

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

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

ORIGINAL APPLICATION NO. **01**

2026
OF ~~2025~~/EZ.

Between

Barnali Das Khanra

....Applicant

VERSUS

The West Bengal Pollution Control Board & Ors.

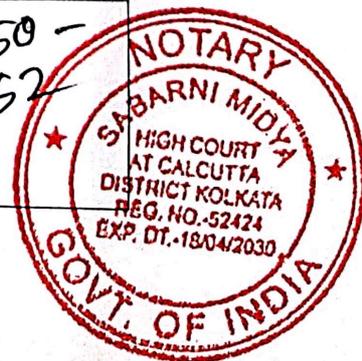
....Respondents

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

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

ORIGINAL APPLICATION NO. 01 OF 2026
OF 2025/EZ.

BETWEEN
Barnali Das KhanraApplicant
VERSUS

The West Bengal Pollution Control Board & Ors.Respondents

SYNOPSIS

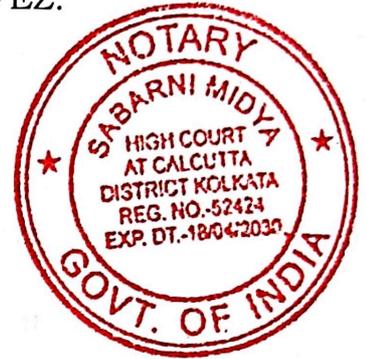
The applicant is prejudiced by the inaction on the part of the West Bengal Pollution Control Board for not taking any step and/or steps against the noise pollution generating from the unit of the private respondent in this current application. The private respondent is the responsible concerned for manufacturing Iron Goods like Boti, Katari and also contains grinding machine and other equipment, the manufacturing unit is being carried on in a room lying and situated at the northern direction adjacent to the residential house of the applicant. The applicant is suffering due to such manufacturing work as it creates loud noise resulting into noise pollution as well as air pollution in the society, which directly affects the health of the local people. There is a minor daughter of the applicant staying with her at the same residential unit who is developing psychological problems due to such continuous noise and the husband of the applicant is also a victim to such noise causing him hearing problems. The applicant has already brought the issue in the view of The West Bengal Pollution Control Board by a letter and also requested the Chairman of the North Dum Dum Municipality to cancel the license of the unit of the private respondent by another letter. Even after directions being passed against the private respondent, the private respondent has failed to adhere to the same and the applicant is still suffering due to such inaction on part of the authorities and the private respondent alike.



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

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

ORIGINAL APPLICATION NO. 01 OF ~~2025~~ 2026/EZ.



Between

Barnali Das Khanra

....Applicant

VERSUS

The West Bengal Pollution Control Board & Ors.

....Respondents

LIST OF DATES

16.12.2021:

The Applicant made a letter to the West Bengal Pollution Control Board regarding the noise pollution caused by the private respondent's manufacturing unit.

25.02.2022:

The Applicant made a letter to the Chairman, North Dum Dum Municipality asking to cancel the license of the private respondent due

to the purported noise pollution caused by his manufacturing unit.

22.03.2022:

The Record of Proceedings of the before the West Bengal Pollution Control Board in regard to the complaint made by the husband of the applicant.

24.04.2022 :

The Applicant further requested the West Bengal Pollution Control Board through an email to take action against the private respondent.

22.08.2022 :

Record of Proceedings before the West Bengal Pollution Control Board in which the Engineer had submitted the Inspection Report.

31.08.2022:

The applicant withdraws their writ petition and the order for the same is passed by the Hon'ble High Court at Calcutta.

03.09.2022:

The applicant's letter to the Chairman, North Dum Dum Municipality intimating the withdrawal of the writ petition.

28.12.2022 :

Order passed by the Chairman, North Dum Dum Municipality to comply with the order of West Bengal Pollution Control Board.



20.03.2023:

The letter sent by the Chairman, North Dum Dum Municipality to the West Bengal Pollution Control Board under Memo No. NDDM/License/1429/3.

13.07.2023:

The Applicant made a letter to the Chairman, North Dum Dum Municipality.

09.01.2024:

The Applicant made a letter to the Officer-in-Charge, Nimta Police Station.

15.02.2024:

The Applicant made a representation before the Chairman, North Dum Dum Municipality.

15.02.2024:

The Applicant made a representation before the Chairman, North Dum Dum Municipality.

20.03.2024:

The Chairman, North Dum Dum Municipality by a letter to the West Bengal Pollution Control Board thereby intimated the non-compliance with the directions of the Board.

11.06.2024:

An application made to the Officer-in-Charge, Nimta Police Station by the Applicant.



- 13.06.2024: An application made to the Chairman, North Dum Dum Municipality by the Applicant.
- 20.09.2024: An application made to the Senior Scientist and In-Charge, P.G. Cell, West Bengal Pollution Control Board by the Applicant.
- 24.01.2025: Record of Proceedings before the West Bengal Pollution Control Board.
- 23.02.2025: Representation made before the Member Secretary, West Bengal Pollution Board by the Applicant.



Serial No. 18

BEFORE THE NATIONAL GREEN TRIBUNAL,
(EASTERN ZONE BENCH), KOLKATA

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

ORIGINAL APPLICATION NO. OF 2025/EZ.

Between

Barnali Das Khara, wife of Pijush Kanti Khara, residing at
147/461, Saradmoni Road, Nimta, P.O. and P.S. Nimta,
District: North 24 Parganas, Kolkata – 700049. Email Id:
dasbarnali.das@gmail.com

....Applicant

VERSUS

1. The West Bengal Pollution Control Board, service through the
Member Secretary, having its office at Paribesh Bhawan, Plot
No. 10A, Block- LA, Sector-III, Bidhannagar, Kolkata- 700106.
Email Id: net.wbpcb-wb@bangla.gov.in
2. North Dum Dum Municipality, service through the Chairman,
having office at 163, M.B. Road, Birati, Kolkata-700051. Email
Id: northdumdum@gmail.com

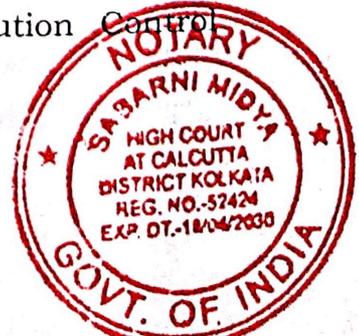


03 SEP 2025

- 3. The Police Commissioner, Barrackpore Police Commissionerate, Barrackpore, B. T. Road, District: North 24 Parganas, Kolkata – Email id: bkppolicecommissionerate@gmail.com.
- 4. The Inspector in Charge, Nimta Police Station, having office address at 199, Madhusudan Banerjee Road, Shibachal, Nimta, North Dumdum, Kolkata - 700049. Email Id: psnimta@policewb.gov.in.
- 5. Sangita Basak, proprietor of the proprietorship firm in the name and style of “Sova Tools” having address at 55/2, Saradamoni Road, P.O. and P.S. Nimta, Kolkata – Email id:

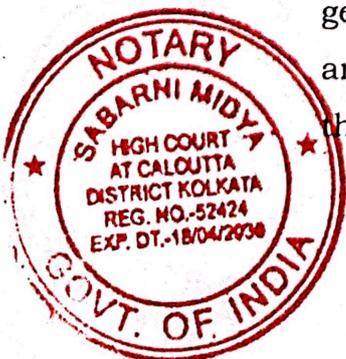
....Respondents

- (1) The addresses of the applicants are given above for the service of notices of this Application.
- (2) The addresses of the Respondents are given above for the service of notices of this Application.
- (3) The Applicant above-named begs to present the Original Application for inaction on the part of the West Bengal Pollution Control Board for not taking any adequate measures to close the unit of the private respondent herein for non-compliance of the order dated 24.01.2025 passed by the concerned authority of the West Bengal Pollution Control Board, on the grounds set-out hereunder:



husband of the applicant is also a victim of such noise pollution as the husband of the applicant is suffering from hearing problem.

5. Your applicant states that the applicant, by way of a letter dated 16.12.2021, requested the West Bengal Pollution Control Board to take necessary action against the said unit of the private respondent herein for continuous noise pollution generating from the said unit. Photocopy of the aforesaid letter dated 16.12.2021 is annexed hereto and marked as "Annexure P-1".
6. Your applicant states that the applicant, by way of a letter dated 25.02.2022, requested the Chairman of the North Dum Dum Municipality to cancel the license of the unit of the private respondent herein due to continuous noise pollution generating from the said unit. Photocopy of the aforesaid letter dated 25.02.2022 is annexed hereto and marked as "Annexure P-2".
7. Your applicant states that the husband of the applicant made a complaint to the West Bengal Pollution Control Board to take necessary action against the said unit of the private respondent herein for continuous noise pollution generating from the said unit. The West Bengal Pollution Control Board had initiated a proceeding on 10.03.2022 and after the hearing, the Public Grievance Cell, West Bengal Pollution Control Board directed the private respondent to ensure that the sound levels generated during manufacturing operations do not exceed the ambient air quality standards in respect of noise as specified in the Noise Pollution (Regulation and Control) Rules, 2000.



Photocopy of the Record of Proceedings dated 22.03.2022 is annexed hereto and marked as "Annexure P-2A".

8. Your applicant states that the applicant, by way of an email dated 24.04.2022, further requested the West Bengal Pollution Control Board to take necessary action against the said unit of the private respondent herein for continuous noise pollution generating from the said unit. Photocopy of the aforesaid letter dated 24.04.2022 is annexed hereto and marked as "Annexure P-3".
9. Your applicant states that in the month of April, 2022, the applicant had filed a writ petition being WPA No. 7920 of 2022 (Barnali Das Khara Vs. State of West Bengal & Ors.) before the Hon'ble High Court at Calcutta thereby praying direction upon the West Bengal Pollution Control Board and the other authorities to initiate proceedings against the unit of the private respondent herein for the noise pollution generating from the said unit. Your applicant crave leave to produce the aforesaid writ petition before the Hon'ble Tribunal at the time of hearing, if necessary.
10. Your applicant states that on the basis of the complaint dated 10.03.2022 of the husband of the applicant, the Environmental Engineer and In-Charge of Barrackpore Regional Office of the State Board had conducted an inspection in the said unit and the observation of the said Engineer is as follows:

"During inspection the unit was partially in operation, one more engineering unit was also in operation on the



opposite side of the road. The Auto rickshaws were also plying. Noise monitoring was done, but there were lot of noise interference from other sources also. The Equivalent Continuous Sound Level (Leq) as measured near the gate of the complainant's residence was found to be 81.09 db(A)."

11. Your applicant states that after the aforesaid observation, the following directions were issued by the said Engineer:

- a) Adequate noise control measures to be taken by the said unit.
- b) Noise control to be strictly ensured during cutting, grinding and hammering operations.
- c) Sound proof pads and/or ghas boards to be installed in the walls.
- d) Doors to be kept closed during the operation of the said unit.
- e) The activity of the unit shall be restricted within 9 AM to 6 PM only.

12. Your applicant states that after the aforesaid inspection, the said Engineer had submitted the Inspection Report before the West Bengal Pollution Control Board. Accordingly, the West Bengal Pollution Control Board had initiated a proceeding against the said unit and called for hearing on 08.08.2022. In the said hearing, the husband of the applicant and the private respondent herein duly attended and after the hearing, the



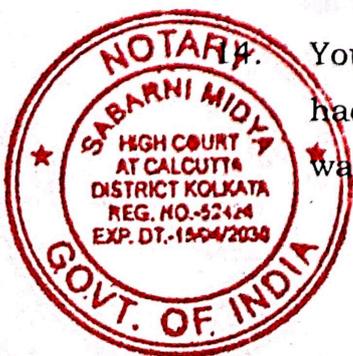
West Bengal Pollution Control Board had passed the following directions:

- a) Take adequate noise control measures which may include, but not limited to, measures like installation of acoustic insulation panels, use of rubber pads, shifting of noise producing equipment's etc., so that sound does not travel outside the respondent unit beyond the permissible limit.
- b) Restrict operational time in between 9 AM to 6 PM.
- c) Ensure that manufacturing /repairing activities are not under any circumstances be undertaken either in the open or on the municipal roadway.

Photocopy of the Record of Proceedings dated 22.08.2022 is annexed hereto and marked as "Annexure P-4".

13. Your applicant states that the Chaiman, North Dum Dum Municipality had issued a Hearing Notice dated 10.08.2022 thereby fixing a date of hearing on 18.08.2022 in connection with the complaint filed by the applicant. On 18.08.2022, the applicant duly attended the said hearing before the office of the Chairman, North Dum Dum Municipality and due to pending the aforesaid writ petitioner before the Hon'ble Court, no order was passed by the concerned authority.

Your applicant states that thereafter, the aforesaid writ petition had been withdrawn by the applicant and the Hon'ble Court was pleased to dismiss the aforesaid writ petition as

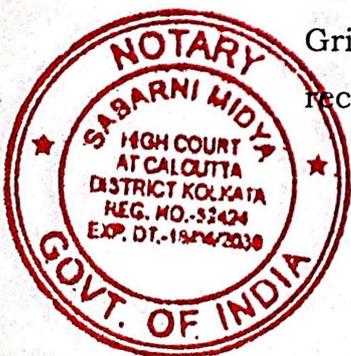


withdrawn. Photocopy of the aforesaid order dated 31.08.2022 is annexed hereto and marked as "Annexure P-5".

15. Your applicant states that the applicant, by way of a letter dated 03.09.2022, intimated the Chairman, North Dum Dum Municipality that the aforesaid writ petition has been withdrawn and also requested to fix a date for hearing to consider further the said application dated 25.02.2022 filed by the applicant. Photocopy of the aforesaid letter dated 03.09.2022 is annexed hereto and marked as "Annexure P-6".

16. Your applicant states that in terms of the aforesaid application dated 03.09.2022, a hearing was called for by the Chairman, North Dum Dum Municipality on 28.12.2022 and after hearing for the parties, the said Chairman directed the private respondent herein to comply the directions of the West Bengal Pollution Control Board within one month from the date of receipt of the order and also directed to submit the compliance report within seven days thereafter to the Municipality. Photocopy of the aforesaid order dated 28.12.2022 is annexed hereto and marked as "Annexure P-7".

17. Your applicant states that the Chairman, North Dum Dum Municipality, by way of a letter dated 20.03.2023 under Memo No. NDDM/License/1429/3, requested the West Bengal Pollution Control Board to take necessary action against the unit of the private respondent as no compliance report of the aforesaid order dated 22.08.2022 passed by the Public Grievance Cell, West Bengal Pollution Control Board was received from the private respondent. Photocopy of the

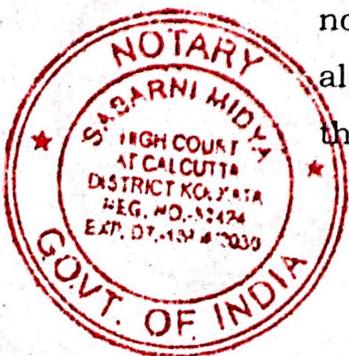


aforesaid letter dated 20.03.2023 is annexed hereto and marked as "Annexure P-7A".

18. Your applicant states that the applicant, by way of a letter dated 13.07.2023, intimated the Chairman, North Dum Dum Municipality that the unit of the private respondent herein had been operating without complying the directions of both the West Bengal pollution Control Board as well as the said Chairman and it is the blatant violation of the said directions. Photocopy of the aforesaid letter dated 13.07.2023 is annexed hereto and marked as "Annexure P-8".

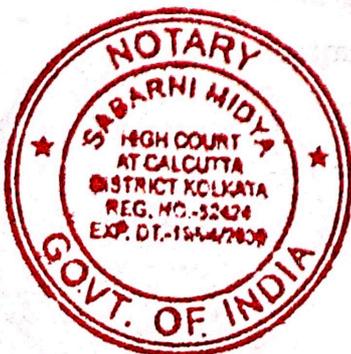
19. Your applicant states that the applicant, by way of a letter dated 09.01.2024, intimated the Officer in Charge, Nimta Police Station that the unit of the private respondent herein has been operating without complying the directions of the West Bengal Pollution Control Board as well as the Chairman, North Dum Dum Municipality by generating noise pollution and also requested to take necessary action against the said unit of the private respondent herein. Photocopy of the aforesaid letter dated 09.01.2024 is annexed hereto and marked as "Annexure P-9".

20. Your applicant states that the applicant further made a representation dated 15.02.2024 to the Chairman, North Dum Dum Municipality thereby intimating that the private respondent is operating the unit by generating the intolerable noise pollution without complying the aforesaid directions and also requested to take necessary action against the said unit of the private respondent herein. Photocopy of the aforesaid letter



dated 15.02.2024 is annexed hereto and marked as "Annexure P-10".

21. Your applicant states that after receiving the aforesaid complaint dated 15.02.2024, the office of the Chairman, North Dum Dum Municipality, by way of a letter dated 20.03.2024, requested the West Bengal Pollution Control Board to take necessary action against the unit of the private respondent herein.
22. Your applicant states that thereafter, the concerned authority of the West Bengal Pollution Control Board had conducted an inspection in the unit of the private respondent herein on 09.02.2024 and it was observed that the private respondent herein had not been complied the directions of the West Bengal Pollution Control Board and the noise level was found 79.63 db(A) just outside of the said unit, which was beyond the prescribed limit.
23. Your applicant states that in terms of the aforesaid observations, the West Bengal Pollution Control Board called for a hearing on 19.03.2024 and after the hearing, the West Bengal Pollution Control Board passed the following directions:
 - a. To obtain consent to operate under orange category, in the event of having facility of open hearth-furnaces, by 31st May, 2024.
 - b. To avoid nuisance which may be caused from noise by taking adequate noise control measures which may include, but not limited to, measures like



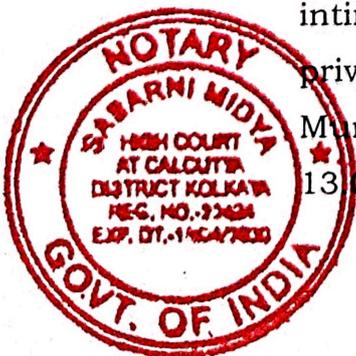
installation of acoustic insulation panels and noise barriers, use of rubber pads, shifting of noise producing equipment etc. so that sound does not travel outside the unit of the private respondent herein beyond the permissible limit.

c. To keep their manufacturing/repairing activities within covered space.

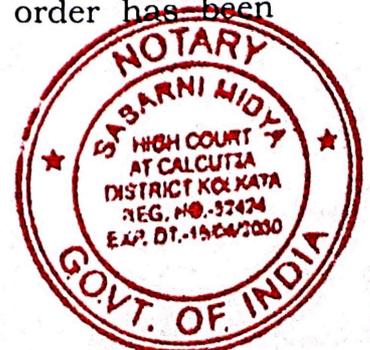
d. Manufacturing activities is to be restricted from 9 AM to 6 PM only with a proper recess time in between.

24. In spite of that, the unit of the private respondent herein has been operating without complying the said directions. The applicant was compelled to make an application to the Officer in Charge, Nimta Police Station on 11.06.2024 thereby intimating that the unit private respondent herein has been operating without complying the directions of the West Bengal Pollution Control Board as well as the Chairman, North Dum Dum Municipality till date by generating noise pollution and also requested to take necessary action against the said unit of the private respondent herein. Photocopy of the aforesaid application dated 11.06.2024 is annexed hereto and marked as "Annexure P-11".

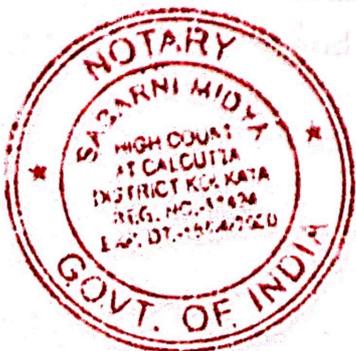
25. The applicant, by way of a letter dated 13.06.2024, further intimated the aforesaid purported action on the part of the private respondent herein to the Chairman, North Dum Dum Municipality. Photocopy of the aforesaid letter dated 13.06.2024 is annexed hereto and marked as "Annexure P-12".



26. Your applicant states that the applicant was compelled to make an application before the Senior Scientist and In Charge, P. G. Cell, West Bengal Pollution Control Board on 20.09.2024 thereby intimating that the unit of the private respondent herein had been operating without complying the directions of the West Bengal Pollution Control Board and the West Bengal pollution Control Board has maintained an angelic silence to take any executive action against the illegal operation of the unit of the private respondent herein even after the cut off date, i.e. 31.05.2024 in terms of the order passed by the said Board on 19.03.2024. Photocopy of the aforesaid application dated 20.09.2024 is annexed hereto and marked as "Annexure - P-13".
27. Your applicant submits that at the time of inspection dated 09.02.2024, the West Bengal Pollution Control Board observed that the said unit of the private respondent herein was operating by violating the direction of the West Bengal Pollution Control Board on 08.08.2022. In spite of that no closure order has been issued by the West Bengal Pollution Control Board against the said unit.
28. It is submitted that the operation of the said unit has been causing serious noise pollution till date due to hammering, cutting and grinding operations. It is regrettably submitted that being knowledge about the facts that the said unit is operating by continuous violation of the directions issued by the West Bengal Pollution Control Board, no closure order has been issued by the concerned State Board yet.



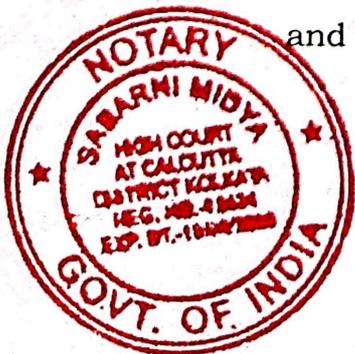
29. Your applicant states that in terms of the application dated 20.09.2024, an inspection was conducted by the West Bengal Pollution Control Board and from the Inspection Report, it was revealed that at the time of inspection, it was found that the unit of the private respondent herein was operating violating the directions of the West Bengal Pollution Control Board.
30. Your applicant states that on the basis of the aforesaid Inspection Report, a hearing was called for by the West Bengal Pollution Control Board and after the hearing, surprisingly, the same directions were passed by the West Bengal Pollution Control Board to the private respondent herein without issuing any closure order for the violations of the earlier direction since 20.08.2022. The aforesaid directions are as follows:
- A. Avoiding nuisance which may be caused from noise by taking adequate noise control measures which may include, but not limited to, measures like installation of acoustic insulation panels and noise barriers, use of rubber pads, shifting of noise producing equipment etc. so that sound does not travel outside the respondent unit beyond the permissible limit.
 - B. Keeping their manufacturing/repairing activities within covered space.
 - C. Manufacturing activities is to be restricted from 9 AM to 6 PM only with a proper recess time in between.



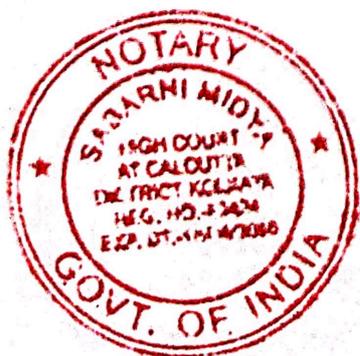
Photocopy of the aforesaid Record of Proceedings dated 24.01.2025 is annexed hereto and marked as "Annexure P-14".

31. Your applicant states that the applicant, by way of a letter dated 23.02.2025, made a representation to the Member Secretary, West Bengal Pollution Control Board thereby intimating that the said unit of the private respondent is operating by continuous violation of the directions issued by the West Bengal Pollution Control Board and also requested to issue a closure order to the said unit as early as possible. Photocopy of the aforesaid representation dated 23.02.2025 is annexed hereto and marked as "Annexure P-15".
32. Your applicant submits that the applicant has a right to live in a healthy environmental condition and the right to live in a healthy environment is a fundamental right under Article 21 of the Constitution of India. But such right has been infringed and/or invaded and/or vitally affected by the acts and conducts of the respondent authorities concerned.
33. Your applicant submits that the applicant filed the instant application under the Section 14 of the National Green Tribunal Act, 2010, i.e. under the jurisdiction over all civil cases where a substantial question relating to environment (including enforcement of any legal right relating to environment), is involved and such question arises out of the implementation of the enactments specified in Schedule-I, i.e. under The Noise Pollution (Regulation and Control) Rules, 2000 and The Environment (Protection) Act, 1986.

GROUND



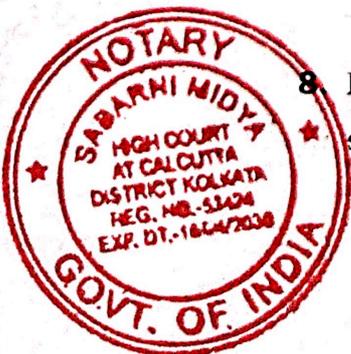
1. FOR THAT the grounds on which the applicant relies for the purpose of this application are as follows:
2. FOR THAT the applicant is highly and seriously aggrieved by and dissatisfied with the inaction on the part of the West Bengal Pollution Control Board for not taking any step and/or steps against the noise pollution generating from the unit of the private respondent herein.
3. FOR THAT the unit of the private respondent herein is manufacturing Iron Goods like Boti, Katari etc. various machinery and wooden base of the Boti MFG and the manufacturing unit is being carried on in a room lying and situated at the northern direction adjacent to the residential house of the applicant. The said manufacturing unit also contains grinding machine and other equipment for shaping the handle of such iron goods. The said unit of the private respondent herein is a small scale white category industry situated in a residential area.
4. FOR THAT during manufacturing, the said unit of the private respondent herein creates loud noise resulting into noise pollution as well as air pollution in the society, which directly affects the health of the local people. There is a minor daughter of the applicant staying with her at the same residential unit. Due to the continuous loud noise, the child had been suffering various psychological problems. The husband of the applicant is also a victim of such noise



pollution as the husband of the applicant is suffering from hearing problem.

5. FOR THAT during inspection the unit was partially in operation, one more engineering unit was also in operation on the opposite side of the road. The Auto rickshaws were also plying. Noise monitoring was done, but there were lot of noise interference from other sources also. The Equivalent Continuous Sound Level (Leq) as measured near the gate of the complainant's residence was found to be 81.09 db(A).
6. FOR THAT the concerned authority of the West Bengal Pollution Control Board had conducted an inspection in the unit of the private respondent herein on 09.02.2024 and it was observed that the private respondent herein had not been complied the directions of the West Bengal Pollution Control Board and the noise level was found 79.63 db(A) just outside of the said unit, which was beyond the prescribed limit.
7. FOR THAT at the time of inspection dated 09.02.2024, the West Bengal Pollution Control Board observed that the said unit of the private respondent herein was operating by violating the direction of the West Bengal Pollution Control Board on 08.08.2022. In spite of that no closure order has been issued by the West Bengal Pollution Control Board against the said unit.

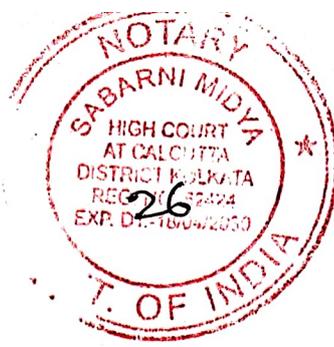
8. FOR THAT the operation of the said unit has been causing serious noise pollution till date due to hammering, cutting



and grinding operations. It is regretfully submitted that being knowledge about the facts that the said unit is operating by continuous violation of the directions issued by the West Bengal Pollution Control Board, no closure order has been issued by the concerned State Board yet.

9. FOR THAT in terms of the application dated 20.09.2024, an inspection was conducted by the West Bengal Pollution Control Board and from the Inspection Report, it was revealed that at the time of inspection, it was found that the unit of the private respondent herein was operating violating the directions of the West Bengal Pollution Control Board.
10. FOR THAT the applicant has a right to live in a healthy environmental condition and the right to live in a healthy environment is a fundamental right under Article 21 of the Constitution of India. But such right has been infringed and/or invaded and/or vitally affected by the acts and conducts of the respondent authorities concerned.
11. FOR THAT the applicant filed the instant application under the Section 14 of the National Green Tribunal Act, 2010, i.e. under the jurisdiction over all civil cases where a substantial question relating to environment (including enforcement of any legal right relating to environment), is involved and such question arises out of the implementation of the enactments specified in Schedule-I, i.e. under The Noise Pollution (Regulation and Control) Rules, 2000 and The Environment (Protection) Act, 1986.





LIMITATION

That the instant application is being filed not within the period of limitation as prescribed under Section 14 of the National Green Tribunal Act, 2010. There is a 23 days delay to file the instant application. The applicant has also filed an application for condonation of delay under the provisions of Limitation Act, 1963.

P R A Y E R -

The applicant, therefore, prays that:

Under the circumstances the applicant most humbly prays as follows:

- i) Direct the West Bengal Pollution Control Board to issue an Order of Closure with disconnection of Electricity against the said Unit of the private respondent herein without further delay.
- ii) Mandatory injunction may kindly be granted directing the authorities concerned to stop the said unit of the private respondent herein to run and/or operate the manufacturing of the iron goods.
- iii) An order of ad interim injunction may be passed by the Hon'ble Tribunal against the operation of the said unit of the private respondent herein till the disposal of the instant application.
- iv) Direct the West Bengal Pollution Control Board to calculate and impose the compensation upon the unit of the private respondent herein for continuous violation of

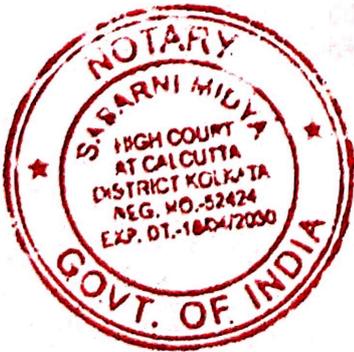


the directions passed by the West Bengal Pollution Control Board.

- v) Ad-Interim orders as prayed for in prayers (ii) and (iii) hereinabove.

- v) Such other or further order and/or orders, direction and/or directions as this Hon'ble Tribunal may deem fit and proper.

And your applicants as in duty bound shall ever pray.





VERIFICATION

I, Barnali Das Khanra, wife of Pijus Kanti Khanra, aged about 40 years, by faith -Hindu, by occupation- Service, residing at 147/461, Saradamon Road, Nimta, P.O. and P.S. Nimta, District: North 24 Parganas, Kolkata -700049. do hereby verify that the contents of paras 1 to 3 are true to my personal knowledge and paras 4 to 5 are believed to be true on legal advice and that I have not suppressed any material fact.

Date **03 SEP 2025**

Place **KOLKATA**

Barnali Das Khanra

Signature of Applicant

Identified by me-

Subhankar Banerjee

Advocate



**Solemnly Affirmed & Declared
before me on identification**

**Sabarni Midya, Notary
Reg. No.-2424, Govt. of India
High Court at Calcutta**

03 SEP 2025



Complaint

Registered

December 16, 2021

~~21~~ - ~~19~~ -

-29-

Annexure-~~3~~ P/1

Pollution from Illegal Industry

I am residing at 147/461, Saradmoni Road, PS-Nimta, Kolkata-700049 since October'2020. This is a crowded residential area.

Around August'2021, a factory is started just beside my house. This factory manufactures household vegetable cutter(বঁচি). It starts around 8 am and there is no fixed timeline of closing.

This factory is managed by Mr. Biswanath Basak but the propieter is his wife Mrs. Sangeeta Basak.

There is so much noise coming out from this factory so that we have to keep our all doors & windows closed all the time. Even though it is not bearable inside our house.

Also sometimes they use open coal burner to heat the iron plates and it emits so much of smoke.

Day by day production volume is increasing and it is becoming very unbearable to us to live in our house.

I would request you to please look into this matter if it is legal to operate such a factory in residential area.

I will be obliged if you help us to solve this problem.

Thanking you,
Pijus Kanti Khanra



Complaint 2

Registered

Category : Noise Pollution

Dear Sir/Madam,

I Have Received The Rop Document With Memo Number "338-51/Wpb-2021/S-2983" For My Complaint About Noise Pollution Due To Operation Of M/S Sova Tools.

I Beg To Differ On Some Of Your Observations Made On This Issue. In Rop Document, You Have Categorized This Unit As White Category As It Is An {Engineering And Fabrication Unit[Dry Process Without Any Heat Treatment/ Surface Finishing Operation / Painting]}.

In The Above Description It Is Clearly Shown That Unit Should Not Run Any Surface Finishing Operation To Be Categorized As White. However This Unit's Main Work Is To Finish The Surfaces Of The Vegetable Cutter By Using A Grinding Machine.

Along With That This Unit Also Cuts Wooden Blocks Into Pieces To Make The Base Of This Vegetable Cutter. I Think This Operation Is Similar To A Saw Mill And That Comes Into Green Category. And Any Green Category Factory Needs Your Consent Before Starting Operation.

Moreover, In The Judgement, You Have Directed The Unit To Ensure That The Sound Levels Generated During Operations Do Not Exceed The Ambient Air Quality Standard. And Shall Take Necessary Measures To Control The Sound Within Its Premises So That People In The Neighbourhood May Not Suffer Due To Its Activities.



HOWEVER, THE UNIT STARTED ITS OPERATION FROM
15th April'2022 WITHOUT TAKING ANY SOUND
CONTROL MEASURES. POLICE INCHARGE OF NIMTA
POLICE STATION IS ALSO IN DOUBT HOW TO MEASURE
THE
SOUND AND CHECK IF IT EXCEEDS THE
ENVIRONMENTAL NORMS. POLICE IS ASKING US TO
CONTACT YOUR OFFICE FOR NECESSARY ACTIONS.

I HAVE MEASURED WITH AN APP IN MY MOBILE,
AND IT SHOWS THAT SOUND LEVEL IS GETTING
AROUND 70-80 DB DURING ITS OPERATION, WHICH
IS WAY BEYOND THE PRESCRIBED LIMIT IN AN
RESIDENTIAL AREA.

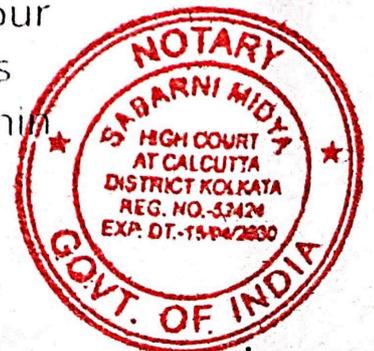
IT IS VERY DISTURBING TO STAY IN OUR HOUSE
DURING ITS OPERATION.

WHEN CONFRONTED THE OWNER TO TAKE SOUND
CONTROL MEASURES, HE SAYS THAT WBPCCB HAS
CATEGORIZED THIS UNIT AS WHITE SO WBPCCB
CERTIFIED THAT THE SOUND IS WITHIN LIMIT.
THE OWNER IS TELLING EVERYBODY IN
NEIGHBOURHOOD THAT WBPCCB HAS CERTIFIED THAT
ITS SOUND IS WITHIN LIMIT AND SO CATEGORIZED AS
WHITE.

I WOULD HUMBLY REQUEST YOU, THAT PLEASE STEP
INTO THIS MATTER AND PLEASE VISIT THE UNIT AND
CHECK IF THE SOUND IS WITHIN LIMIT, AND TAKE
NECESSARY ACTION.

PLEASE TAKE NECESSARY MEASURES FROM YOUR
SIDE, SO THAT THE UNIT RUNS ITS OPERATIONS
ONLY AFTER ENSURING THAT THE NOISE IS WITHIN
PRESCRIBED LIMIT.

Thanking You,
Pijus Kanti Khanra
9830970708



[Handwritten signature]

- 32 -

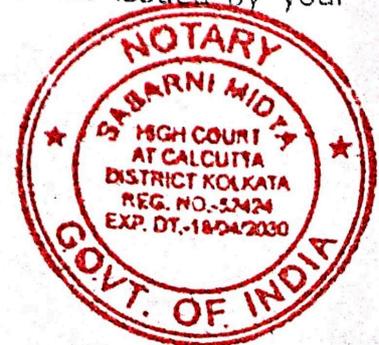
To
The Chairman
North Dum Dum Municipality
163, M.B. Road, Birati,
Kolkata 700051

Sub.: - Request to cancel the license of Sangita Basak,
Prop. of SOVA TOOLS (IRON Goods MFG).

Respected Sir,

This is to inform you that I, **SMT BARNALI DAS**, W/o Sri Pijus Kanti Khanra, D/o Banabehari Das of 147/461, Saradmoni Road, P.O. & P.S. Nimta, Dist. North 24 Parganas, Kolkata 700049, beg to mention some facts which are as follows:-

1. That I am a citizen of India and residing in the above mentioned address since 05/12/2018.
2. That besides my house one iron goods manufacturing agency under the name and style of Sova Tools under proprietorship of Sangita Basak which is situated at 55/2, Saradmoni Road, P.O. & P.S. Nimta, Dist. North 24 Parganas, Kolkata 700049, manufacturing of Iron Goods has been running the said agency/business and the residential place of said Sangita Basak is 138, Najrul Sarani, Mathkal, Pump House, P.O. Rabindra Nagar, P.S. Dum Dum, Dist. North 24 Parganas, Kolkata 700065.
3. That at the time of running the agency/business of Sova Tools under the proprietorship of Sangita Basak a huge noise/sound as well as huge smell has been continuously emitted from the said agency which creates a tremendous nuisance in the locality.
4. That several times I requested to Smt Sangita Basak i.e. the proprietor of Sova Tools to stop the said agency, then she showed me a license vide serial no. 75156 and ID no. 17144, which was issued by your municipality.



33

5. That moreover the emission of such huge noise/sound and smell causes day to day noise/sound pollution and air pollution which creates the life of mine and my family members and also the life of other people of the locality miserable.
6. That as per registered sale deed of Sangita Basak, Dag number of her land is 9510 and as per B.L. & L.R.O. record of whole Dag number i.e. 9510 is 'Shali'.
7. That I really don't know how your municipality has issued license of such agency/business in the said 'Shali' land and in the habitat/locality of people to do such type of business which creates tremendous sound and air pollution regularly.
8. That regular sound and air pollution causes the life of mine and my family members and also the other local people miserable day by day and it became hazardous life to me in my house.
9. That several times I have requested to Smt Sangita Basak to stop such agency/business but she did not pay any attention to my words.

So, considering the above facts, it is my request before your good-self/authority concern immediately cancel the license of Sova Tools (Manufacturing of Iron goods) under the proprietorship of Smt Sangita Basak, otherwise my life and my family members and also the life of other local people is in great danger day by day.

Thanking you,

Yours faithfully,

Copy to:

Barnali Das
25.02.22
(SMT BARNALI DAS)





Annexure - P/2A
-34-

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

Memo No. 5L/WPB-2021/S-2983

Dated: -2022

PUBLIC GRIEVANCE CELL

Complainant (s)	Respondent (s)
Pijus Kanti Khanra	M/s Sova Tools Prop: Sangita Basak
Date: 10-03-2022	Time: 1:45 PM.

RECORD OF PROCEEDINGS

Mr. Bana Behari Das appeared on behalf of the complainant. Nobody appeared on behalf of the respondent unit.

This is a complaint against an iron vegetable cutter making unit, operating under the trade name M/s Sova Tools, allegedly causing noise pollution in the surrounding area during their cutting, grinding etc operations.

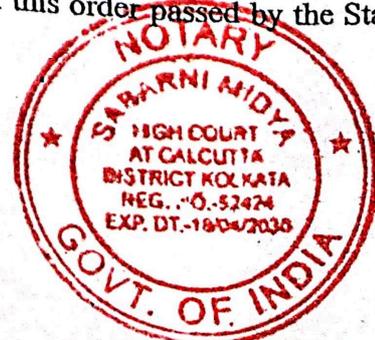
Complainant submitted that they are suffering from noise pollution due to the operations carried out by the respondent unit.

Considering the overall scenario and the submission of the complainant, we understand that the respondent unit will not be required to obtain consent to operate of the State Board as the activity of the respondent unit {*Engineering and fabrication units [dry process without any heat treatment / metal surface finishing operations / painting]*} falls under "White" industrial category of WBPCB. *M/s Sova Tools* is however directed to ensure that the sound levels generated during manufacturing operations do not exceed the ambient air quality standards in respect of *noise* as specified in the "Noise Pollution (Regulation and Control) Rules, 2000."

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

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

The Executive Officer, North Dum Dum Municipality and the General Manager, District Industries Centre, North 24 Parganas may be kept informed of this order passed by the State Board today.



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-2-

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

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

Sd/-
(B. Majumdar)
Environmental Engineer

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

Later at about 2.30 PM, Smt. Sangita Basak, proprietor of M/s Sova Tools, appeared in person and submitted a photo copy of trade license of the North Dum Dum Municipality for the year 2022-2023 for the trade of "Iron Goods Manufacturing".

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

Sd/-
(B. Majumdar)
Environmental Engineer

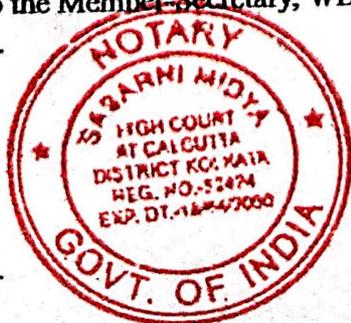
Sd/-
(M. Bandyopadhyay, WBJS)
Dist. Judge (Retd.)

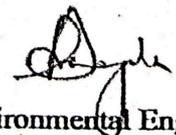
Memo No. 338 5L/WPB-2021/S-2983
(2)

Dated: 22-03-2022

Copy forwarded to:-

1. M/s Sova Tools, Prop: Smt. Sangita Basak, 138, Najrul Sarani (Pamp House), Beside Manosha Bari, PO: Rabindranagar, PS: Dum Dum, Dist: North 24 Parganas, Pin: 700049, West Bengal.
2. Mr. Pijus Kanti Khanra, 147/461, Saradamoni Road, P.S.: Nimta, Dist: North 24 Parganas, Pin: 700049, West Bengal.
3. The Executive Officer, North Dum Dum Municipality, 163, Madhusudan Banerjee Road, Birati, Kolkata, Pin-700051.
4. The Officer in Charge, Nimta Police Station, 217/A, Subodh Ch. Roy Sarani, Sibachal, Birati, Kolkata-700051.
5. The General Manager, District Industries Centre-North 24 Parganas, Hatipukur Road, Barasat Pin - 700124.
6. Chief Engineer (O & E Cell), WBPCB.
7. The Environmental Engineer & In-charge, Barrackpore Regional Office, WBPCB.
8. The P.A. to the Member-Secretary, WBPCB.
9. Guard File.




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

Subject Followup application with respect to memo 338-5L/WPB-2021/S-2983
To: [net.wbpcb-wb@bangla.gov.in <net.wbpcb-wb@bangla.gov.in>]
From pijus kanti khanra <pijus_khanra@yahoo.co.in>
Date Sun, 24 Apr 2022 at 10:28 am

Annexure - P13
36

Dear Sir/Madam,

I have received the ROP document with memo number "338-5L/WPB-2021/S-2983" for my complaint about noise pollution due to operation of M/S Sova Tools.

I beg to differ on some of your observations made on this issue. In ROP document, you have categorized this unit as White category as it is an {Engineering and fabrication unit[dry process without any heat treatment/ surface finishing operation / painting]}.

In the above description it is clearly shown that unit should not run any surface finishing operation to be categorized as White. However this unit's main work is to finish the surfaces of the vegetable cutter by using a grinding machine.

Along with that this unit also cuts wooden blocks into pieces to make the base of this vegetable cutter. I think this operation is similar to a saw mill and that comes into green category. And any green category factory needs your consent before starting operation.

Moreover, in the judgement, you have directed the unit to ensure that the sound levels generated during operations do not exceed the ambient air quality standard. and shall take necessary measures to control the sound within its premises so that people in the neighborhood may not suffer due to its activities.

However, I he unit started its operation from 15th April'2022 without taking any sound control measures. Police incharge of Nimta police station is also in doubt how to measure the sound and check if it exceeds the environmental norms. Police is asking us to contact your office for necessary actions.

I have measured with an app in my mobile, and it shows that sound level is getting around 70-80 db during its operation, which is way beyond the prescribed limit in an residential area. It is very disturbing to stay in our house during its operation.

When confronted the owner to take sound control measures, he says that WBPCB has categorized this unit as white so WBPCB certified that the sound is within limit. The owner is telling everybody in neighborhood that WBPCB has certified that its sound is within limit and hence categorized as WHITE.

I would humbly request you, that please step in to this matter and please visit the unit and check if the sound is within limit, and take necessary action. Please take necessary measures from your side, so that the unit runs its operations only after ensuring that the noise is within prescribed limit.

Thanking you,
Pijus Kanti Khanra
9830970708





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

Memo No. 5L/WPB-2021/S-2983

Dated: -2022

PUBLIC GRIEVANCE CELL

Complainant (s)	Respondent (s)
Pijus Kanti Khanra	M/s Sova Tools Prop: Sangita Basak
Date: 08-08-2022	Time: 12:15 PM.

RECORD OF PROCEEDINGS

Mr. Pijus Kanti Khanra, complainant, appeared in person. Smt. Sangita Basak, proprietor of M/s Sova Tools, appeared in person.

This is a complaint against an iron made vegetable cutter unit located at 55/2, Saradmoni Road, P.O.: Nimta, P.S.: Nimta, Dist: North 24 Parganas, Pin: 700049.

This complaint was previously heard by the Public Grievance Cell of the State Board on 10/03/2022 wherein the Environmental Engineer & In-charge of Barrackpore Regional Office of the State Board was requested to cause an inspection through his good office. Excerpts from the inspection report conducted on 27/05/2022, are given below:

“ Observation:

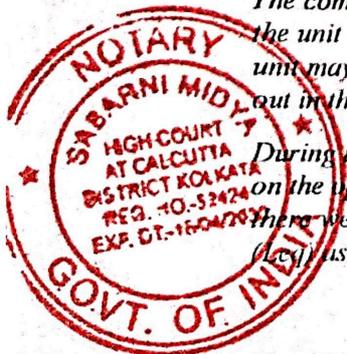
This is a public complaint regarding noise pollution against the above mentioned unit. This is a very small unit. The unit is involved in making iron vegetable cutter. The process involves hammering, cutting and grinding operations. The unit has a grinding machine positioned within the premises. The activity of the falls under White category of the State Board.

The unit is located in one small room with a single opening, in a predominantly residential area, at the corner of two streets, where auto rickshaws were plying. There are two more engineering units in the close proximity – one just adjacent to the said unit with a common wall and other on the opposite side of the street within 50 metres.

The concerned unit has obtained License from the North Dum Dum Municipality for ‘Iron Goods Manufacturing’.

The complainant lives in a two-storied building adjacent to the unit. However, there is no opening of the unit on the complainant’s side. There is only one opening of the unit facing one of the streets. The unit may be directed to conduct its activities within acoustic enclosures. No activities shall be carried out in the open area.

During inspection, the unit was partially in operation, one more engineering unit was also in operation on the opposite side of the road. The Auto rickshaws were also plying. Noise monitoring was done, but there were lot of noise interferences from other sources also. The Equivalent Continuous Sound Level (Leq) as measured near the gate of the complainant’s residence was found to be 81.09 dB(A).



Remarks:

The unit may be directed to abide by the following measures to control Noise Pollution -

- a) Adequate noise control measures to be taken by the unit.
- b) Noise control to be strictly ensured during cutting, grinding and hammering operations.
- c) Sound proof pads and/or ghas boards to be installed in the walls.
- d) Doors to be kept closed during the operation of the unit.
- e) The activity of the unit shall be restricted within 9AM and 6 PM only.

The complainant submitted that they continue to suffer from noise pollution owing to activities of the respondent unit. He further submitted that in addition to making of vegetable cutters, the respondent unit also cuts wooden blocks by a circular blade for making the base of the above stated cutter.

The respondent unit submitted a copy of trade license of the North Dum Dum Municipality for the year 2022-2023 for the trade of "Iron Goods MFG".

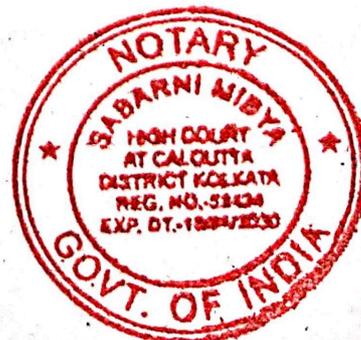
Considering the overall scenario, the contents of the inspection report and submission of the complainant and respondent, we hereby note from the inspection report that the activity of the unit will fall under "white" industrial category of WBPCB and will not require obtaining of consent of the State Board. M/s *Sova Tools* is hereby directed to:

1. Take adequate noise control measures which may include, but not limited to, measures like installation of acoustic insulation panels, use of rubber pads, shifting of noise producing equipment's etc., so that sound does not travel outside the respondent unit beyond the permissible limit;
2. Restrict operational time in between 9 AM to 6 PM;
3. Ensure that manufacturing/repairing activities are not under any circumstances be undertaken either in the open or on the municipal roadway.

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

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

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



34

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

Sd/-
(B. Majumdar)
Environmental Engineer

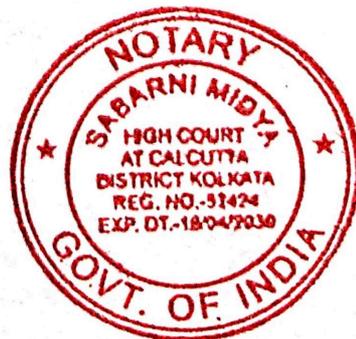
Sd/-
(M. Bandyopadhyay, WBJS)
Dist. Judge (Retd.)

Memo No. 1033 (2) SL/WPB-2021/S-2983
Copy forwarded to:-

Dated: 22-08-2022

1. M/s Sova Tools, Prop: Smt. Sangita Basak, 55/2, Saradamoni Road, P.O.: Nimta, P.S.: Nimta, Dist: North 24 Parganas, Pin: 700049.
- ✓ 2. Mr. Pijus Kanti Khanra, 147/461, Saradamoni Road, P.S.: Nimta, Dist: North 24 Parganas, Pin: 700049, West Bengal.
3. The Executive Officer, North Dum Dum Municipality, 163, Madhusudan Banerjee Road, Birati, Kolkata, Pin-700051.
4. The Officer in Charge, Nimta Police Station, 217/A, Subodh Ch. Roy Sarani, Sibachal, Birati, Kolkata-700051.
5. The General Manager, District Industries Centre-North 24 Parganas, Hatipukur Road, Office of the District Magistrate, North 24 Pgs., Barasat Pin - 700124.
6. Chief Engineer (O & E Cell), WBPCB.
7. The Environmental Engineer & In-charge, Barrackpore Regional Office, WBPCB.
8. The P.A. to the Member-Secretary, WBPCB.
9. Guard File.


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



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Amexure - P15

-40-

Item No. 4

31.08.2022
Ct-24

In The High Court At Calcutta
Constitutional Writ Jurisdiction
Appellate Side

WPA 7920 of 2022
Smt. Barnali Das (Khara)
v.
State of West Bengal & Ors.

Mr. Anjana Banerjee
... for the writ petitioner.

Mr. Gousul Alam
Mr. Syed Nasirul Hossain
Mr. Sougata Mitra
... for the State respondents.

Learned advocate for the petitioner submits that there are several incurable defects in the writ petition and accordingly prays leave to withdraw the writ petition with liberty to file afresh on the selfsame cause of action.

Such prayer is allowed.

The writ petition stands dismissed as not pressed with liberty to file afresh with proper and better particulars.

Instruction given by the petitioner to the learned advocate be retained with the records.

Urgent photostat certified copy of this order, if applied for, be given to the parties after completion of all legal formalities.

Sh

(Amrita Sinha, J.)



To
The Chairman
North Dum Dum Municipality

33 Annexure-P/6
-41-

Sub: সাক্ষরতা বাঁচি কারখানার প্রায় ১০০০ জন শ্রমিকের
সম্মতিপত্রের আবেদন।

স্বাভাবিক,

আমার যিনি নিম্নলিখিত এই হল, আমি North Dum
Dum Municipality এর ২২ নং Ward এর অন্তর্গত 147/461,
Sardarmoni Road Kol-49, এই স্থানের বসবাস করছি,
আমার বাড়ির ঠিকানা- পূর্ব কলকাতার কাছাকাছি ডিমিত্তে একটি
বাঁচি কারখানার কারখানা চালু হয়েছে, এই কারখানার জীব ও
অধিকার আওতাধীন কারখানা আমায় হীনমণি জীবনযাপন
অসহনীয় হয়ে উঠেছে,

এই ক্ষেত্রে আমি গত 25/2/22 তারিখে, একটি আবেদন
জমা করেছিলাম যাতে গত 18/8/22 তারিখে আমায় অধিকৃত
একটি Hearing এর জন্য ডাক্তার হয়েছিল,

Hearing টি কার্যকর হয়নি কারণ আমায় অজান্তে
আমায় উক্ত প্রশাসন High Court এ একটি writ petition
মাফিল করে নিয়েছিলেন,

আমায় এই তথ্যটি জানতে পেরে, আমায় উক্ত পূর্ণ
আমায় হেঁচক, এই Petition টি গত 31/08/22 তারিখে
Withdraw করে নিয়েছি।



PTO

H. Chak
05/09/22

6/2

~~33A~~

42

To
The Chairman
North Dumdum Municipality

Subject : Application for solution of Noise
pollution problem from the "Gati
Factory" in the nearby area.

Sir,

I humbly submit that I live at No. 147/461
Sarodamoni Road Kolkata 49 Ward No. 22 of North
Dumdum Municipality.

On the land adjoining to my house on the North
East corner a Factory for making Gati Vegetable
chopper has been started. Because of continuous and
shrill noise from this factory our daily life is
becoming unbearable.

I have made an application for this on 25.02.22
and I was called to your office on 18.08.22 for a
hearing.

The hearing was not held because without our
knowledge our lawyer has filed a Writ petition on the
Hon'ble High Court.



34 43

ଅନ୍ତର ଆକାର ସିନିଟ ଆକାର ଏହି ଯେ,
ଓମ୍ବନି ଆକାର ଏହି ଆକାରରେ ହେବା ସମ୍ଭବ ସୁନାମ
ଏକାଧିକ Hearing ବାବଦ ଆକାର ଇତ୍ୟାଦି ଇତ୍ୟାଦି ବାବଦ
ସାବିତ ଧରଣ,

କ୍ରିୟାମାତ୍ର

ଶ୍ରୀ ସିନିଟ

Date

Bannabi Das (Khanna)

147/461, Saradamonir Road
Kolkata - 49

Enclosure

Ph - 9830970708
9874334565

1. Last hearing Notice
2. Writ Petition Withdrawn Status



After coming know about this I placing has withdrawn on said petition on 31.07.22.

(Page - 2)

Hence it is my humbly submission that you upon taking this application by fixing another date of hearing again kindly solve my problem. I shall be oblige for the same.

With thanks

Dated -

Enclosure :

- 1) Last hearing Notice
- 2) Petition withdrawn status

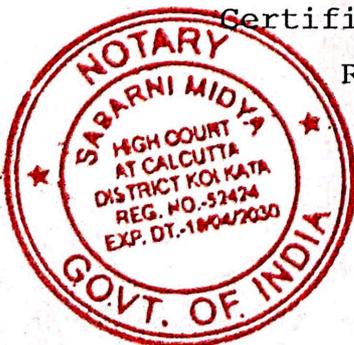
Yours humbly

Barnali Das (Khanra)

147/461 Saradmoni Road Kolkata 49

Phone 9830970708

9874334565



Certified to be the English translation of Representation made in Bengali

R Islam
03.09.25

R Islam
Md. Senior Interpreting Officer (C),
Q.S. High Court, Calcutta

Annexure - P/7

- 45 -



NORTH DUM DUM MUNICIPALITY

163, M.B.ROAD, BIRATI, KOLKATA - 700051
PHONE: (033) 2514-2101 / 2514 - 2494, FAX-(033)2514-2990
Website: <http://www.northdumdummunicipality.org>
E-mail ID: northdumdum@gmail.com

Memo No.NDDM/License/768

Date: 16.02.2023

To
Smt. Sangita Basak (Proprietor of Sova Tools)
55/2, Saradmoni Road, P.O. & P.S. Nimta
Ward No. 22, Kolkata - 700049

Sub: Communication of the Order dated 28.12.2022

Madam,

Please find enclosed an attested copy of the Order dated 28.12.2022 for your necessary action.

sdt

Chairman
North Dum Dum Municipality

Encl: Copy of the Order dated 28.12.2022.

Memo No. NDDM/License/768/1(4)

Date: 16.02.2023

Copy forwarded for information to:

1. The Executive Officer, North Dum Dum Municipality.
2. The Officer-in-Charge, Nimta P.S.
3. The Ward Councilor, Ward No. 22, North Dum Dum Municipality.
4. Smt. Barnali Das Khara of 147/461, Saradmoni Road, Nimta, Kolkata - 700049

[Signature]

Chairman
North Dum Dum Municipality

Chairman
North Dum Dum Municipality



36 46

**NORTH DUM DUM MUNICIPALITY
BIRATI
ORDER SHEET**

Date of Hearing : 28.12.2022

Nature of Case : Complaint against Smt. Sangita Basak, proprietor of Sova Tools for running a workshop for making iron vegetable cutters at Holding No. 55/2, Saradmoni Road, P.O. & P.S. Nimta, Ward No. 22, Kolkata – 700049 causing health hazard to the neighbours on account of noise pollution.

In response to the written complaint dated 25.02.2022 from Smt. Barnali Das Khara of 147/461, Saradmoni Road, Nimta, Kolkata – 700049 against Smt. Sangita Basak, proprietor of Sova Tools of 55/2, Saradmoni Road, P.O. & P.S. Nimta, Ward No. 22, Kolkata – 700049 for running a workshop for making iron vegetable cutters in the residential area and causing health hazard to the neighbours on account of noise pollution. A spot inquiry was conducted by the officials of the License Department of the Municipality on 06.06.2022 and found there was substance in the complaint.

Thereafter, a hearing was called on 18.08.2022 at 1.00 p.m. but the hearing was suspended on account of a pending Writ Petition being WPA No.7920/2022 [Barnali Das Khara Vs. State of West Bengal & Ors.] filed by the Complainant Smt. Barnali Das Khara on the selfsame cause of action before Hon'ble Justice Amrita Sinha of the High Court, Calcutta.

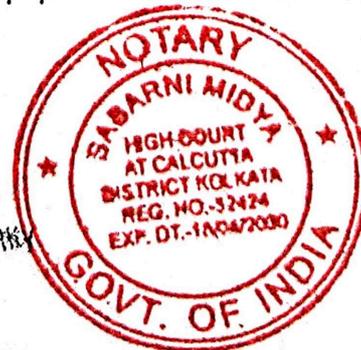
The Complainant Smt. Barnali Das Khara subsequently applied to the Municipality on 03.09.2022 informing about '*dismissed as not pressed with liberty to file afresh with proper and better particulars*' of the above writ petition and prayed for granting her a hearing of her complaint dated 25.02.2022 enclosing the server copy of the order dated 31.08.2022 passed by the Hon'ble Justice Amrita Sinha of High Court, Calcutta in WPA/7920/2022 [Barnali Das Khara Vs. State of West Bengal & Ors.]. (Copy enclosed).

Pursuant to her application a hearing was called on 28.12.2022 at 1.30 P.M. vide this office Memo No. NDDM/ License/8000 dated 16.12.2022 requesting both the rival parties to attend the hearing with relevant documents in original in the Chamber of the undersigned.

Both Smt. Barnali Das Khara and Smt. Sangita Basak, proprietor of Sova Tools attended the hearing and made their respective submissions.



Attested
[Signature]
Executive Officer
North Dum Dum Municipality



Contd.P/2

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-2-

The undersigned, after examining the documents produced before him including the direction of the West Bengal Pollution Control Board (Department of Environment, Government of West Bengal) (Public Grievance Cell), Mani Square, Block/Space-8IT, 8th Floor, 164/1, Maniktala Main Road, Kolkata – 700054 vide Memo No. 1033(3)SL/WPB-2021/S-2983 dated 22.08.2022 (copy enclosed) and hearing the submissions and counter submissions of the rival parties as well as the officials of the Municipality it is decided to direct Smt. Sangita Basak, proprietor of Sova Tools of 55/2, Saradmoni Road, P.O. & P.S. Nimta, Ward No. 22, Kolkata – 700049 to '1. Take adequate noise control measures which may include, but not limited to, measures like installation of acoustic insulation panels, use of rubber pads, shifting of noise producing equipment's etc., so that sound does not travel outside her unit beyond the permissible limit; 2. Restrict operational time in between 9 AM to 6 PM, 3. Ensure that manufacturing/repairing activities are not any circumstances be undertaken either in the open or on the municipal roadway, and 4. Maintain environmental norms strictly and take all necessary measures so that people living in the neighbourhood may not suffer due to its activities in any way, whatsoever'

The above directions shall be complied by Smt. Sangita Basak, proprietor of Sova Tools of 55/2, Saradmoni Road, P.O. & P.S. Nimta, Ward No. 22, Kolkata – 700049 within a period of one month from the date of receipt of this order and submit a compliance report to the Municipality within seven days thereafter failing which the Municipal Authority will be at liberty to initiate appropriate action in accordance with law.

The concerned department of the Municipality is directed to communicate the order to the respective parties under usual undertakings.

Sd/-
Chairman,
North Dum Dum Municipality

Sd/-
Smt. Lopamudra Dutta Chowdhury
Vice-Chairman
North Dum Dum Municipality

Sd/-
Executive Officer
North Dum Dum Municipality

Sd/-
Smt. Basanti Dey Biswas, CIC
North Dum Dum Municipality

Sd/-
Smt. Mahua Sil, CIC
North Dum Dum Municipality

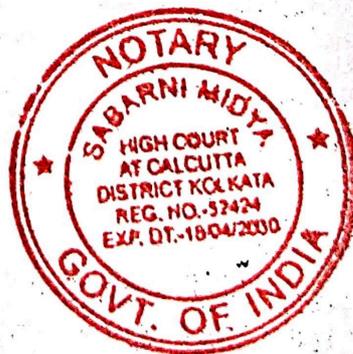
Sd/-
Sri Soumen Dutta, CIC
North Dum Dum Municipality

Sd/-
Sri Bindu Madhab Das, CIC
North Dum Dum Municipality

Date: 28.12.2022



Attested
Executive Officer
North Dum Dum Municipality





NORTH DUM DUM MUNICIPALITY Annexure P/7A

163, M.B.ROAD, BIRATI, KOLKATA - 700051
PHONE: (033) 2514-2101 / 2514 - 2494, FAX-(033)2514-2990
Website: <http://www.northdumdummunicipality.org>
E-mail ID: northdumdum@gmail.com

Memo No.NDDM/License/1429/3

Date: 20/3/23

To:

1. The West Bengal Pollution Control Board
Department of Environment, Government of West Bengal
(Public Grievance Cell)
Mani Square, Block/Space-SIT, 8th Floor
164/1, Maniktala Main Road, Kolkata – 700054
2. The Police Commissioner
Barrackpore Police Commissionerate
Barrackpore
Dist. North 24 Parganas
3. The Inspector-in-Charge
Nimta Police Station
Kolkata - 700051.

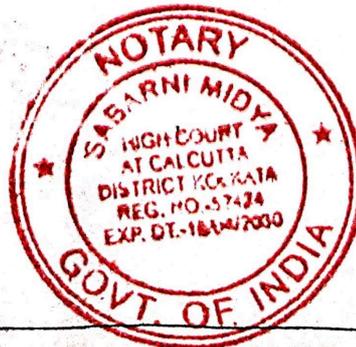
Sub: Complaint against Smt. Sangita Basak proprietor of Sova Tools running a workshop at 55/2, Saradamoni Road, P.O. & P.S. Nimta, Ward No. 22, Kolkata – 700049 for making iron vegetable cutters in the residential area and causing health hazard to the neighbours on account of noise pollution.

Re: Order of the Municipality dated 28.12.2022

Sirs,

In response to the complaint of Smt. Barnali Das Khara of 147/461, Saradamoni Road, Nimta, Kolkata – 700049 against Smt. Sangita Basak, proprietor of Sova Tools of 55/2, Saradamoni Road, P.O. & P.S. Nimta, Ward No. 22, Kolkata – 700049 for running a workshop and making iron vegetable cutters in the residential area and causing health hazard to the neighbours on account of noise pollution. A spot inquiry was conducted by the officials of the Municipality and found there was substance in the complaint.

Thereafter, a hearing was called on 28.12.2022 at the Municipality vide Memo No. NDDM/License/8000 dated 16.12.2022 wherein both the rival parties attended the hearing and made their respective submissions.



Contd. P/2

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The undersigned, after hearing the submissions and counter submissions of the rival parties as well as the officials of the Municipality and examining the documents produced before him including the direction given by the West Bengal Pollution Control Board (Department of Environment, Government of West Bengal) (Public Grievance Cell), Mani Square, Block/Space-8IT, 8th Floor, 164/1, Maniktala Main Road, Kolkata – 700054 vide Memo No. 1033(3)5L/WPB-2021/S-2983 dated 22.08.2022, directed Smt. Sangita Basak, proprietor of Sova Tools of 55/2, Saradmoni Road, P.O. & P.S. Nimta, Ward No. 22, Kolkata – 700049 to ensure the following within a period of one month from the date of receipt of the order and submit a compliance report to the Municipality for reference and record:-

1. Take adequate noise control measures which may include, but not limited to, measures like installation of acoustic insulation panels, use of rubber pads, shifting of noise producing equipment's etc., so that sound does not travel outside her unit beyond the permissible limit;
2. Restrict operational time in between 9 AM to 6 PM,
3. Ensure that manufacturing/repairing activities are not any circumstances be undertaken either in the open or on the municipal roadway, and
4. Maintain environmental norms strictly and take all necessary measures so that people living in the neighbourhood may not suffer due to its activities in any way, whatsoever'

As no compliance report has been received from Smt. Sangita Basak, proprietor of Sova Tools of 55/2, Saradmoni Road, P.O. & P.S. Nimta, Ward No. 22, Kolkata – 700049, we request you to please take appropriate action against Smt. Sangita Basak, proprietor of Sova Tools of 55/2, Saradmoni Road, P.O. & P.S. Nimta, Ward No. 22, Kolkata – 700049 in accordance with law under advice to us.

Encl: (i) Order of the Municipality dated 28.12.2022.
(ii) Memo No. 1033(3)5L/WPB-2021/S-2983 dated 22.08.2022 of the West Bengal Pollution Control Board (Department of Environment, Government of West Bengal) (Public Grievance Cell), Mani Square, Block/Space-8IT, 8th Floor, 164/1, Maniktala Main Road, Kolkata – 700054.

[Signature]

Chairman
North Dum Dum Municipality
North Dum Dum Municipality
Date:

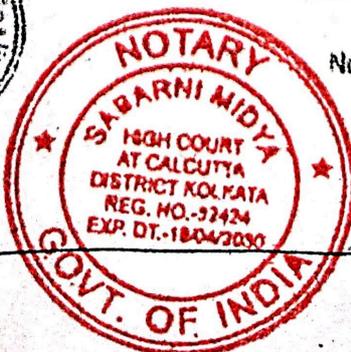
Memo No. NDDM/License/1499/3(1)

Copy forwarded for information to:

✓ Smt. Barnali Das Khara of 147/461, Saradmoni Road, Nimta, Kolkata – 700049.

[Signature]

Chairman
North Dum Dum Municipality
Chairman
North Dum Dum Municipality



To
The Chairman
North Dum Dum Municipality

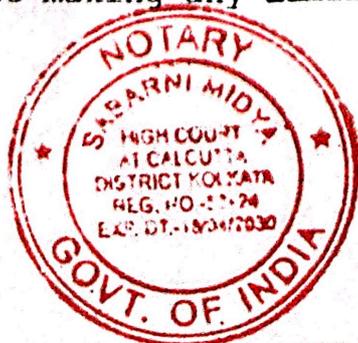
Subject: Subsequently application regarding
hearing/order dated 28.12.2022
(Memo No. LDDL/license/868/1(4)).

Sir,

I humbly submit that I am living at No. 147/461 Sarodamoni Road Kolkata 49 under Ward No. 22 of North Dum Dum Municipality on the land adjoining to my house on the North East corner because of noise pollution from one Gati Factory our normal life and living is being hampered.

I had submitted an application to this effect on 03.09.22 A.D last and a hearing was held on 28.12.2022 in your office. You have directed Smt. Sangita Basak the proprietor of said Gati Factory she take all noise pollution resistance and steps and ensure them, so that the noise beyond tolerable limit does not come out of her factory.

However she have been running the factory without making any **admiring** for noise resistance.



That it is my submission to you kindly take proper steps and solve our problem and oblige us.

With thanks

Enclosure herein order.

Yours humbly

Barnali Das (Khanra)

147/461 Saradmoni Road Kolkata 49

Phone 9830970708

9874334565

Sd/- illegible
13.07.23

R

Certified to be the English translation of
Representation made in Bengali

[Handwritten Signature]
03.09.25

[Handwritten Name]
Rtd. Senior Interpreting Officer (Sr.)
O.S. High Court, Calcutta



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NDDM Municipality, 20-03-23 তারিখে
 Nimta Police Station হতে অনুরোধ করা হয় উক্ত প্রকল্পের
 জন্য, স্থানীয় কাগজখানাটি সহ প্রকল্প আবেদন আবেদন করে
 জানানো হলে এখান হতে Compliance Report তৈরি করা
 হয়।

অতিরিক্ত, সহকারী, আফিসার দ্বারা অনুরোধ করা হলে,
 যেখানে আফিসার এই আবেদনটি প্রেরণ করে, উক্ত প্রকল্প
 প্রকল্পের আবেদন এই ক্ষেত্রে প্রকল্পের বিপরীতভাবে এতে যোগ
 করা হয়েছে তাই।

স্বাক্ষর

স্বাক্ষর

Barnali Das Khanra

147/461, Sarada moni Road

Kol - 49

Date: 9.1.24

Received
But Content not verified

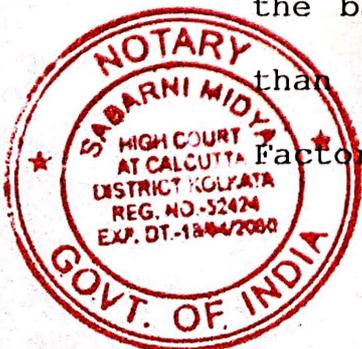


To
The Officer-in-Charge
Nimta Police Station
Kolkata 700051.

Sir,

I humbly submit that I have been living at 147/461 Sarodaoni Raod Kolkata 49 under your Police Station by constructing a house from October 2020 on the North East corner of our house approximately from order to 2021 a Gati Factory have been started. Address Sova Tools 55/2 Sarodamoni Road P.S. Nimta Kolkata 49. Because of heavy ad continuous sound emitting from the said Factory noise pollution is being created and our daily life is being hampered because of the same.

We had made an application to this effect to WBPCB West Bengal Pollution Control Board and North Dumdum Municipality for solution of this problem. On the basis of the said application WBPCB after more than one hearing give direction on 22.08.22. this Factory be have to in falls type of noise resistance



regard and it will have to ensure that no noise goes outside the permissible limit of this factory even after this direction this factory is functioning without taking any noise resistance steps.

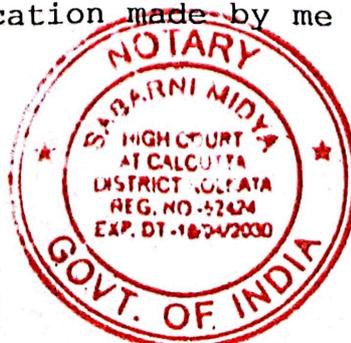
After that NDBL Municipality on the basis of our application held therein on 28.12.2022 on directed that the Factory to be delayed on the order of WBPCB and submit it compliance record within one month. However the Factory owner without complying the order have been running the Factory without any noise resistance step.

(Page - 2)

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NDM Municipality requested Nimta Police Station on 20.03.23 for taking proper steps because the falconry securing all kinds of order is running. This time no compliance reports have been submitted.

Hence Sir it is my humbly request to you, you by taking this application made by me and taking proper



steps will protect us from this noise pollution
horror and we shall be obliged.

With thanks

Date - 09.01.24

Submitted Barnali Das (Khanra)
147/461 Saradamoni Road
Kolkata 49.

Receipt

The contents not verified

Sd/- illegible

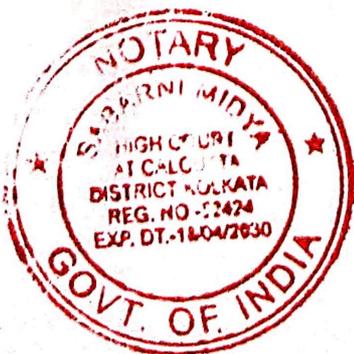
P-3

Certified to be the English translation of
Representation made in Bengali

[Handwritten Signature]

08/09/25

K. Islam
Rtd. Senior Interpreting Officer (C)
S. High Court, Calcutta



To

The Chairman North Dumdum Municipality

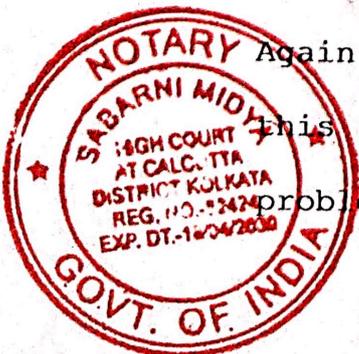
Subject: Follows that us application regarding hearing/order dated 28.12.2022 (Memo No. NDM/Licence/768/1(4)).

Sir,

I humbly submit that am living at No. 147/461 Sarodamoni Road Kolkata 49 Ward No. 22 of North Dumdum Municipality on the North East Corner of the land of my house because of noise pollution because a Gati Factory our normal live is being hampered.

I have made an application to this effect on 03.09.22 and a hearing was held in your Office on 28.12.2022 you have directed the proprietor of the said Gati Factory Smt. Sangita Basak to ensure the implementation of all noise resistant save so that noise outside her factory beyond the tolerable limit does not come however she has been continue to run the factory without taking any noise resistance step.

Again I have submitted an application for solution of this problem in your office on 13.7.23. However this problem, of mine has not been solved yet. She has



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অশ্রমিক আশ্রমিক বর্গে আশ্রমিক আশ্রমিক প্রদেয়,
আমনি উসখুও- স্মারক প্রদান করে আশ্রমিক প্রদেয়
সম্মানিত বর্গের ব্যক্তি ব্যক্ত,

স্বাক্ষর

স্বাক্ষর

Date

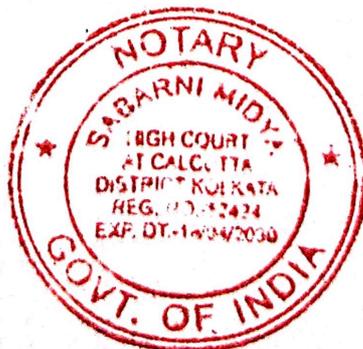
Enclosure : Hearing order.

Baronali Das (Khanra)

147/461, Saradamoni Road,

Kol- 49

9830970702/9874334565



been running the factory without any resistance step.
Our daily life is being hampered because of
continuous free noise.

(Page - 2)

Sir, it is my request to you by taking proper steps
solve our problem and oblige.

With thanks

Enclosure hearing order

Yours humbly
Barnali Das (Khanra)
147/461 Saradmoyee Road Kolakta 49
Phone 9830970708
9874334565

(Seal)

Certified to be the English translation of
Representation made in Bengali

[Handwritten Signature]
02.09.25

[Handwritten Signature]
Rtd. Senior Interpreting Officer (G.)
O.S. High Court, Calcutta



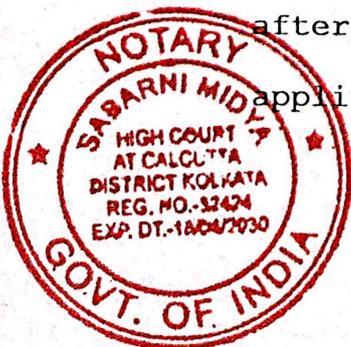
To
The Officer In-Charge
Nimta Police Station
Kolkata 700051.

Subject: Application for taking proper steps
solve noise pollution from the nearby factory.

Sir

My humbly submit that I have been living at No.
147/461 Sarodamoni Road Kolkata 49 under your Police
Station by constructing a house from October 2020 on
the North East corner of our house a Gati making
factory has been started from about August 2021
address is Sova Tools 55/2 Sarodamoni Road P.O. and
P.S. Nimta Kolkata 49 because of continuous and free
noise premising out of this factory noise pollution
is taking place because of this our normal life is
being hampered.

We have made application to WBPCB (West Bengal
Pollution Control Board) on North Dumdum Municipality
to this effect for the solution of the problem WBPCB
after more than one hearing on the basis of this
application gave direction on 22.07.22 for taking all



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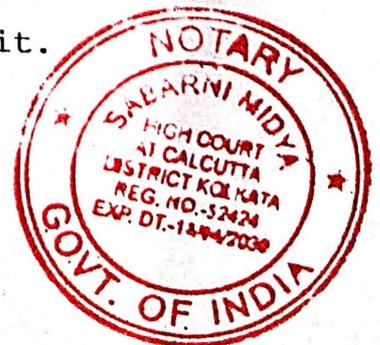
typed of noise resistance steps in the said factory and to ensure that the noise beyond the tolerable limit does not come from the factory.

After that Northern Dum Dum Municipality on the basis of my application held hearing on 28.12.2022 and directed that the Factory took implement the order of WBPCB and to submit compliance report within one month.

(Page - 3)

However the owner of the factory without complying the order, and without taking any noise resistant measure has been running the factory NDM Municipality has requested on 20.03.2023 to WBPCB and Nimta Police Station for taking proper steps.

On the basis of the said application WBPCB conducted his section on 09.02.24 and found that the factory has not carried the direction and noise is remedying 79.63 (DGB) decimals. Out of the factory which is higher than the acceptable limit.



PS

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On the basis of the said inspection WBPCB held further hearing on 19.03.24 and directed that by 31.5.24 all kinds of directions given by the WBPCB would to be complied with, otherwise this factory will have to be take closed.

The direction which WBPCB which was given the WBPCB to Nimta P.S. for inspecting the same and for taking steps which is the direction violated.

The factory without taking any kind of steps has been running the Factory in the said manner.

Hence sir you by admitting this application take proper steps and said us from this noise pollution horror and oblige.

Dated

Yours humbly
(Barnali Das (Khanra)
177/461 Sarodamoni Road
Kolkata 49

Certified to be the English translation of
Representation made in Bengali



[Handwritten Signature]
03.09.25

[Handwritten Signature]
R. K. Das
Bd. Senior Interpreting Officer
C.S. High Court, Kolkata

47A

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To
The Chairman
North Dumdum Municipality

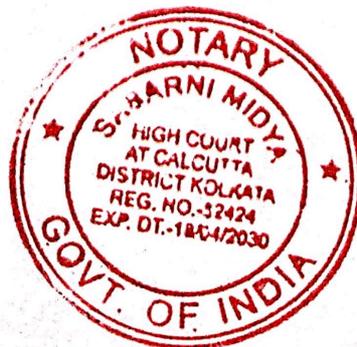
Subject : Application for taking proper steps
to prevent noise pollution from the
side by factory.

Sir,

I humbly submit that I live at No. 147/461
Sarodamoni Road Kolkata 49 under ward No. 22 of North
Dumdum Municipality. Because of the noise pollution of
the Gati Factory under the name of Sova Tools adjoin to
the land on the North East corner of my house our
normal life is being hampered.

On the basis of my application is being effect
your Office held a hearing on 28.12.2022 you have given
instruction to the owner of the said Gati Factory Smt.
Sangita Basak to take all kinds of noise pollution
resistant reason, so that noise beyond the tolerable
limit does not go outside the factory.

As they did not comply with the said direction
your office informed WBPCB on 20.3.23 for taking proper
steps.



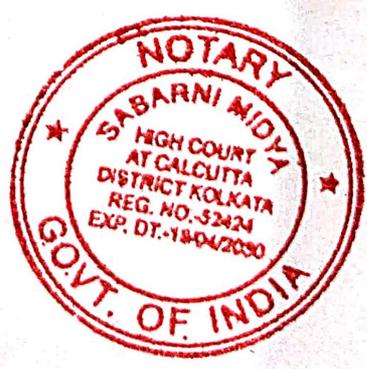
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স্বাক্ষর, মোহর বিধি অনুযায়ী হইবে, মোহর
মোহর হইবে মোহর হইবে মোহর, উৎসুক প্রায় প্রায় হইবে,
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মোহর হইবে মোহর

Date 13/6/24

শ্রী শ্রী

Bannali Das Khanna
147/461, Saradamoni Road
KOL - 49



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In that connection WBPCB on 09.02.24 by conducting inspection found that the factory have not carried out any direction and noise with 79.63 DB (1) is emitting out of the Factory which much above the tolerable limit. On the basis of the said inspection WBPCB held further hearing on 19.03.24 and directed that all the direction of WBPCB who have to be carried out by 31.5.24 otherwise after 31.5.24 the factory would have to be closed. The factory without taking any steps has been running the factory in the said manner.

(Page - 3)

Sir, I humbly submit that you by accepting this application made by me and taking proper steps. Save us from this noise pollution Horror and oblige.

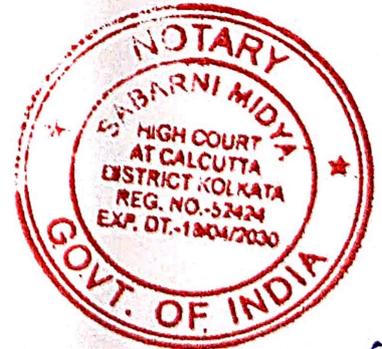
Dated 13.06.24

Finis -

Submitted
Barnali Das (Khanra)
147/461 Sarodamoni Road
Kolkata 49.

(Seal)

Sd/- illegible
13.06.24



Certified to be the English translation of
Representation made in Bengali.

Rafiqueul Haque

03/09/25

R Rafiqueul Haque
Md. Senior Interpreting Officer (C-1)
O.S. High Court, Calcutta

Per
GD

To
The Sr. Scientist & Incharge,
P.G. Cell
West Bengal Pollution Control Board



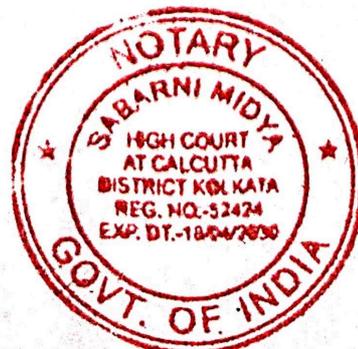
Sub: Follow-up complaint against M/s Sova Tolls due to non-compliance of the WBPCB order dated 05-04-2024(Memo No.811- 5L/WPB-2023/S-3154)

Dear Sir/Madam,

With this letter, I would like to bring to your kind attention that M/s Sova Tools is not following any guidelines directed in your order dated 05-04-2024. In the order, you have directed them the following:

1. To obtain consent to operate under orange category, in the event of having facility of open hearth- furnaces, by 31st May 2024.
 2. To avoid nuisance which may be caused from noise by taking adequate noise control measures which may include, but not limited to, measures like installation of acoustic insulation panels and noise barriers, use of rubber pads, shifting of noise producing equipment's etc., so that sound does not travel outside the respondent unit beyond the permissible limit.
 3. To keep their manufacturing/repairing activities within covered space.
 4. Manufacturing activities is to be restricted from 9AM to 6 PM only with a proper recess time in between.
- During the hearing on 19-03-2024, the proprietor of Sova Tools falsely claimed that they were no longer using the open-hearth furnace. However, I have video evidence proving that the furnace is still being used intermittently. They haven't obtained any CTO under orange category for the same.
 - They also cut wooden blocks by steel saw cutting circular blade sometimes to make the base of the vegetable cutter.
 - They don't obey the timeline directed by WBPCB.
 - During the hearing, they claimed to be facing financial difficulties and requested additional time to implement the noise-control measures. However, I have observed that they regularly install furniture, showcases, and other items, yet claim they lack the funds to comply with the noise control measures mandated by the WBPCB. I would also like to bring to your attention that the proprietor's husband, who works in the government sector, is the one managing and running the factory. In my opinion, the factory is merely in the wife's name to avoid legal complications, and their alleged financial problem is a complete fabrication.
 - This matter is being heard at your office since 10-03-2022, meaning nearly three years have passed, with four hearings already conducted. In my opinion, if they had genuine intentions, this would have been more than enough time to implement the necessary measures. However, it seems they are indifferent to the potential harm caused by noise pollution, which is why they are reluctant to take any meaningful action.
 - The ongoing continuous noise pollution has caused us significant health issues. My husband has partially lost hearing in his right ear, and this is also taking a toll on our mental well-being.

As per your order, they should have ceased operations after 31-05-2024 due to their failure to implement the required measures. However, the reality is that they are still fully operating without taking any such actions.



P.T.O

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You have also requested "The Officer in Charge, Nimta Police Station" to oversee the compliance of this order and to take necessary action in accordance with law. We have approached Nimta police station to take necessary action.

However, the police stated that they are unable to take any action as there is no direct order to close the factory. According to them, your order instructs Sova Tools to cease operations after 31.05.24, but it does not provide explicit guidance to the police on what to do if the factory fails to implement the required measures by that date. Additionally, they mentioned that they lack the expertise to verify whether the factory has complied with WBPCB's guidelines. As a result, they have advised us to request that WBPCB conduct a final inspection and issue a clear directive to the police on whether the factory should be shut down or allowed to continue operating.

Therefore, considering all the above facts, I would urge you to look into this matter and conduct an inspection at the earliest to check if the factory has complied to any of your given guidelines and give a direct order to police to act upon.

we will be highly obliged if you consider my application and take the necessary steps to protect us from this harmful environment.

Thanking You,

Date: 20.09.2024

Enclosure: Previous orders copy

Yours Faithful

Barnali Das Khanna.
147/461, Saradamoni Road
Kolkata-700049
Ph: 9874334565/9830970708



73 ST Annexure P/14



LIFE
Lifestyle For
Environment

WEST BENGAL POLLUTION CONTROL BOARD
(Department of Environment, Govt. of West Bengal)
Mani Square, 8th floor
Block / Space-8IT on Western Side.
164 / I, Maniktala Main Road, Kolkata-700054.
Ph- 033-2202 3130, Website : www.wbpcb.gov.in
e-mail: net.wbpcb-wb@bangla.gov.in

Memo No. 179-5L/WPB-2024/S-3154

Dated: 24-01-2025

PUBLIC GRIEVANCE CELL

Complainant (s)	Respondent (s)
Barnali Das Khara	M/s Sova Tools Prop: Sangita Basak
Date: 09-01-2025	Time: 12:45 PM.

RECORD OF PROCEEDINGS

In continuation of the ROP dated 19/03/2024 over the complaint of Smt. Barnali Das Khara, against a unit engaged in iron made vegetable cutter manufacturing unit run by the respondent M/s Sova Tools, matter has been fixed this day on the basis of action taken report dated 05/12/2024, following a report on physical inspection of the unit, by the In-charge of Salt Lake Regional Office of the WBPCB.

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

Observation:

The unit is engaged in manufacturing of iron vegetable cutter(botty). During inspection the shop/karkhana was open (Pie-1) and it was recess time for lunch. The workers stated that they worked from the morning and will again start the work after few minutes. During inspection one no. coal fired tiny movable oven was found (Pie-2). During inspection, no one found from the complainant's side. The complainant's house was found under lock & key.

The unit has obtained valid trade licence from North Dum Dum Municipality (copy enclosed). They have made false celling for the roof of the unit, no cladding has been made for wall of the unit.

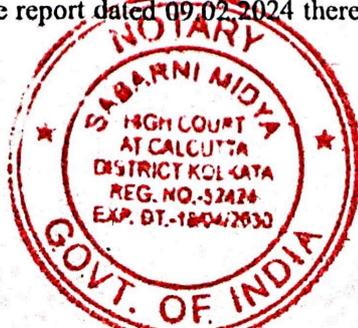
Earlier, on the basis of inspection conducted by the State Board on 09.02.2024 a hearing was conducted by the P.G. Cell of the State Board and issued some direction to the unit vide memo no. 1949-5L/WPB- 2023/S-3154 dated 25.09.2024. In the said direction the State Board directed to the unit not to operate after 31 May 2024 if they failed to comply with the State Board direction. But during inspection it was found that the unit was operating violating the State Board direction.

Therefore, notice has been issued upon the parties above further to hear out them over the issue. Then one, Smt. Barnali Das Khara, complainant, appeared as well Smt. Sangita Basak, proprietor of said M/s Sova Tools/respondent, appeared.

During hearing complainant submitted that stringent action may take for not complying the direction of the Board by the Respondent.

Respondent submitted to reconsider the earlier direction of the ROP dated 19.03.2024 on the basis of latest inspection report. She claimed that her unit is tiny in nature, having one small coal fired moveable oven and one grinder machine. She furnished an application to that effect.

We have perused the earlier inspection reports, including the last one. All such report speak about the nature of the unit as *white* category. In the report dated 09.02.2024 there is mentioning of *one no. coal fired*



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tiny open-hearth furnace with blower. Which led this forum to determine the category of the respondent's unit as 'Orange' and direction was so passed.

The last inspection report of the unit has no mentioning or existing of any open-hearth furnace. So, the respondent's unit is now found carrying the nature of white/exempted category.

Accordingly considering the present scenario, the earlier direction dated 19.03.2024 is required to be modified with the following direction ie respondent should run her unit

1. *Avoiding nuisance which may be caused from noise by taking adequate noise control measures which may include, but not limited to, measures like installation of acoustic insulation panels and noise barriers, use of rubber pads, shifting of noise producing equipment's etc., so that sound does not travel outside the respondent unit beyond the permissible limit.*
2. *Keeping their manufacturing/repairing activities within covered space.*
3. *Manufacturing activities is to be restricted from 9AM to 6 PM only with a proper recess time in between.*

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

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

The Officer in Charge, Nimta Police Station is requested to oversee the compliance of this order.

Sd/-
(Dr. D. Chakraborty)
Sr. Scientific Officer & In-charge, P.G. Cell

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

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

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





Annexure - 8/15
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Date : 23.02.2025

To

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

Sub: Non- compliance of the order dated 24.01.2025 passed
by the West Bengal Pollution Control Board

Sir,

The undersigned begs to present his case in regard to noise pollution due to the operations carried out by Sova Tools (Iron Goods like Boti, Katari etc. and Wooden base of the Boti MFG) Industry and also for non- compliance of the order dated 24.01.2025 passed by the West Bengal Pollution Control Board and the undersigned is writing as follows:

1. One Sangita Basak is a proprietor of an Iron Goods manufacturing factory, which is run under the name and style of "Sova Tools". The said manufacturing unit is being carried on in a room lying and situated at the northern direction adjacent to the residential house of the undersigned.
2. It is mentioned that the said manufacturing unit is producing Iron Goods like Boti, Katari etc. various machinery. The said manufacturing unit also contains grinding machine and other equipment's for shaping the handle of such iron Goods. The said Sangita Basak is running her "Sova Tools" like small scale industry in a residential area.

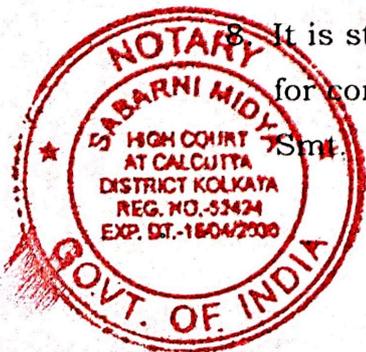


Barnali Das Khanna

3. During manufacturing it creates loud noise resulting into noise pollution as well as air pollution in the society, which directly affects the health of the local people.
4. There is a minor daughter of the undersigned staying with her at the same residential unit. Due to the continuous loud noise, the child had been suffering various psychological problems.
5. The husband of the undersigned is also a victim of such noise pollution as the husband of the undersigned is suffering from hearing problem.
6. Several communications were made to the Chairman of north Dumdum Municipality with a request to cancel the trade license of such manufacturing unit. But all such endeavor turned into ashes. Photocopies of such communications are annexed hereto and marked with annexure 'A'.
7. The undersigned also made complaint before the West Bengal Pollution Control Board regarding this serious issue, which was delt by the Board and upon considering the seriousness, the Board passed numerous orders in connection with this issue. Photocopy of the complaint before the West Bengal Pollution Control Board is annexed hereto and marked with annexure 'B'.

8. It is stated that the complaint of the undersigned was taken up for consideration by the North Dumdum Municipality by calling Smt. Sangita Basak. Upon hearing both the parties, the

Barnali Das Khanna



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Chairman of North Dumdum Municipality was pleased to pass the following order-

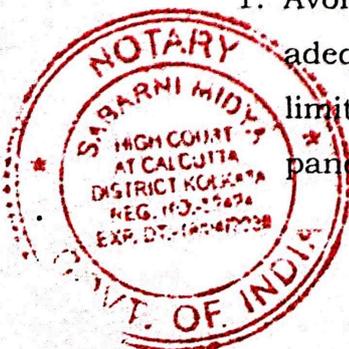
"1. take adequate noise control measures which may include, but not limited to, measures like installation of acoustic insulation panels, use of rubber pads, shifting of noise producing equipment 's etc., so that sound does not travel Outside her unit beyond the permissible limit; 2. Restrict operational time in between 9 AM to 6 PM, 3. Ensure that manufacturing/ repairing activities are not any circumstances be undertaken either in the open or on the municipal roadway, and 4. Maintain environmental norms strictly and take all necessary measures so that people living in the neighborhood may not suffer due to its activities in any way, whatsoever".

Photocopy of the said Order dated 28.12.2022 passed by the Chairman of the North Dum Dum Municipality is annexed hereto and marked with Letter 'C'.

9. The undersigned also made complaint before the Officer- in-Charge, Nimta Police Station on various occasions. Photocopy of the complaints made before the Police Station is annexed hereto and collectively marked with Letter 'D'.

10. The West Bengal Pollution Control Board passed several orders in connection with the complaints made by the undersigned and also lastly passed an order 24.01.2025 with the following direction:

1. Avoiding nuisance which may be caused from noise by taking adequate noise control measures which may include, but not limited to, measures like installation of acoustic insulation panels and noise barriers, use of rubber pads, shifting of



Barnali Das Khanna

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noise producing equipment's etc., so that sound does not travel outside the respondent unit beyond the permissible limit.

2. Keeping their manufacturing/repairing activities within covered space.
3. Manufacturing activities is to be restricted from 9AM to 6 PM only with a proper recess time in between.

Photocopy of the said Order dated 24.01.2025 is annexed hereto and marked with Letter 'E'.

11. Despite passing several orders by the West Bengal Pollution Control Board, "Sova Tools" failed to comply the mandatory directions passed by this Board.

Under such circumstances it is requested of your good officers to take immediate steps for closure of such manufacture unit and also may direct the Chairman of North Dumdum Municipality to cancel and/ or resend the trade license of the manufacturing unit, namely "Sova Tools" lying and situated at 55/2, Saradamoni Road, P.S- Nimta, District- North 24 Parganas, Kolkata- 700049 and also to take consequential actions in accordance with law.

Yours faithfully,

Barnali Das Khanna

Barnali Das (Khanra)

147/461, Saradamoni

Road, P.S- Nimta, Dist-

North 24 Parganas,

Kolkata- 700049.

Mobile No. 9874334565





Barnali Das Khanna

BEFORE THE NATIONAL GREEN TRIBUNAL (EASTERN ZONE BENCH) KOLKATA

VAKALATNAMA IN THE HIGH COURT AT CALCUTTA

DISTRICT: NORTH 24 PARGANAS

O. A. No. 01

Constitutional Writ Civil Criminal Revisional Appellate Jurisdiction 2026 Of 2025

Barnali Das Khanna

Appellant Petitioner

-Versus-

The West Bengal Pollution Control Board & Ors.

Respondent Opposite party

Vakalatnama on behalf of Applicant

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 18th day of September, 2025

NAME OF THE ADVOCATE

Subhankar Banerjee, Advocate

c/o Bratin Kumar Dey, Advocate

NPS Chambers, T.A.K.S. Roy Road, Kolkata-700001

Ph: 7980904012



Received the Vakalatnama
from the agent of the
executant and being satisfied
I have accepted the same.

Sukhanwar Banerjee,
Advocate

Received the Vakalatnama from the
agent of the executor and being
satisfied I have accepted the same.

Anjana Banerjee
Advocate.

Received the vakalatnama from
the agent of the executors
and on being satisfied, I
have accepted the same.

Pratik Kumar Dey
Advocate

Received and accepted by me

Nilanjan Pal, Adv
Advocate