-2S(BM)-2453/2008(Pt.-I) dated 06.05.2022, valid for twelve (12) months within **30th April, 2023** in favour of the **WEST BENGAL POLLUTION CONTROL BOARD (Union Bank of India IFSC Code UBIN0906638)** as an assurance to comply with the Board's directions as well as environmental norms.
4. **That**, the unit shall operate the incinerator with proper functioning of its air pollution control system and emission should be discharged through the stack.
5. **That**, the unit shall install conveyor belt so that proper incineration of bio-medical wastes will be done.
6. **That**, the unit shall store the bio-medical wastes in a BMW storage room in segregated manner. Under any circumstances, bio-medical wastes shall not be stored in open place.
7. **That**, the unit shall take necessary steps for concretization of approach roads and area surrounding the ETP, stack, BMW storage room and these areas shall not be blocked with bio-medical wastes under any circumstances.
8. **That**, the unit shall improve its bio-medical waste management system.
9. **That**, the unit shall dispose the incinerator ash through the Common Hazardous Waste Treatment Storage and Disposal Facility. Under any circumstances, no incinerator ash shall be disposed off at any place.
10. **That**, the unit shall properly maintain record for receiving and treatment of Bio-Medical Wastes and log book for operation of Incinerator and Autoclave as per revised guidelines of CPCB.
11. **That**, the unit shall keep record for generation and disposal of incinerator ash and ETP sludge.
12. **That**, vehicle washing platform shall be constructed adjacent to the ETP and the washed effluent should be treated in the ETP.
13. **That**, the unit shall immediately obtain Hazardous Waste Authorization from the State Board.
14. **That**, the unit shall submit a time bound action plan to the State Board for complying with the environmental norms within 7(seven) days from hereof.

The Chief Engineer, EIM Cell of the State Board is requested to conduct the hearing involving of such project proponents who have already obtained Environmental Clearance for setting up new Common Bio-medical

252

Waste Treatment Facility in different districts of West Bengal, but they have not approached the State Board for obtaining Consent to Establish for such projects.

Sr. Law Officer of the State Board is requested to expedite the matter which is pending before the Chief Judicial Magistrate Court, Jalpaiguri. If the unit fails to submit the above stated EC & BG amount as earlier imposed by the State Board within the stipulated time period, Sr. Law Officer shall start proceedings against the unit regarding recovery of the said EC & BG amount under the West Bengal Public Demands Recovery Act, 1913.

The Sr. Environmental Engineer & In-charge of Bio-medical Waste Management Cell of the State Board is requested to oversee the compliance of the environmental norms as well as Board's direction.

The Environmental Engineer & In-charge, Siliguri Regional Office of the State Board is also requested to oversee the compliance of the environmental norms as well as Board's direction.

This direction is issued in exercise of the powers conferred under the provision of Section 33A of Water (Prevention & Control of Pollution) Act, 1974, Section 31A of Air (Prevention & Control of Pollution) Act, 1981, the Environment (Protection) Act, 1986 and Rules made thereunder after being approved by the Competent Authority.

By Order,

Sd/-

**Chief Engineer
Operation & Execution Cell
West Bengal Pollution Control Board**

Memo No. 371(9) -2S(BM)-2453/2008(Pt.-I)

Date: 24/04/2023

Copy forwarded for information and necessary action to:

1. M/s. Greenzen Bio Pvt. Ltd., Mouza – Binnaguri, P.O.- Fullbari, P.S.- Bhaktinagar, , Dist.- Jalpaiguri, Pin – 734015
2. The Chief Engineer, Planning & EIM Cell, WBPCB
3. The Sr. Environmental Engineer & In-charge of Bio-medical Waste Management Cell, WBPCB
4. The Senior Law Officer, WBPCB
5. The Environmental Engineer & In-charge, Siliguri Regional Office, WBPCB
6. The FAM, WBPCB
7. T.A. to the Member Secretary, WBPCB
8. P.A. to the Chairman, WBPCB
9. Technical Cell, WBPCB for updating the website
10. Environment Officer- Communication, WBPCB – for circulation through float file
11. Guard file of O & E Cell


**Chief Engineer
Operation & Execution Cell
West Bengal Pollution Control Board**

253



West Bengal Pollution Control Board
 (Department of Environment, Government of West Bengal)
 Paribesh Bhawan, Bldg. 10A, Block LA
 Sector III, Salt Lake, Kolkata 700 106
 Tel: 2335-6730, 2335-9088/7428/8211/6731/0261/8861
 Fax: (0091) (033) 2335-2813

Memo No. -2S(BM)-2453/2008(Pt.-1)

Date: /05/2022

DIRECTION

WHEREAS, M/s. Greenzen Bio Pvt. Ltd., (hereinafter referred to as the unit) located at Fulbari Canal Road, P.O. – Fulbari, P.S. – Bhaktinagar, Dist – Jalpaiguri, Pin – 734015 is an operator of Common Biomedical Waste Treatment, Storage and Disposal facility (CBWSTF). The unit has 1 no. auto-clave and 1 no. oil fired common incinerator.

AND WHEREAS, the unit was inspected by the **West Bengal Pollution Control Board** (hereinafter referred to as the State Board) official on 10.09.2021. The following observations were made during inspection:

- The stack connected with the incinerator has been damaged and platform, ladder and port hole were also damaged. Wet scrubber was not functioning. For these reasons stack monitoring could not be conducted.
- Effluent Treatment Plant (ETP) was not functioning since January 2021 and all the liquid waste directly discharged to the panchayet drain without any treatment.
- Water pipeline of Autoclave was found to be damaged.
- Bio-Medical wastes were found to be stored in an unorganized manner and found to be scattered here and there.
- Housekeeping was very poor.

AND WHEREAS, earlier a direction was issued against the unit vide memo no. 87-2S (BM)-2453/2008(Pt.-I) dated 31.08.2019 with imposition of Environmental Compensation (EC) amounting to Rs. 15,22,500/- for non-compliance of environmental norms and Bank Guarantee (BG) amounting to Rs. 15,00,000/ as an assurance to comply with the environmental norms. The unit has not yet submitted the EC and BG amount.

AND WHEREAS, a complaint was lodged by M/s. Neotia Healthcare Initiative Limited, Siliguri against the unit for non-collection of Bio-Medical Waste from their hospital.

AND WHEREAS, previously the unit was inspected followed by stack monitoring and effluent sampling conducted by the State Board official on 05.03.2020 and 15.03.2021. Both the occasions the unit failed to meet the effluent discharge standard as well as emission discharge standard. The details are given below:

Date of inspection	Sample collected from	Parameter	Value obtained	Permissible limit
05.03.2020	ETP Outlet	BOD	128.57 mg/L	30 mg/L
		COD	280 mg/L	250mg/L
05.03.2020	Stack Connected to Incinerator	PM	114.02 mg/Nm ³	50 mg/Nm ³
15.03.2021	Stack Connected to Incinerator	PM	891.20 mg/Nm ³	50 mg/Nm ³

259

AND WHEREAS, Consent to Operate of the unit is valid up to 31.12.2022. The Authorization for Bio-Medical Waste of the unit is valid up to 31.12.2022.

AND WHEREAS, the unit was called for a hearing on 26.11.2021 at the Head office of the Board for repetitive violation of environmental norms as recorded above. The Director on behalf of the unit appeared in the hearing and submitted that they would install air pollution control system including platform, ladder and port hole for the incinerator within fifteen days. The ETP will also be installed by them within this period.

NOW THEREFORE, considering the above, **M/s. Greenzen Bio Pvt. Ltd.,** located at Fulbari Canal Road, P.O. – Fulbari, P.S. – Bhaktinagar, Dist – Jalpaiguri, Pin – 734015 is hereby allowed to operate with the following conditions:-

1. The unit shall complete necessary rectification/modification of air pollution control system and make proper sampling arrangement for the oil fired incinerator. In this regard, an action taken report to be submitted by the unit to the State Board immediately.
2. The unit shall immediately complete necessary rectification/modification of the effluent treatment plant and it will be made functional. In this regard, the unit will have to submit a compliance status to the State Board immediately.
3. Under any circumstances, the unit shall not discharge its untreated effluent outside the unit premises.
4. The unit shall always keep its bio-medical wastes in an organized manner and improve its Housekeeping at the earliest.
5. The unit shall properly collect bio-medical wastes from their member units.
6. The unit shall always comply with the directions issued by the Board from time to time.
7. The unit shall depute dedicated manpower to maintain liaison with the concerned regional offices of the Board so as to get the updated status of health care establishments and to resolve the issues pertaining to waste disposal as and when required.
8. The unit shall immediately submit the Environmental Compensation (EC) amounting to Rs. **15,22,500/-** (Rupees fifteen lakh, twenty two thousand and five hundred) which was previously imposed by the State Board upon the unit vide Memo No. 87-2S(BM)-2453/2008(Pt.-I) dated 31.08.2019 by Demand Draft in favour of **WEST BENGAL POLLUTION CONTROL BOARD** payable at Kolkata for gross non-compliance of environmental norms.
9. The unit shall immediately submit the Bank Guarantee (BG) amounting to Rs. **15,00,000/-** (Rupees fifteen lakh) as was previously imposed by the State Board upon the unit vide Memo No. 87-2S(BM)-2453/2008(Pt.-I) dated 31.08.2019 favour of the **WEST BENGAL POLLUTION CONTROL BOARD (Union Bank of India IFSC Code UBIN0906638)** as an assurance to comply with the environmental norms.

The Environmental Engineer, Siliguri Regional Office of the State Board is requested to keep a strict vigil on the unit. If the unit is again found to be non-complying, the Board will have no other option but to take strict regulatory action without any further reference.

255

This direction is issued in exercise of the powers conferred under the provision of Section 33A of Water (Prevention & Control of Pollution) Act, 1974 and Section 31A of Air (Prevention & Control of Pollution) Act, 1981 and rules made thereunder after being approved by the Competent Authority.

By Order,

Sd/-
Chief Engineer
Operation & Execution Cell
West Bengal Pollution Control Board

Memo No. 493(8)-2S(BM)-2453/2008(Pt.-I)

Date: 06/05/2022

Copy forwarded for information and necessary action to:

1. **M/s. Greenzen Bio Pvt. Ltd.**, Fulbari Canal Road, P.O. – Fulbari, P.S. – Bhaktinagar, Dist – Jalpaiguri, Pin – 734015
2. T.A. to the Member Secretary, WBPCB
3. P.A. to the Chairman, WBPCB
4. The Chief Engineer, Planning & EIM Cell, WBPCB.
5. The Senior Law Officer, WBPCB
6. The FAM, WBPCB
7. The Environmental Engineer, Siliguri Regional Office, WBPCB.- She is requested to submit a status of compliance of the above mentioned direction by the unit at least 3 months before the expiry of the BG.
8. Technical Cell, WBPCB for updating the website.
9. Environment Officer- Communication, WBPCB – for circulation through float file.
10. Guard file of O & E Cell


Chief Engineer
Operation & Execution Cell
West Bengal Pollution Control Board

256

SLO/MS/1/mc-22
05/03/25

Annexure R-3
6th Reminder

GOVERNMENT OF WEST BENGAL
OFFICE OF THE DISTRICT MAGISTRATE, JALPAIGURI
CERTIFICATE SECTION

Memo. No. _____ / Cert.

Dated: _____ / 2025

To
M/S Greenzen Bio Pvt. Ltd.
Vill - Binnaguri, P.O. Fulbari
P.S. Bhaktinagar,
Dist. Jalpaiguri,
Pin. 734015

✓ SLO / 020/0567

Certificate Case No - 01/2024-2025/W.B.P.C.B./Kol.
Certificate Amount Rs. 3022500/-

Take notice that the above certificate case is pending in my Court for disposal.
You are hereby directed to pay the arrear demand on or before 25.03.2025 without fail.
You are further directed to appear before the Court on 25.03.2025 at 12.00 noon failing
which other legal action for recovery will be initiated as per law.

si-
Certificate Officer
Jalpaiguri

Dated: 24 / 02 / 2025

Memo. No. 06 / (2) / Cert.

Copy forwarded for information and necessary action to :

✓ The Member Secretary, West Bengal Pollution Control Board Paribesh Bhawan, 10A,
Block - LA, Sector - III, Bidhannagar, Kolkata - 700106. He is directed to let this office
know with regard to the latest status of payment by the incumbent concern before the
date of hearing mentioned above and be present for hearing or send a representative on
25.03.2025 positively (Attached Photocopy of order sheet).

West Bengal Pollution Control Board

si-
Certificate Officer
Jalpaiguri

R-3

ANNEXURE.....
to in paragraph.....
foregoing petition affirmed
by.....
on this..... Day of.....



Member Secretary

~~22~~ - 23 - Annexure R-41
257

SAFIKUL ISLAM
Pradhan
Fulbari II Gram Panchayat

mail ID fulbari2gp@rediffmail.com

KISHOR CHANDRA ROY
Upa-Pradhan
Fulbari-II Gram Panchayat

Memio No - 16.1/25

Date :- 27 03. 2025

To
The Chief Engineer, W.M.C.
West Bengal Pollution Control Board,
Paribesh Bhavan, 10A, Block-L.A., Sector- III,
Salt Lake City, Kolkata - 700106

West Bengal
Pollution Control Board
No. 24492
Date 10/3/25

Subject: Urgent Request for Action Against Biomedical Waste Plant 'Green Zen Bio Private Limited' Causing Severe Community Distress

Respected Sir,

I am writing to you in my capacity as the Pradhan of Fulbari II GP to bring to your immediate attention to a matter of grave concern affecting the health and well-being of our local community. A biomedical waste treatment plant, referred to as 'Green Zen Bio Private Limited' situated in Chobavita, Fulbari II GP, PS- NJP, Rajganj Block, Dist- Jalpaiguri operating within the jurisdiction of our Gram Panchayat has become a source of widespread distress due to its deplorable condition and utter failure to adhere to pollution control and waste management norms.

The plant, which has been operational for over 15 years, relies on outdated technology and infrastructure that are wholly inadequate for managing biomedical waste in a safe and environmentally sound manner. This has resulted in severe pollution, posing a direct threat to the lives and livelihoods of our residents. Despite repeated attempts to address this issue at the local level, the situation remains unresolved, compelling me to escalate the matter to your esteemed office with deep frustration and urgency.

The plant's proximity to three critical educational institutions exacerbates the crisis. It is located within 100 meters of a Government Primary School, a CBSE affiliated Higher Secondary DPS School & a Sharada Vidyamandir Higher Secondary School. The close proximity endangers the health of young students and the school staff. I have received numerous complaints from guardians and school authorities highlighting respiratory issues, foul odors, and other health hazards linked to the plant's operations. Furthermore, an old-age home situated adjacent to the facility exposes our elderly population—already vulnerable—to unacceptable risks. A village with over 700 residents lies within 200 meters of the plant, amplifying the scale of this public health emergency.

RECEIVED
DEL. FILE
14/03/25

Annexure R-41 11 Page of 1
to in paragraph
foregoing petition affirmed
by K. Mondal
on this 27 Day of March, 25

AB 12.03.25
Commissioner of Amalgam
Small Panch of Jalpaiguri High Court

25-24-258

RAFIKUL ISLAM
Pradhari
Fulbari-II Gram Panchayat

ফুলবাড়ী হাট :: রাজগঞ্জ :: জলপাইগুড়ি
E-mail ID : fulbari2gp@rediffmail.com

KISHOR CHANDRA ROY
Upa-Pradhan
Fulbari-II Gram Panchayat

Memo No

Date :-

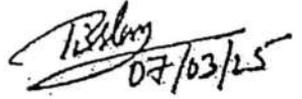
The local community, including residents, school authorities, and other stakeholders, has voiced strong opposition to the plant's continued operation in its current state and location. While we acknowledge the importance of safe biomedical waste disposal, it cannot come at the expense of our community's health and safety. The overwhelming consensus is a demand for the immediate closure of this facility.

I earnestly request your intervention to investigate the operations of Green Zen Bio Private Limited bio medical waste plant and take decisive action to address the pollution and mismanagement issues. If biomedical waste disposal must continue, I urge you to consider relocating such facilities to remote areas, far from schools, residential zones, and vulnerable populations, while ensuring compliance with modern environmental and safety standards.

The people of Fulbari II GP look to your authority for relief from this ongoing crisis. I would be grateful for your prompt response and action to safeguard our community.

Thanking you in anticipation of your support.

Yours sincerely,


07/03/25

Pradhan

Fulbari II Gram Panchayat
Rajganj, Jalpaiguri

Copy Forwarded to:
- The Chairman
Dr. Kalyan Rudra
West Bengal Pollution Control Board,
Paribesh Bhavan, 10A, Block-L.A., Sector- III,
Salt Lake City, Kolkata - 700106

~~26~~ Assessment - K-F ' 259

Application(s) - Approved

BUSINESS REFERENCE ID : CAF2024981587

Sl NO.	SERVICE	ACTION
1	<p>Authorization under Bio-Medical Waste Management (Management and Handling) Rules, 2016 (WBRTS Timeline: 20 days)</p> <p> <input checked="" type="checkbox"/> Basic Details saved <input checked="" type="checkbox"/> Application Inprogress <input checked="" type="checkbox"/> Application Submitted <input checked="" type="checkbox"/> Scrutiny Incomplete Raised <input checked="" type="checkbox"/> Scrutiny Incomplete Close <input checked="" type="checkbox"/> Payment Done <input checked="" type="checkbox"/> Clarification Raised <input checked="" type="checkbox"/> Clarification Closed by the Industry <input checked="" type="checkbox"/> Inspection Raised <input checked="" type="checkbox"/> Inspection Closed <input checked="" type="checkbox"/> Application Return <input checked="" type="checkbox"/> Return Back to Officer <input checked="" type="checkbox"/> Application Forwarded <input checked="" type="checkbox"/> Application Approved </p>	

BUSINESS REFERENCE ID : CAF2024977914

BUSINESS REFERENCE ID : CAF2023547573



260

Change Password

Profile Information

Logout

Application(s) - Rejected

No Application Found

- ~~208~~ - 27 - 261

INSPECTION REPORT

1.	Purpose of inspection	The unit has applied for 'Consent to Operate' for operating the Common Bio-Medical Waste Treatment Facility.
2.	Name & Address of the unit	M/s. Unique Universal Bio Waste LLP located at Vill. - Kaluabari, P.O. - Debithakurbari, P.S. - Rajganj, Mouza - Chhatgujrimari, Pargana - Baikunthapur, Dist. - Jalpaiguri, Pin - 735133
3.	Date and time of inspection	21.02.2025 from 11:20 AM to 01:45 PM
4.	Inspecting Officer	Mr. B. Pan (ABE), R. Karmakar (JEE)
5.	Persons Met	Mr. Subhasish Das (Partner), Mr. Hiren Chandra Roy (Partner)

Observation: -

This is a Common Bio-Medical Waste Treatment Facility. During inspection it is observed that the installation of machineries of the unit is almost at completion stage. The unit has installed the Incinerator (Plasma Pyrolysis) of capacity 250 Kg/Hr. (1+1 Stand By). The incinerator is dual chambered and it runs on the Plasma Pyrolysis technology that uses extremely high temperature in an oxygen starved environment to completely dissociate waste into their elemental constituents. The incinerator is equipped with a water jacketed quencher, multi-cyclone, venturi scrubber, Mist Eliminator, Carbon Filter & Hepa Filter followed by a stack. The unit has also installed a Shredder (500 Kg/Hr.) and an Autoclave (1500 Litres/ batch). The stack of the incinerator is at construction stage. The Stack has been constructed up to an approx. height of 12 mtr. from G.L. The remaining portion of the stack up to the height of 30 mtr from G.L. along with sampling port, ladder & platform will be completed in the next 5 days as stated by the project proponent. The unit has installed an Effluent Treatment Plant for waste water treatment.

The unit has obtained Environmental Clearance from SEIAA dated 01.09.2023, 'Consent to Establish' dated 05.09.2023 from WBPCB. Now, the unit has applied for 'Consent to Operate'.

- ~~28~~ - 28 - 262

Compliance status of the 'NOC' conditions is listed below: -

Sl. No.	<u>Special Conditions mentioned in the 'Consent to Establish (NOC)'</u>	<u>Compliance Status</u>
1.	DG Set - 1x125 KVA a) Stack of adequate height to be provided with acoustic enclosures and residential silencer. b) Stack to have sampling port, platform and ladder as per the Emission Regulation Part - III of CPCB	The project proponent has installed the D.G. set equipped with acoustic enclosures and residential silencer.
Sl. No.	<u>Special Conditions mentioned in the 'Consent to Establish'</u>	<u>Compliance Status</u>
2.	Waste water shall be treated in adequately designed Effluent Treatment Plant (ETP) and recycled. Zero discharge condition to be maintained.	Effluent Treatment Plant of capacity 10 KLD has been installed. The effluent from Venturi Scrubber attached with the Incinerator as APCD, Floor Washing, Vehicle Washing & Autoclave will be collected, treated in ETP. The treated water will be recycled in Ventury Scrubber for scrubbing particulate matter from flue gas. The ETP consists of Wastewater Equalization tank → Green Float Chamber where BOD/COD load reduction takes place using the DAF (Dissolved Air Flotation) technology. In this technology the total load of suspended particles & FOG is scraped out which incorporate the major portion of BOD/COD → Ozonation for disinfection → Treated Water recycled. The scraped sludge is collected & disposed to CHWTSDF & the water is drained back to equalization tank.

263

29

	Incineration ash should be stored under covered shed, in a separate room having floor liner and disposed to authorized TSDF.	The unit has constructed a separate room having a floor liner, for storage of incinerator ash and will be disposed to authorized TSDF. Agreement has been completed with the authorized TSDF.
5.	Ground water should not be abstracted without permission of the Competent Authority as per the West Bengal Ground Water Resources (Management, Control and Regulation) Act, 2005.	The project proponent has obtained ground water extraction permission from SWID.
6.	Adequate permission for Rain Water Harvesting should be made. Recharging of Ground Water is not permitted.	No arrangement for rainwater harvesting is found.
7.	All internal road should be paved	The internal roads have been paved.
<u>Sl. No.</u>	<u>Special Conditions mentioned in the 'Consent to Establish'</u>	<u>Compliance Status</u>
8.	Green Belt to be developed over at least 33 % of total project area within the plant premises.	The unit has started the Green Belt development as per the approved plantation plan from DFO, Balkunthapur division.
9.	'Consent to Operate' and 'Authorization' to be obtained from the Competent Authorities.	The unit has applied for 'Consent to Operate; and 'Bio-Medical Waste Authorization' to WBPCB.

DAM
24.02.2025

[B. PAN]
Asst. Environmental Engineer
Siliguri Regional Office, WBPCB

- ~~261~~ - Annexure R-6
261 267

State Environment Impact Assessment Authority
West Bengal
Minutes of SEIAA Meeting

Subject: 14th meeting of SEIAA (Reconstituted on 17.05.2023)
Venue:- Conference Room of Environment Department, Prani Sampad Bhavan, 5th Floor,
LB - Block, Sector - III, Salt Lake, Kolkata - 700106
From :- 31 August 2023
To :- 31 August 2023

(1) Proposed establishment of Common Bio-Medical Waste Treatment Facility (CBWTF) at Village - Kaluabari, P.O. Debitakurbari, P.S. Rajeni, Mouza, Chhatar, Taluk, Pargana - Bailunthapur, Dist - Jalpaiguri, West Bengal by M/s. Unique Universal Bio Waste LLP.

Proposal No. :- SIA/WB/INFRA2/431778/2023, File No. : EN/T-II-1/086/2022, Type-EC

INTRODUCTION

The proponent made online application vide proposal no. SIA/WB/INFRA2/431778/2023 dated 08 June 2023 along with copies of EIA/EMP seeking environment clearance under the provisions of the EIA Notification, 2006 for the above-mentioned project. The proposed project activity is listed at SL. No. 7(da) Bio-Medical Waste Treatment Facilities under Category "B1" of EIA Notification 2006.

The project proponent (PP) obtained Terms of Reference issued by SEIAA, WB vide File No. EN/T-II-1/086/2022 dated 23.12.2022 against proposal no. SIA/WB/INFRA2/407378/2022.

- SEAC, during its 4th meeting held on 21.06.2023, recommended the proposed project for grant of Environmental Clearance with the following additional conditions:-
1. Clearance from Dept. of Health & Family Welfare, GoWB as applicable to be obtained.
 2. Piezometer should be installed to continuously monitor the groundwater level. The lithological log of the piezometer should be submitted with compliance reports.
 3. Water quality shall be monitored at all points of abstraction/ inlet and discharge.

The proposal was placed before SEIAA in its 7th meeting held on 10.07.2023. SEIAA considered the recommendation of SEAC and observed that as per Order dated 30.06.2023 of the Hon'ble High Court of Calcutta in WPA No. 1374 of 2023, respondent authorities has been restrained from granting any permission of operation till 31st of August, 2023. Hence, the same is deferred till the expiry of the force of the order or any interim order prior to the same period.

Further, SEIAA decided to request a report from WBPCB including the gap analysis study as per CPCB guidelines for establishment of Common Biomedical Waste Treatment Facilities dated 21.12.2016, Bio-Medical Waste Management Rules, 2016 and the MoEF&CC letters vide D.O. no. 20/4/2021-HSMD dated 14.10.2022 and 20/4/2021-HSMD dated 18.10.2022 (copies enclosed) in respect of the proposed project.

Annexure..... R-6
in paragraph.....
preceding section affirmed
by..... P. K. Mandal
on this..... 21st Day of March 2023
Page 1 of 3

- 34 - 268

265

PROJECT DETAILS

The project of M/s. Unique Universal Bio Waste LLP located in as follows :

S. No.	State	District
(1.)	West Bengal	Jalpaiguri

DELIBERATION IN SEIAA

As per the Order of Hon'ble Calcutta High Court dated 21.08.2023 in W.P. No. 1374 of 2023, it is ordered that 'The interim order dated 30.06.2023 restraining the authorities from granting recommendation to the respondent no. 11, is vacated because of such sharp practice where the trust of the court upon representatives of the petitioners were obtained in an unfair and obnoxious manner by making wholly false statement.'

Reply from West Bengal Pollution Control Board based on Gap Analysis has also been received vide Memo No. 153(1)/1S-74/2001(Pt. IX) dated 24.08.2023 wherein it has been mentioned that 'more Common Bio-Medical Waste Treatment Facilities (CBMWTFs) in West Bengal are required. Based on projected generation upto the year 2030 and to cater the requirement both by capacity and accessibility seven more CBMWTFs should come up apart from existing six CBMWTFs. Moreover, it has also stated in the same communication that 'Considering the above, the State Board has opined that M/s. Unique Universal Bio Waste LLP may be allowed to set up CBMWTF at Vill - Kaluabari, PO - Debithakurbari, PS - Rajganj, Mouza - Chhatgujrimari, Pargana - Baikunthapur, Dist - Jalpaiguri.'

Based on the above and recommendation of SEAC, SEIAA decided to grant EC to the proposed project.

RECOMMENDATIONS OF SEIAA

The application for EC is approved.

CONCLUSION

Approved for EC.

II. CONSIDERATION/RECONSIDERATION OF TOR PROPOSALS

(1) Proposed expansion cum modification of Housing Complex at Premises No. - 37, Panditiya Road Ward - 85, Borough - VIII, Kolkata - 700 029, West Bengal by M/s. Fort Builders (Violation case).

Proposal No. :- SIA/WB/INFRA2/432998/2023, File No. : EN/T-II-1/435/2023, Type-ToR

The proponent made online application vide proposal no. SIA/WB/INFRA2/432998/2023 dated 2 June 2023 seeking Terms of reference under the provisions of the EIA Notification, 2006 for the above mentioned proposed project. The proposed project activity is listed at S. No. 8(a) Building Construction projects under Category B2 of EIA Notification, 2006.

SEAC, during its 6th meeting held on 05.07.2023, recommended the proposal for Terms of Reference

- 308 - 35 - 269

266

under violation category with additional conditions.

PROJECT DETAILS

The project of M/s. Fort Builders located in as follows :

S. No.	State	District
(1.)	West Bengal	Kolkata

The salient features of the project submitted by the project proponent is available at Report under online proposal no. SIA/WB/INFRA2/432998/2023.

DELIBERATION IN SEIAA

SEIAA considered the recommendation of SEAC and accepted the same.

RECOMMENDATIONS OF SEIAA

SEIAA approved the proposal for ToR under violation category.

CONCLUSION

Approved for ToR.

MISCELLANEOUS

1. Applications for sand mining projects received at SEIAA after 60 days of uploading of DSR in the website of Industries, Commerce & Enterprises Department / District Magistrate.

As per Order of Dept of Industry, Commerce & Enterprises, Govt. of WB vide No. 610-ICE/O/MIN/GEN-MIS/27/2021 dated 20.10.2022, the project proponent can submit application of EC before SEIAA within 60 days of uploading of the DSR of concerned district in the website of the district/Dept. of I.C&E. However, it is observed that a large number of applications from private party have been received after the expiry of 60 days of uploading of DSR in the website of the district administration/Dept. of I.C&E. The list of such applications received till date is enclosed as Annexure - 1 and we are apprehensive that many more such applications are yet to be received by us.

Hence SEIAA decided to seek a conclusive opinion from Dept of Industry, Commerce & Enterprises on the matter before taking the final decision for rejection as per the Order No 610-ICE/O/MIN/GEN-MIS/27/2021 dated 20.10.2022.

~~36~~ - 270 67

Annexure 1

List of projects applied for ToR/EC beyond the last date of valid application

Sl. No.	Proposal No.	Project Proponent	District	Date of Application / ToR / EC	Date of uploading of DSR in website of IC&E Deptt./ DM	Last date of valid application
1.	SIA/WB/MIN/441683/2023	Srirampur sand mine by DEBASISH SARKAR	Purba Bardhaman	25 Aug 2023 / ToR	28.09.2022	27.11.2022
2.	SIA/WB/MIN/440662/2023	Dadpur Sand Mine by AVISHAKE BAKSI	Purba Bardhaman	24 Aug 2023 / ToR	28.09.2022	27.11.2022
3.	SIA/WB/MIN/440663/2023	Dadpur Sand Mine by MITA RAY	Purba Bardhaman	19 Aug 2023 / ToR	28.09.2022	27.11.2022
4.	SIA/WB/MIN/440370/2023	D Bhasapur Sand Mine by NIMAI MAHTO	Purba Bardhaman	18 Aug 2023 / ToR	28.09.2022	27.11.2022
5.	SIA/WB/MIN/440328/2023	Dadpur Sand Mine by UTTAM DEBNATH	Purba Bardhaman	14 Aug 2023 / ToR	28.09.2022	27.11.2022
6.	SIA/WB/MIN/439985/2023	Hatsimul Sand Mine by Lakshmi Narayan Shaw	Purba Bardhaman	10 Aug 2023 / ToR	28.09.2022	27.11.2022
7.	SIA/WB/MIN/439973/2023	Srirampur Sand Mine by Lakshmi Narayan Shaw	Purba Bardhaman	10 Aug 2023 / ToR	28.09.2022	27.11.2022
8.	SIA/WB/MIN/439231/2023	Srirampur Sand Mine by PRAMITA GHOSH	Purba Bardhaman	04 Aug 2023 / ToR	28.09.2022	27.11.2022
9.	SIA/WB/MIN/439190/2023	Hatsimul Sand Mine by SUDARSHAN GUPTA	Purba Bardhaman	04 Aug 2023 / ToR	28.09.2022	27.11.2022
10.	SIA/WB/MIN/439142/2023	Srirampur Sand Mine by Rash Bihari Halder	Purba Bardhaman	04 Aug 2023 / ToR	28.09.2022	27.11.2022
11.	SIA/WB/MIN/439077/2023	Srirampur Sand Mine by Raja Ghosh	Purba Bardhaman	03 Aug 2023 / ToR	28.09.2022	27.11.2022
12.	SIA/WB/MIN/439062/2023	Srirampur Sand Mine by Shyamal Singha Roy	Purba Bardhaman	03 Aug 2023 / ToR	28.09.2022	27.11.2022
13.	SIA/WB/MIN/438942/2023	Hatsimul Sand Mine by Shyamal Singha Roy	Purba Bardhaman	02 Aug 2023 / ToR	28.09.2022	27.11.2022

268

271

- 37 -

Sl. No.	Proposal No.	Project Proponent	District	Date of Application / ToR / EC	Date of uploading of DSR in website of IC&E Deptt./ DM	Last date of valid application
14.	SIA/WB/MIN/438985/2023	Srirampur Sand Mine by Shyamal Singha Roy	Purba Bardhaman	02 Aug 2023 / ToR	28.09.2022	27.11.2022
15.	SIA/WB/MIN/438893/2023	Hatsimul Sand Mine by Md Moinuddin Sha	Purba Bardhaman	02 Aug 2023 / ToR	28.09.2022	27.11.2022
16.	SIA/WB/MIN/438824/2023	Srirampur Sand Mine by JITENDRA MISHRA	Purba Bardhaman	02 Aug 2023 / ToR	28.09.2022	27.11.2022
17.	SIA/WB/MIN/438944/2023	Srirampur Sand Mine by PURNIMA BHAKAT	Purba Bardhaman	02 Aug 2023 / ToR	28.09.2022	27.11.2022
18.	SIA/WB/MIN/438943/2023	Srirampur Sand Mine by NARUGOPAL BHAKAT	Purba Bardhaman	02 Aug 2023 / ToR	28.09.2022	27.11.2022
19.	SIA/WB/MIN/438455/2023	Srirampur Sand Mine by RAJA GHOSH	Purba Bardhaman	02 Aug 2023 / ToR	28.09.2022	27.11.2022
20.	SIA/WB/MIN/438964/2023	Bhogamguri sand Mine by Bikash Chandra Barman	Cooch Behar	08 Aug 2023 / EC	09.11.2022	08.01.2023
21.	SIA/WB/MIN/438487/2023	Sabanpur Sand Mine by Subir Kumar Ghosh	Bankura	01 Aug 2023 / EC	28.09.2022	27.11.2022
22.	SIA/WB/MIN/438763/2023	Madhpur Sand Mine by Manirul Mondal	Purba Bardhaman	01 Aug 2023 / EC	28.09.2022	27.11.2022

272

269

11

DISTRICT: DARJEELING

IN THE HIGH COURT AT CALCUTTA
CIRCUIT BENCH AT JALPAIGURI
CONSTITUTIONAL WRIT JURISDICTION
APPELLATE SIDE

W.P.A. NO. 443 OF 2025

IN THE MATTER OF:
An application under Article 226 of the
Constitution of India;

-And-

IN THE MATTER OF:

M/s Greenzen Bio Private Limited & Anr.
...Petitioners

-Versus-

The State Of West Bengal and Ors.
...Respondents

AFFIDAVIT-IN-OPPOSITION FILED BY
THE RESPONDENT NOS. 6

Advocate-on-Record

Mr. Momenur Rahman

Advocate

High Court, Calcutta,

Circuit Bench at Jalpaiguri

Jalpaiguri - 735 101.

Mob. 9932141290.

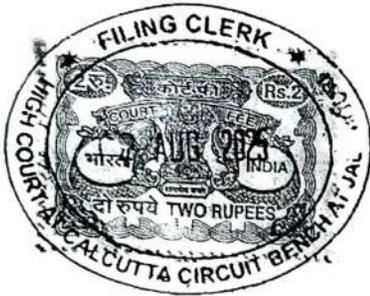
220

273

DISTRICT: DARJEELING

IN THE HIGH COURT AT CALCUTTA
CONSTITUTIONAL WRIT JURISDICTION
CIRCUIT BENCH AT JALPAIGURI

APPELLATE SIDE



W.P.A No. 443 of 2025

In the matter of:
An application under Article 226 of
the Constitution of India;

And

In the matter of:
M/s Greenzen Bio Private Limited
and Anr.

.....Petitioners

-Versus-

The State of West Bengal and Ors.

.....Respondents

AFFIDAVIT -IN - REPLY ON BEHALF OF THE PETITIONERS TO THE
AFFIDAVIT-IN-OPPOSITION FILED BY THE RESPONDENT NO. 6

Sn I, Dawa Narbu Dukpa, Son of Tshering Dukpa, aged about 43 years, by faith - ~~buddhist~~ by occupation service, residing at Mangpu Cinchona Plantation Ranju Valley, Kurseong, Darjeeling, Pin - 734313, do hereby solemnly affirm and say as follows:-

1. A copy of the Affidavit-in-Opposition (hereinafter referred to as the "said affidavit") affirmed by one Prasun Kumar Mondal (hereinafter

↑
S

referred to as the "answering respondent") on 20th May 2025 has been served upon the Learned Advocate at the time of hearing.

2. I have perused the said affidavit and have understood the purport, content and/or tenor thereof.

3. With regard to the statements made in paragraphs 1 and 2 of the said affidavit, I offer no comment.

4. The statement made in paragraph 3 of the said affidavit is denied. It is denied that the petitioners have no locus standi to invoke the writ jurisdiction.

5. The statements made in paragraph 4 of the said affidavit are denied and I do not admit anything contrary to and/or inconsistent with the record. I refer to and rely on the statements made in paragraphs 1 to 9 of the instant writ application. I say that I have given instance in the writ application, wherein the West Bengal Pollution Control Board (hereinafter referred to as the said "WBPCB") is aware that in terms of Bio-medical Waste Management Rules, 2016 and guidelines the area of distance covered by a CBWTF is 75 kms extended to 150 kms radius. Despite the petitioners having a CBWTF at Site No. 12, Binnaguri, New Jalpaiguri set up in the year of 2009, the respondents allowed the respondent No. 9 to set up another CBWTF at Kaluabari within 16.60 kms from the petitioner's existing CBWTF.

6. The statements made in paragraph 5 of the said affidavit are denied and I do not admit anything contrary to and/or inconsistent with the record. I refer to and rely on the statements made in

2
/s/

paragraphs 11 to 19 of the instant writ application. I say that the actual purpose for dividing the entire State of West Bengal into 13 zones was for enabling setting up a CBWTF in a particular zone, which will cover the maximum surrounding of 150 kms and not beyond that, it is the maximum permissible limit under the CPCB guidelines read along with the Rules, 2016. I deny that WBPCB purpose for setting up a CBWTF within 16.60 kms of an existing CBWTF is to encourage better practice of Bio-medical waste disposal. Rather it is on record that such action of the WBPCB has violated the rules, which provide that a CBWTF must cater to a minimum of 10000 beds. Whereas, with such irrational decision of the WBPCB the number of beds to which the petitioner now caters to it 8745. Therefore, the idea of allowing the respondent No. 9 to set up a CBWTF so close to the existing one has created environmental hazards as the plants itself are allowed to be constructed at areas away from human inhabitation as disposal of Bio-medical waste is supposed to cause health impact. The impugned decision of the committee dated 31st August, 2022 is taken grossly in violation of the BMW Rules, 2016 and CPCB guidelines, which till date provides the minimum requirement of 10000 beds for a CBWTF.

7. The statement made in paragraph 6 of the said affidavit is denied as the establishment of the new CBWTF of the respondent No. 9 is taken in gross violation of BMW Rules, 2016 and CPCB guidelines. I say that assuming there is no restriction in setting up more than one CBWTF at one location, but there is restriction of not setting up a new CBWTF within minimum 75 kms radius of an existing CBWTF and it is extended to the maximum of 150 kms radius.

8. The statements made in paragraph 7 of the said affidavit are denied and I do not admit anything contrary to and/or inconsistent with the record. I refer to and rely on the statements made in paragraphs 20 to 29 of the instant writ application. I say that the restriction is specifically provided in the Rules, 2016 and CPCB guidelines and the Department of Health and Family Welfare has adopted a decision in their Committee meeting on 31st August, 2022, which is baseless and grossly in violation of the Rules. The guidelines for Common Bio-Medical Waste Treatment and Disposal Facility of Central Pollution Control Board, published in April, 2025 provides in paragraph 8(a) and 8(b) does not specifically prohibit the authority from recommending other agencies to operate their plant in case an existing operator is found unable to comply with the prescribed norms under the BMW Rules, but herein the petitioners are not found incapable in any aspect nor that the petitioners are lacking the necessary infrastructure or that there is any requirement in any manner whatsoever to add a surplus CBWTF in the existence of an adequate CBWTF.

9. The statements made in paragraph 8 of the said affidavit are denied and I do not admit anything contrary to and/or inconsistent with the record. I say that till date save and except issuing show cause, the WBPCB has not been able to prove any of the allegations. I say that the allegations are made intentionally and deliberately, without its actually taking place and citing such lame allegations the WBPCB is trying to convince the Hon'ble Court that for such silly reasons, they have allowed the respondent No. 9 to set up a CBWTF in violation of the existing rules. Rather by making such statement WBPCB has confirmed that they are bend upon to find the slightest reason to justify their action of allowing a CBWTF to be set up in violation of the Rules and Guidelines. I say that in

294

277

the event the petitioners have not replied to the show cause, then the petitioners may be saddled with compensation or steps may be initiated for violation of Environmental norms, but that does not justify setting up of a CBWTF within 16.60 km of the petitioners' existing CBWTF. I say that with regard to the inspection carried on by the WBPCB, the petitioners have already taken steps and complied with the same.

10. The statements made in paragraph 9 of the said affidavit are denied and I do not admit anything contrary to and/or inconsistent with the record. I say that the petitioners were catering to 21886 beds in the year of 2022, which has now drastically fallen to only 8745 beds since December, 2024, which is much below the minimum bed of 10000. I say that in the event a CBWTF falls short of 10000 beds per day, it can extend its radius from 75 Kms to 150 Kms. Thus, it nowhere justifies the action of the respondent to allow setting up of a new CBWTF within 16.60 Kms of an existing CBWTF, which is operating below the minimum allotment of 10000 beds per day. The answering respondent is aware of the exact beds to which the petitioners is providing service i.e. 8745 after the Government order dated 27th December, 2024 was passed. Despite having knowledge of the same, the answering respondent has suppressed in this paragraph the actual number of beds and deliberately stated that the petitioners are operating for 23000 beds, which is absolutely a false statement made before the Hon'ble Court. The decision of the State Government in the presence of the Chairman of the State Level Advisory Committee is grossly violative of the Rules and Guidelines as there is no scope to set up more than one CBWTF, when the existing CBWTF is functioning below 10000 beds i.e. 8745 as the petitioners are functioning today. Thus, the decision dated 31st August, 2022 is bad in law, de hors

5
for

the principle of natural justice, unreasonable and in violation of the existing Rules and Guidelines.

11. The statements made in paragraph 10 of the said affidavit are denied and I do not admit anything contrary to and/or inconsistent with the record. I say that the Pollution Control Board had already filed a complaint case under Section 200 of the Code of Civil Procedure and the same is pending adjudication before the Court of the Learned Judicial Magistrate, 3rd Court at Jalpaiguri. I say that the proceedings in Section 200 of the Code of Civil Procedure is independent of the instant writ application and citing pendency of a complaint case the answering respondent is trying to hide their misconduct. That till date the WBPCB has failed to give the calculation for arriving at the amount of compensation. I say that the pendency of the complaint case seems to have formed the basis of the Government decision dated 31st August, 2022 without being able to disclose their documents for arriving at the decision before the Learned Court at Jalpaiguri.

12. The statements made in paragraph 11 of the said affidavit are denied. I say that the respondent No. 9 had applied before the WBPCB for issuing the Consent to Operate and the same was rejected on 31st December, 2024, since the respondent No. 9 has not set up its CBWTF. The rejection order as uploaded is annexed to the writ petition as annexure "P-17". It is the rule that one who does not have a CBWTF cannot apply for Consent to Operate. I say that further after filing of the writ petition on 18th February, 2025, despite notice none appeared on behalf of the respondents except the State respondents and hurriedly the Consent to Operate, which was rejected was re-issued on 6th March, 2025 i.e. 3 days from the date of hearing of the writ petition. The Authorization was also

6
fr

issued in such a clandestine manner on the same date i.e. 6th March, 2025. The Hon'ble Court took the same into consideration and by an order dated 12th March, 2025 the Hon'ble Court directed that steps taken by the respondent authorities in the mean-time shall abide by the final decision in the writ petition.

13. The statements made in paragraph 12 of the said affidavit are denied and I do not admit anything contrary to and/or inconsistent with the record. I say that the WBPCB seems to explain the purpose of issuing a Consent to Operate. A Consent to Operate is not issued as a casual approach, but is issued for a specific purpose. It is very surprising to notice that the answering respondents wrote that the Consent to Operate issued in favour of the petitioner 'is nothing but a mere renewal of the Consent to Operate earlier granted in favour of the petitioners' CBWTF.' 'Such renewal however, does not prevent the Pollution Control Board from issuing CTO in favour of the private respondent No. 9 in any manner' Thus the explanation taken by WBPCB is that petitioners' CTO is a mere renewal and that is a deciding factor for issuing another CTO in favour of the respondent No. 9.

14. The statements made in paragraph 13 of the said affidavit are denied and I do not admit anything contrary to and/or inconsistent with the record. I say that the fundamental rights of the writ petitioners have been grossly infringed and/or abrogated by the acts and actions of the WBPCB. I deny that the petitioners are having their monopoly. By the statements, rather I say that the respondent No. 9 has then decided to break the purported monopoly of the petitioners and not for the actual requirement. By now the respondents have already cited 10 different reasons for issuing CTO and authorization in favour of the respondent No. 9,

7
8

but none has justified the actual reason for the same. I deny any attempt of the petitioners to pressurize the respondents as from the conduct of the respondents it is amply clear that they are acting on their whims and not under any pressure. The decision taken on 31st August, 2022 is one such example of whimsical attitude, when the state bodies can even act de-hors the Rules and Regulation, while acting on its whims.

15. The statements made in paragraphs 14 and 15 of the said affidavit are denied. I deny that the grounds as narrated in the writ petition are all misconceived and unsustainable. I rely on the grounds made out in the instant writ application.

16. The statements made in paragraphs 16, 17, 18 and 19 of the said affidavit are denied. I deny that the writ petitioners have consciously tried to mislead the Hon'ble Court and I deny that the petitioners advanced false narrative. I deny that the ground put forth in the writ petition are not tenable in the eye of law. I deny that the writ petitioners have failed to make out a positive case in support of their claim and I deny that the same should be dismissed with cost.

17. That the statements made in paragraph 1, 3 to 16 are true to my knowledge and the rest are my humble submissions before this Hon'ble Court.

Prepared in my Office.

Panna Mukherjee
Advocate.

Dawa Harber Deyra
The Deponent is known to me.

Identified by me

Panna Mukherjee
Advocate.

Solemnly affirmed before me on
this the 14th day of August, 2025.

F/1878/1935/2019

Suleal
Commissioner
Commissioner of Affidavit
Circuit Bench of Calcutta High Court
Jalpaiguri

Naskar
14.8.25

GBPL/BMW/2025-26/344
Date-09/08/2025



Greenzen Bio Pvt. Ltd.

Radha Apartment Iskcon Mandir Road, 2nd Floor,
Siliguri, Darjeeling, West Bengal, India. 734001

AUTHORITY LETTER

To Whom It May Concern

I, **Ramakant Burman**, being the Director of M/s **GREENZEN BIO PRIVATE LIMITED**, bearing CIN: U74210WB2006PTC110311, do hereby authorize: **Mr. Dawa Narbu Dukpa**, S/o Mr. Tshering Dukpa, residing at Lalung Basty Mangpu Cinchona Plantation Darjelling Sadar-734313, holding Aadhaar No. 222273881441, and presently serving as the Marketing Head of the Company, to sign, submit, verify, and file any documents, petitions, affidavits, or applications before the High Court at Calcutta or its Circuit Bench at Jalpaiguri, on behalf of M/s **GREENZEN BIO PRIVATE LIMITED**.

This authorization is given to facilitate the legal and administrative functions of the company and shall remain valid until revoked in writing.

Greenzen Bio Private Limited

Director

Ramakant Burman
Director

Dawa Narbu Dukpa
Dawa Narbu Dukpa
(Authorised Person)

Greenzen Bio Private Limited

Director

Attested by
Ramakant Burman
Director

DISTRICT: DARJEELING

IN THE HIGH COURT AT CALCUTTA
CONSTITUTIONAL WRIT JURISDICTION
CIRCUIT BENCH AT JALPAIGURI

APPELLATE SIDE

W.P.A No. 443 of 2025

In the matter of:

An application under Article 226 of
the Constitution of India;

And

In the matter of:

M/s Greenzen Bio Private Limited
and Anr.

.....Petitioners

-Versus-

The State of West Bengal and Ors.

.....Respondents

AFFIDAVIT -IN - REPLY ON BEHALF
OF THE PETITIONERS TO THE
AFFIDAVIT-IN-OPPOSITION FILED
BY THE RESPONDENT NO. 6

Parna Mukherjee
Advocate
7, Old Post office Street
1st Floor, Room No 14
Kolkata- 700001
email-
mukherkeeparna308@gmail.com
M- 9330120322

Annexure f-30

283



2025:CHC-JP:268

Form No.J(2)
COURT NO.2
D.DAS. P.A.

280

Calcutta High Court
In The Circuit Bench At Jalpaiguri
Constitutional Writ Jurisdiction
Appellate Side

Present: The Hon'ble Justice Aniruddha Roy

WPA 443 OF 2025

With

I.A. No.CAN 1 of 2025

M/S. Greenzen Bio Private Limited & Anr.
Vs.
The State of West Bengal & Ors.

For writ petitioners : **Ms. Reshmi Ghosh (VC)**
Mr. Deborshi Dhar
Ms. Prana Mukherjee
Ms. Taniya Bhowmik.

**For Applicant/
Respondent No.9** : **Mr. Ajay Singhal**
Mr. Rohit Agarwal
Ms. Heena Yasmin Shaikh
Mr. Diwash Gupta
Ms. Chiroshree Dey.

For respondent Nos.1-4/State : **Mr. Momenur Rahman**
Mr. Kumar Shantanu. (VC)

For respondent Nos.6 to 8 : **Mr. Momenur Rahman**
Mr. Bikash Singha



284

Reserved on : **09.09.2025**

281

Judgment on : **23.09.2025**

Aniruddha Roy, J.

FACTS:

1. **I.A. No. CAN 1 of 2025** is an interlocutory application taken out by the respondent No.9 in the writ petition, Unique Universal Bio-Waste LLP (for short **Unique Universal**), *inter alia*, praying for following relief :

“Under the premises as aforesaid Your Lordship would graciously be pleased to pass an order dismissing the instant Writ Petition as not maintainable and pass such further order and/or orders as Your Lordship may deem fit and proper so as to protect the right and interest of the respondent No.9;

And

Your petitioner prays for such Orders and/or further orders as Your Lordships may deem fit and proper.”

2. Pursuant to the direction made by the Coordinate Bench, the writ petitioners were directed to file affidavit-in-opposition to the said application and the respondent No.9/applicant (for short the **applicant**) was directed to file its affidavit-in-reply. Accordingly, the parties have filed and exchanged their respective affidavits. The Coordinate Bench also directed the respondents, which includes the applicant to file affidavit-in-opposition in the writ petition and the writ petitioners to file affidavit-in-reply thereto.

3. Since the applicant being the respondent No.9 in the writ petition has taken out the instant application, it has not filed affidavit-in-opposition to the writ petition, as yet. The applicant has also filed a written notes in this application.



285
282

4. The facts which are inescapable for adjudication of the instant application are only narrated.

5. This is the second round of writ litigation by the writ petitioners. The first writ petitioner herein (for short **Greenzen**) is engaged in the business of dealing with Bio-Medical Waste Disposals, which are principally waste management of primary Bio-Medical Wastes. Greenzen claims to be an operator of a Common Bio-Medical Waste Treatment Facility (**CBNWTF**). Greenzen claims to have owned and controlled the Common Bio-Medical Waste Treatment Facility for allocation, reception, storage, transport, treatment, disposal or any other form of handling Bio-Medical Waste. The working of Greenzen is governed and controlled under the provisions of **Bio-Medical Waste Management Rules 2016** (for short the said **2016 Rules**). According to Greenzen the said Rule also applies to **M/s SNG Environmentary Solution Private Limited** (for short **SNG**), Unique Universal Bio-Waste LLP (for short **Unique Universal**) and one M/s Medicare Environmental Management Private Limited (for short **Medicare**). Alleging violations of diverse Rules against the respondents State authorities, Greenzen prayed for withdrawal and setting aside of the recommendation granted in favour of SNG and Unique Universal for setting up a CBMWTF and filed the first writ petition **WPA 1374 of 2023** (for short **the first writ petition**). The first writ petition was disposed of by a judgment and order dated **November 20, 2023, Annexure R-5 at page 29** to the instant application. The respondent No.11 in the first writ petition being the



applicant herein/Unique was not represented, despite notice, in the first writ petition.

6. Alleging violation of several provisions under the said 2016 Rules, Greenzen filed the second instant writ petition **WPA 443 of 2025** (for short the **second writ petition**) praying for cancellation and setting aside of the **environmental clearance** dated **September 1, 2023** and **consent to operate** dated **September 13, 2023** granted in favour of Unique Universal.

SUBMISSIONS:

7. Mr. Ajay Singhal, learned Advocate appearing for the applicant submits that principally on three counts the instant application has been filed, which are :

- (a) The second writ petition is barred by the rule of **res judicata**;
- (b) Greenzen while filing the second writ petition has **suppressed the materials facts** and thereby practiced fraud on court and has not approached this court with clean hands and
- (c) The second writ petition is not maintainable as an efficacious **alternative statutory appellate remedy** is available under the **National Green Tribunal Act 2010** (for short the **said 2010 Act**).

8. At the outset, on September 8, 2025, Mr. Ajay Singhal, learned Counsel appearing for the applicant submitted that he shall not press the point of res judicata on the basis of the said judgment dated November 20, 2023, by which the first writ petition has been disposed of. However, he made a caveat, that he shall rely upon the said judgment for the proposition of law, it has laid down.



9. On the point of suppression of material facts, Mr, Singhal submits that the facts of institution of the said first writ petition and its disposal by the Coordinate Bench under the said judgment and order dated November 20, 2023, have been deliberately and willfully suppressed, which would affect and prejudice the valuable right accrued in favour of the applicant and as such, Greenzen has not approached this court while filing the second writ petition with clean hands. On this ground alone, this writ petition should be summarily dismissed. In support of his contention, learned Counsel for the petitioner has relied upon the following judgments :

- (i) A decision of the Hon'ble Supreme Court dated **March 17, 2025, In the matter of : The Auroville Foundation Vs. Natasha Storey** rendered in **Civil Appeal No.13651 of 2024** and
- (ii) **In the matter of : K. D. Sharma Vs. Steel Authority of India Limited & Others** reported at **(2008) 12 Supreme Court Cases 481.**
- (iii) The judgment of the Hon'ble Supreme Court dated **December 8, 2021, In the matter of: Shri. Jayaram & Ors. Vs. Bangalore Development Authorities and Ors** rendered in **Civil Appeal No./Nos.7550-7553 of 2021 (arising out of SLP (C) No.26374-26377 of 2013)**
- (iv) A decision of the Hon'ble Supreme Court dated **December 17, 2004, In the matter of: Vanu Kumar Jain Vs. Archary**



Kumar and Another rendered in ***Appeal (Civil) 8246 of 2004***
(arising out of SLP (C) No.6392 of 2003).

10. Learned Counsel Mr. Singhal referring to Section 16 read with Section 14 of the 2010 Act submits that a specific statutory appellate remedy which is otherwise efficacious is available under **sub-Section (h) to Section 16 of the 2010 Act**. Referring to the relevant claims in the said second writ petition, learned Counsel for the applicant submits that in the light of the averments made in the writ petition several fact finding enquires are required to be made, which is not permitted to be done under Article 226 of the Constitution of India and the tribunal in exercise of its appellate authority is permitted to do so. Therefore, this writ court should dismiss the instant second writ petition on the ground of available **alternative remedy**.

11. In addition to the above, referring to the said judgment dated November 20, 2023, under which the first writ petition has been disposed of, learned Counsel for the applicant submits that the said judgment has clearly laid down the law that the radial distance restriction of **75 k.m.** as provided under the said 2016 Rules would not apply for **SNG** and since the applicant herein is similarly placed and circumstanced, the same law shall also apply for the applicant. On this score, the reliefs claimed in the second writ petition are barred.

12. Ms. Reshmi Ghosh, learned counsel appearing for the writ petitioners submits that the allegation of mere suppression of material facts as alleged by the applicant would not suffice. The applicant has to specifically plead a case in its application citing the specific facts which are material and the

289

286



suppression thereof have or would have jeopardized or prejudiced the right of the applicant, if the instant writ petition is decided in absence of disclosure of such facts. The test is that, the applicant has to demonstrate specifically which are the material facts that would affect or prejudice the rights of the applicant, if any, in this writ petition.

13. Referring to **paragraph 4** from the application, learned counsel Ms. Ghosh submits that specific plea has been made therein *“that the petitioners of the instant writ petition had filed a more a less writ petition being WPA No.1374 of 2023 for issuance of writ of mandamus against one SNG ... who was the respondent No.10 therein and the present respondent No.9 was **respondent No.11** therein ...”*. On the basis of the said averment the applicant contends that Greenzen has suppressed the material facts in the instant second writ petition. No specific allegation with reference to specific facts, which are alleged as material suppression in the instant second writ petition is there in the said application.

14. Ms. Ghosh learned counsel for the writ petitioners then refers to the judgment dated November 20, 2023, under which the first writ petition was disposed of. She submits that the said judgment specifically records that the first writ petition was filed seeking mandamus upon the State Authorities to withdraw and/or cancel and set aside the recommendation granted to SNG. The judgment further records that the consent to operate granted in favour of SNG was illegal and in violation of **Bio-Medical Waste (Management and Handling) Rules 1998** (for short the said **1998 Rules**). With reference to the said judgment, she further submits that the entire writ petition was decided

290

287



as against SNG and not against the applicant. Learned counsel for the writ petitioners submits that no appeal was carried out from the said judgment dated November 20, 2023 by the applicant, though the applicant was a respondent in the said first writ petition.

15. Ms. Ghosh learned counsel for the writ petitioners further submits that the reliefs claimed in both these two writ petitions are totally different from each other. The instant writ petition has been filed praying for cancellation of environmental clearance dated September 01, 2023 and consent to establish dated September 13, 2023, granted in favour of the applicant. When the first writ petition was filed the consent to establish dated September 13, 2023 was not issued and accordingly, was not challenged but the consent to establish was issued during pendency of the first writ petition. Therefore, the issuance of the said consent to establish dated September 13, 2023, is under challenge in the instant second writ petition. The scopes of the two writ petitions are different from each other. Therefore, there has been no suppression of any material facts which could affect or jeopardize the right, if any, of the applicant.

16. On the objection raised by the applicant on the ground of available alternative appellate remedy under the said 2010 Act, learned counsel for the petitioners has referred to the documents **at pages 122 and 126** to the writ petition. She submits that the document dated February 21, 2024, at page 126 to the writ petition is an executive action. She also refers to the document at page 128 to the writ petition and submits that the same is also a document issued by the executive. Arising out of the said documents, the

291

288



environmental clearance was issued in favour of the applicant and the action of the executive in issuing the said documents cannot be challenged by way of a statutory appeal in terms of sub-Section (h) to Section 16 of the said 2010 Act. Referring to the provision for appeal under Section 16 of the said 2010 Act, she submits that an order made, on or after commencement of the said 2010 Act granting environmental clearance in the area in which any industry, operation, or process or class of industries, operation and process shall not be carried out or shall be carried out subject to certain safeguards under the **Environmental (Protection) Act, 1986**, (for short the **said 1986 Act**) is only appellable but the said documents at pages 126 and 128 to the writ petition not being appellable, the environmental clearance dated September 01, 2023 and consent to establish dated September 13, 2023, granted in favour of the applicant arising out of the said two documents are also not appellable and the only remedy lies under Article 226 of the Constitution of India.

17. On behalf of the writ petitioners, it is further submitted that the existence of an alternative remedy is not an absolute bar to adjudicate upon a writ petition and to entertain it. Since the executive notifications as referred to above, being the source of granting environmental clearance and the consent to establish are not challenged, this writ court is the only forum available to the writ petitioners. The impugned environmental clearance and the consent to establish being the effect of the said two executive orders should be adjudicated upon through the instant writ petition. According to her, the appellate remedy provided under sub-Section (h) to Section 16 of the

289
292

said 2010 Act is not the remedy which can afford complete justice to the writ petitioners. In support, she has relied upon the following decisions :

- (i) ***Expfar SA and Another Vs. Eupharma Laboratories Ltd. And Another reported at (2004) 3 SCC 688.***
- (ii) ***Godrej Sara Lee Ltd. Vs. Excise and Taxation Officer-cum-Assessing Authority and Others reported at (2023) 109 GSTR 402 : 2023 SCC Online SC 95;***
- (iii) ***Tamil Nadu Cements Corporation Limited Vs. Micro and Small Enterprises Facilitation Council and Another reported at (2025) 4 SCC 1.***

DECISION:

18. After considering the rival contentions of the parties and upon perusal of the materials on record, at the outset, it is stated that the point of *res judicata* though initially taken by the applicant but has not been pressed subsequently and the submissions in this regard made on behalf of the applicant is recorded in the order dated September 8, 2025.

19. This court, therefore, proceeds to deal with other two issues raised by the applicant.

Suppression of Material facts:

20. The judgments cited on behalf of the applicant, as referred to above have already decided the law that mere suppression of facts would not affect unless the facts are so material which are suppressed would have a direct bearing on the issue, while adjudicating the proceeding in which

293

290



suppression has been alleged. The law is well settled in this regard. This court, therefore, would not discuss these judgments any further save and except to take support from some of the relevant portions of those judgments, while deciding the issue.

21. The relevant prayers from the first writ petition are quoted below:

- i.** *“Issue a Writ of or in the nature of Mandamus commanding the respondent Nos. 1, 2, 3 & 4 and/or their men and/or agents and/or assigns to forthwith and/or immediately withdraw and/or cancel and/or set aside the recommendation granted to M/s. S.N.G. Enviroolutions Private Limited to set up a Common Bio-Medical Waste Treatment Facilities at Tehsil Rajganj, District Jaipauri, West Bengal. and to act in accordance with law by acting in the manner stated hereinabove;*
- ii.** *Issue a Writ of or in the nature of Mandamus commanding the respondents and/or their men and/or agents and/or assigns to forthwith and/or immediately withdraw and/or cancel and/or set aside any recommendation granted to Unique Universal Bio-Waste LLP for setting up a CBMWTF at Village Kaluabari, P.O. Debithakurbari, P.S. Rajgunj, Mouza Chhatgujriimari, Pargana Baikunthapur, District Jalpaiguri, West Bengal and M/s Medicare Environmental Management Private Limited, Illuabari Industrial Estate, Matikunda-1 (G.P), Illuabari (Mouza), Islampur (P.S), Uttar Dinajpur (D) West Bengal, Pin-733202 to act in accordance with law by acting in the manner stated hereinabove;*
- iii.** *Issue a Writ of or in the nature of Mandamus directing an enquiry into the operation of the M/s. S.N.G. Enviroolutions Private Limited and to submit a detailed report with regard to its capacity and authorization and consent to operate and to act in accordance with law by acting in the manner stated hereinabove;*
- iv.** *Issue a Writ of or in the nature of Mandamus directing a CBI enquiry into involvement of the respondent No. 5 with the M/s. S.N.G. Enviroolutions Private Limited and to submit a detailed report and to act in accordance with law by acting in the manner stated hereinabove;*



294

291

- v. *Issue a Writ in the nature of Certiorari directing respondents to transmit all records pertaining to the instant case before this Hon'ble Court so that conscionable justice may herein be rendered by setting aside the recommendation S.N.G. granted to M/s. EnviroSolutions Private Limited and conducting an enquiry against the respondent No. 5 and 12 and to allow the petitioners to operate as the existing operator in Zone I."*

22. The relevant prayers from the second writ petition are also quoted below:

- i. *"Issue a writ of or in the nature of Mandamus commanding the respondents and/or their men and/or agents and/or assigns to forthwith and/or immediately withdraw and/or cancel and/or set aside the Environmental Clearance dated 1.9.2023 and Consent to Establish dated 13.9.2023 granted in favour of M/s Unique Universal Bio-Waste LLP for setting up a CBWTF at Village- Lauabari, P.O. Debithakurbari, P.S. Rajgunj, Mouza – Chhatgujriimari, Pargana baikunthapur, District –Jalpaiguri, West Bengal and to act in accordance with law by acting in the manner stated herein above;*
- ii. *Issue a writ or in the nature of mandamus commanding the respondents and/or their men and/or agents and/or assigns to forthwith and/or immediately stay the Environmental Clearance recommendation made in favour of M/s Unique Universal Bio-Waste LLP for setting up a CBWTF at Village – Kaluabari, P.O Debithakurbari, P.S. Rajgunj, Mouza – Chhatgujriimari, Pargana Baikunthapur, District – Jalpaiguri, West Bengal and to act in accordance with law by acting in the manner stated hereinabove;*
- iii. *Issue a writ in the nature of certiorari directing respondents to transmit all records pertaining to the instant case before this Hon'ble Court so that conscionable justice may herein be rendered by setting aside cancelling and/or setting aside the Environmental Clearance dated 1.9.2023 and Consent to Establish dated 13.9.2023 granted in favour of M/s. Unique Universal Bio-Waste LLP for setting up a CBWTF at Village - Kaluabari, P.O Debithakurbari, P.S. Rajgunj, Mouza – Chhatgujriimari, Pargana Baikunthapur, District – Jalpaiguri, West Bengal and the petitioners to operate as the existing CBWTF in Zone I;"*

295



292

23. On the reading of the prayers from the first writ petition, it is clear that save and except prayer (ii) no relief was claimed against the applicant and the reliefs were claimed against SNG.

24. Now, the relevant observations of the Coordinate Bench from the judgment dated November 20, 2023, are quoted below :

“None appears on behalf of the respondent No. 11. As the parties are ready and affidavits have been exchanged, the matter is taken up for final hearing. The documents relied upon by the respondent No. 10 are already annexed to the affidavit of the respondent Nos. 7 and 8.

The writ petition has been filed for a mandamus upon the respondent Nos. 1,2, 3 and 4 withdraw and/or cancel and set aside the recommendation granted to M/s. S.N.G. Enviro solutions Private Limited, that is, the respondent No. 10 who has been authorized to set up a Common Bio-Medical Waste Facility (CBWTF) at Tehsil Rajganj.

Records have been placed, which show that the entire process of selection was held by a tendering process and the T1 was recommended to operate the plant. This Court, does not find any reason to pass any orders in this writ petition. If the petitioners’ case is regularized and the petitioners obtain an authorization to operate after all the proceedings are over, the petitioners may approach the authorities for necessary orders. However, the challenges in the writ petition are baseless and unfounded.

Accordingly, the writ petition is disposed of without any orders.

In view of the disposal of the writ petition, the connected application has become infructuous and the same is disposed of accordingly. ”

25. From the observation made by the Coordinate Bench while disposing of the said first writ petition, it appears to this Court that, the issue raised by the petitioner in the first writ petition was restricted by the Coordinate Bench to the extent of claiming mandamus upon the State authority to withdraw and/or cancel and set aside the recommendation granted to **M/s. SNG**. Finally, the said

29/6
29/3

Judgment of the Coordinate Bench has observed that it did not find any reason to pass any order in the first writ petition and the challenges in the first writ petition were observed to be **baseless** and **unfounded**.

26. The reliefs in the second writ petition shows that the petitioner has prayed for setting aside of the **Environmental Clearance** dated September 1, 2023 and **Consent to Establish** dated September 13, 2023 granted in favour of M/s. Unique Universal along with other consequential reliefs. On a conjoint and simultaneous reading of the reliefs from both the writ petitions, this Court is of the firm view that the reliefs claimed in the second writ petition are not identical and different from those claimed in the first writ petition. In as much as, the Environmental Clearance dated September 1, 2023 and Consent to Establish dated September 13, 2023 granted in favour of the M/s. Unique Universal were **events subsequent** to the filing of the first writ petition. Therefore, non-disclosure of the Judgment dated November 20, 2023 by which the first writ petition was disposed of, would not be accepted, as a **suppression of material fact** in the second writ petition. Accordingly, the non-disclosure of the first writ petition and its fate would not be a suppression of material fact while adjudicating the second writ petition. Moreover, the challenges in the first writ petition have been held to be baseless and unfounded by the Coordinate Bench.

27. The decisions cited by the applicant on the point of suppression of material facts have laid down the law on the issue and there is no doubt that the law laid down through the said judgments are governing the field and are settled propositions of law. Therefore, this Court do not discuss those settled propositions of law.

297
299

28. **In the matter of: AUROVILLE (Supra)** the Hon'ble Supreme Court had observed as under:

“9. It is no more res integra that the Doctrine of “Clean hands and non-suppression of material facts” is applicable with full force to every proceedings before any judicial forum. The party invoking extraordinary jurisdiction of the High Court under Article 226 of the Constitution of India must come with clean hands and disclose all correct and material facts in his Writ Petition. If it is brought to the notice of the Court that the petition has been guilty of suppression of material and relevant facts or has not come with clean hands, such conduct must be seriously viewed by the courts as the abuse of process of law and the petition must be dismissed on that ground alone without entering into the merits of the matter.”

29. **In the matter of: K.D. SHARMA (Supra)** the Hon'ble Supreme Court had observed as under:

“35. The underlying object has been succinctly stated by Scrutton, L.J., in the leading case of R. v. Kensington Income Tax Commrs. in the following words: (KB p. 514)

“. . . it has been for many years the rule of the court, and one which it is of the greatest importance to maintain, that when an applicant comes to the court to obtain relief on an ex parte statement he should make a full and fair disclosure of all the material facts— it says facts, not law. He must not misstate the law if he can help it— the court is supposed to know the law. But it knows nothing about the facts, and the applicant must state fully and fairly the facts; and the penalty by which the court enforces that obligation is that if it finds out that the facts have not been fully and fairly stated to it, the court will set aside any action which it has taken on the faith of the imperfect statement.”

30. In view of the law already settled, as stated above, the only test whether there has been suppression of any **material fact** is to be decided by the Court. The material facts are those which would have a direct bearing on the adjudication of the issue/writ petition before the Court. Suppression of each and every fact may not be a material suppression.



298

2015

31. The Court will have to examine where the suppression of facts as alleged are such that in absence of disclosure of such facts, proper adjudication of the proceeding is not possible.

32. In the facts of the instant case, as already discussed above, even if, the fact of institution of the first writ petition and the reliefs claimed thereunder along with the Judgment dated November 20, 2023 by which the first writ petition has been disposed of, have not been disclosed in the second writ petition, such non-disclosure would not amount to suppression of **material facts**, as the challenges and the scope of the two writ petitions are different. The said Judgment can be relied upon by the parties in the second writ petition to refer to the observation made by the Coordinate Bench while deciding the first writ petition but the issues in the second writ petition require an independent adjudication in accordance with law.

33. In view of the foregoing reasons and discussions, this Court is of the considered opinion that there has been no **suppression of material fact** on the part of the petitioner in filing the second writ petition.

34. Thus, the objection raised by the applicant on account of suppression of material fact stands **overruled** and **rejected**.

Alternative Remedy:

35. The next objection with regard to the maintainability of the writ petition raised by the applicant is on the ground of existence of alternative statutory appellate remedy. In this regard, the applicant has relied upon the provision laid down under **Sub-section (h) to Section 16 of the 2010 Act**. The provision is quoted below :-

299
296



“16. Tribunal to have appellate jurisdiction—

(h) an order made, on or after the commencement of the National Green Tribunal Act, 2010, granting environmental clearance in the area in which any industries, operations or processes or class of industries, operations and processes shall not be carried out or shall be carried out subject to certain safeguards under the Environment (Protection) Act, 1986 (29 of 1986);

36. From the expression used in **Sub-section (h) to Section 16 of the 2010 Act**, it appears that, an order made, on or after commencement of the said 2010 Act granting environmental clearance in the area in which any industries, operations or processes or class industries, operations and processes shall not be carried out or shall be carried out subject to certain safeguards under the said 1986 Act is appealable before the jurisdictional Tribunal exercising the appellate jurisdiction.

37. On a reading of the averment made in the second writ petition, it appears to this Court that, the petitioners have challenged the issuance of **Environmental Clearance** dated September 1, 2023 and the **Consent to Establish** dated September 13, 2023 in favour of the M/s. Unique Universal in violation of **Sub-rule 3 to Rule 7 of the Bio-Medical Waste Management Rules, 2016 (for short, ‘the said 2016 Rules’)**. The said permissions were granted admittedly, after commencement of the said 2010 Act. Environmental Clearance dated September 1, 2023 was granted for the area in which Unique Universal operates and its operation shall be carried out with the consequential Consent to Establish dated September 13, 2023. The safeguards are provided

300
297

under the said 1986 Act and in exercise of the power thereunder the said 2016 Rule was framed.

38. In as much as, to decide the issue raised by the petitioner with regard to the alleged violation of **Sub-rule 3 to Rule 7 of the 2016 Rules**, various fact finding enquiries are required to be carried out, for which the Tribunal with its appellate jurisdiction as provided under Section 16 of the said 2010 Act is the appropriate authority for adjudication.

39. It is true, the law is well settled that existence of an alternative remedy under the statute is not an absolute bar before a constitutional Court in exercising its writ jurisdiction under Article 226 of the Constitution of India. But it is a self-imposed restraint depending upon facts and circumstances of every case. There is no straightjacket formula for exercising the jurisdiction by a Writ Court. If a Constitutional Court exercising its power under Article 226 of the Constitution of India, is of the view that several fact finding enquiries are required to be gone into, it is not the job of a Writ Court in its summary proceeding, considering the facts of the case, the Writ Court may not entertain the writ petition but direct the adjudication of the issue to be done under the available alternative remedy under the statute.

40. The decisions cited on behalf of the applicant with regard to the entertainability of a writ petition by a writ Court are the settled propositions of law. All these decisions have held that existence of an alternative remedy is not an absolute bar. But a self-imposed restraint. The entertainability of a writ petition depends on facts of each case. Every case differs from the other on facts. Similarly, the decisions relied upon on behalf of the writ petitioners in support of

301
298

maintainability of the instant writ petition, have also laid down the law which are well settled.

41. The contention of the petitioner as submitted by Ms. Ghosh, learned counsel that documents at pages 126 to 128 are not amenable to challenge before the appellate forum and since they are the results of executive action, those can only be challenged under the writ jurisdiction, is not accepted by this Court. If the challenge, as claimed in the instant second writ petition, falls within the scope of the Tribunal exercising appellate jurisdiction, any executive decision or notification being the source of such alleged wrongful action or in addition to or in connection with such wrongful action are always amenable to adjudication before the appellate authority, which is otherwise the jurisdictional forum to entertain the challenge of the alleged wrongful action of the authority.

42. ***In the matter of : Godrej Sara Lee Ltd (Supra)*** the Hon'ble Supreme Court had observed as under :

"4. Before answering the questions, we feel the urge to say a few words on the exercise of writ powers conferred by Article 226 of the Constitution having come across certain orders passed by the high courts holding writ petitions as "not maintainable" merely because the alternative remedy provided by the relevant statutes has not been pursued by the parties desirous of invocation of the writ jurisdiction. The power to issue prerogative writs under Article 226 is plenary in nature. Any limitation on the exercise of such power must be traceable in the Constitution itself. Profitable reference in this regard may be made to Article 329 and ordainments of other similarly worded articles in the Constitution. Article 226 does not, in terms, impose any limitation or restraint on the exercise of power to issue writs. While it is true that exercise of writ powers despite availability of a remedy under the very statute which has been invoked and has given rise to the action impugned in the writ petition ought not to be made in a routine manner, yet, the mere fact that the petitioner before the high court, in a given case, has not pursued the alternative remedy available to him/it cannot mechanically be construed as a ground for its dismissal. It is axiomatic

302
299

that the high courts (bearing in mind the facts of each particular case) have a discretion whether to entertain a writ petition or not. One of the self-imposed restrictions on the exercise of power under Article 226 that has evolved through judicial precedents is that the high courts should normally not entertain a writ petition, where an effective and efficacious alternative remedy is available. At the same time, it must be remembered that mere availability of an alternative remedy of appeal or revision, which the party invoking the jurisdiction of the high court under Article 226 has not pursued, would not oust the jurisdiction of the high court and render a writ petition "not maintainable". In a long line of decisions, this Court has made it clear that availability of an alternative remedy does not operate as an absolute bar to the "maintainability" of a writ petition and that the rule, which requires a party to pursue the alternative remedy provided by a statute, is a rule of policy, convenience and discretion rather than a rule of law. Though elementary, it needs to be restated that "entertainability" and "maintainability" of a writ petition are distinct concepts. The fine but real distinction between the two ought not to be lost sight of. The objection as to "maintainability" goes to the root of the matter and if such objection were found to be of substance, the courts would be rendered incapable of even receiving the lis for adjudication. On the other hand, the question of "entertainability" is entirely within the realm of discretion of the high courts, writ remedy being discretionary. A writ petition despite being maintainable may not be entertained by a high court for very many reasons or relief could even be refused to the petitioner, despite setting up a sound legal point, if grant of the claimed relief would not further public interest. Hence, dismissal of a writ petition by a high court on the ground that the petitioner has not availed the alternative remedy without, however, examining whether an exceptional case has been made out for such entertainment would not be proper."

43. In the matter of : Tamil Nadu Cements Corporation Limited (Supra), it has been observed by the Hon'ble Supreme Court that the issue involves needs a consideration of the Court whether there would be an absolute and complete bar to invoke writ jurisdiction even in exceptional and rare cases where fairness, equity and justice may warrant the exercise of writ jurisdiction. The facts in the instant writ petition is not such. The facts in the instant writ petition read with the contentions raised by the applicant, gave rise to several fact finding issues, which is neither a rare case nor against fairness or equity. In the facts of the instant case there is neither any

303
300

violation of principle of natural justice nor fundamental rights ex facie. There has been no challenge to any vires of the acts in the instant case.

44. In the matter of : Tamil Nadu Cements Corporation Limited

(Supra) the Hon'ble Supreme Court had observed as under :

"58. Thus, it would be true to say that the existence of the statutory remedy does not affect the jurisdiction of the High Court to issue a writ. Nevertheless, the writ jurisdiction being discretionary by policy, the writ courts generally insist that the parties adhere to alternative statutory remedies, as this reinforces the rule of law. However, in exceptional cases, writ jurisdiction can still be exercised as a power to access the court for justice and relief."

45. Ultimately, on the issue involved in the matter, it was referred before the Larger Bench.

46. In the matter of : Tamil Nadu Cements Corporation Limited

(Supra), in view of the above discussions, this Court is of the view that the judgment has no application in the facts of the instant case.

47. **In the matter of : Exphar SA and Another (Supra)** the point of demurrer was on territorial jurisdiction. This is not the point of demurrer in the facts of the instant case. Therefore, the ratio laid down **In the matter of: Exphar SA and Another (Supra)** does not apply in the facts of the instant case.

48. The law is now well settled. The Hon'ble Supreme Court **In the matter of : United Bank of India vs. Satyawati Tondon and Others reported at (2010) 8 SCC 110** had observed as under :



304
301

43. Unfortunately, the High Court overlooked the settled law that the High Court will ordinarily not entertain a petition under Article 226 of the Constitution if an effective remedy is available to the aggrieved person and that this rule applies with greater rigour in matters involving recovery of taxes, cess, fees, other types of public money and the dues of banks and other financial institutions. In our view, while dealing with the petitions involving challenge to the action taken for recovery of the public dues, etc. the High Court must keep in mind that the legislations enacted by Parliament and State Legislatures for recovery of such dues are a code unto themselves inasmuch as they not only contain comprehensive procedure for recovery of the dues but also envisage constitution of quasi-judicial bodies for redressal of the grievance of any aggrieved person. Therefore, in all such cases, the High Court must insist that before availing remedy under Article 226 of the Constitution, a person must exhaust the remedies available under the relevant statute.

44. While expressing the aforesaid view, we are conscious that the powers conferred upon the High Court under Article 226 of the Constitution to issue to any person or authority, including in appropriate cases, any Government, directions, orders or writs including the five prerogative writs for the enforcement of any of the rights conferred by Part III or for any other purpose are very wide and there is no express limitation on exercise of that power but, at the same time, we cannot be oblivious of the rules of self-imposed restraint evolved by this Court, which every High Court is bound to keep in view while exercising power under Article 226 of the Constitution.

45. It is true that the rule of exhaustion of alternative remedy is a Rule of discretion and not one of compulsion, but it is difficult to fathom any reason why the High Court should entertain a petition filed under Article 226 of the Constitution and pass interim order ignoring the fact that the petitioner can avail effective alternative remedy by filing application, appeal, revision, etc. and the particular legislation contains a detailed mechanism for redressal of his grievance.”

49. In view of the foregoing reasons and discussions, since an alternative and efficacious appellate remedy available under the said 2010 Act, this Constitutional Court refrains itself from exercising its high prerogative writ jurisdiction in the facts and circumstances of the instant case.

205
302



50. Accordingly, the instant application **I.A. No.CAN 1 of 2025** stands **allowed partly** on the ground of **existence of alternative remedy only**.

51. It is once again clarified that the objection on the ground of suppression of material fact stands **rejected**.

52. Resultantly, this **Writ Petition No.433 of 2025** stands **dismissed** on the ground of existence of alternative remedy.

53. However, it is made clear that the writ petitioners shall be at liberty to file the statutory appeal before the jurisdictional appellate forum within a period of **six weeks** from date. In the event, such an appeal is filed, the jurisdictional appellate authority shall register the same forthwith and shall proceed with the same and come to its logical conclusion strictly in accordance with law, as expeditiously as possible.

54. It is made clear that this Court has not gone into the merits of the rival contentions of the parties to the writ petition and all points are kept open for the parties to urge before the jurisdictional appellate authority.

55. There shall be no order as to cost.

(Aniruddha Roy, J.)

Vineeta Butman

VAKALATNAMA
National Green Tribunal
IN THE HIGH COURT AT CALCUTTA

DISTRICT: Durgaling
Original Application

Constitutional Writ-Civil Criminal Revisional
Appellate Jurisdiction
Of 202 5

M/s Greenzen Bio Pvt. Ltd.

Appellant
Petitioner

-Versus-

The State of WB and Ors.

Respondent
Opposite party

Vakalatnama on behalf of Greenzen Bio Pvt. Ltd. Knows all

men be these presents that by this Vakalatnama I/We appoint the Advocates Pleaders noted below or any one of them as my/our lawful Advocate or Advocates for filing the memorandum of appeal or petition in the above matter for appearing and conducting and arguing the same for depositing or Withdrawing any money in connection therewith, for moving the Court in any matter connected therewith for preparing the Paper Book in the case and for putting in papers, petition etc. on my/our behalf for filing or taking back any documents for withdrawing suits or appeals or petitions with permission to institute fresh suits, appeals, petition etc. for signing and filing the petitions of compromise in connection with the said matter and for taking copies of paper from the Record and I/We further say that any act done by my/our said Advocate or Advocates or by any one of them after accepting this Vakalatnama, shall be considered as my/our own true and lawful act.

And I/We further hereby agree and undertake to pay the said Advocate or Advocates his or their fees as settled and all others sums that may be necessary to carry out the requisition of the Court and otherwise to enable the said Advocate or Advocates to conduct the case properly, failing which the said Advocate or Advocates after notice to me/us will be at liberty to withdraw from the further conduct of the case.

IN WITNESS WHEREOF I/we sign and execute this vakalatnama, on this the 04th day of November 202 5

NAME OF THE ADVOCATE

Email: mukherjee.parna308@
gmail.com
Enrol: A/1878/1935/2019
(M): 9330120522

PARNA MUKHERJEE
ADVOCATE
7, Old Post Office Street,
1st floor, Room-14,
Kol-700001

Payment for vakalatnamas for the
executant within time is satisfied
and accepted.

Sarna Mukherjee
Advocate

04/11/2025

Indu Keshu Ahlu

Ach
04/11/2025.

**BEFORE THE NATIONAL GREEN
TRIBUNAL**

**EASTERN ZONE BENCH KOLKATA
MEMORANDUM OF APPLICATION**

(Under Section 18(1) read with Sections
14/15 of National Green Tribunal Act, 2010)

O.A. No. of 2025/EZ

In The Matter of:-

An Application under section 18(1), read
with sections 14/15 of the National Green
Tribunal ACT, 2010;

And

In The Matter of:-

M/s. Greenzen Bio Private Limited and
Another

... Applicants

-Versus-

The State of West Bengal and Others

... Respondents



ORIGINAL APPLICATION

PARNA MUKHERJEE

Advocate

High Court, Calcutta
7, Old Post Office Street
Kolkata-700001

Mobile: 9330120322

Email: mukherjeeparna308@gmail.com