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BEFORE THE NATIONAL GREEN TRIBUNAL**EASTERN ZONE BENCH, KOLKATA****ORIGINAL APPLICATION NO. 204/2025/EZ**

M/S. GREENZEN BIO PRIVATE LIMITED AND ANR

Versus

STATE OF WEST BENGAL & ORS



AFFIDAVIT BY THE RESPONDENT No.3 AND 4, IN COMPLIANCE OF THE ORDER PASSED BY THE HON'BLE NATIONAL GREEN TRIBUNAL, EASTERN ZONE BENCH, KOLKATA DATED 15.12.2025

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Submitted

Advocate

23 FEB 2026

SL. NO. 1008/20.26

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BEFORE THE NATIONAL GREEN TRIBUNAL

EASTERN ZONE BENCH, KOLKATA

ORIGINAL APPLICATION NO. 204/2025/EZ

M/S. GREENZEN BIO PRIVATE LIMITED AND ANR

Versus

STATE OF WEST BENGAL & ORS



BEFORE THE NOTARY PUBLIC
AT BIDHANNAGAR
DIST-NORTH 24 PARGANAS

AFFIDAVIT BY THE RESPONDENT No.3 AND 4, IN COMPLIANCE OF THE ORDER PASSED BY THE HON'BLE NATIONAL GREEN TRIBUNAL, EASTERN ZONE BENCH, KOLKATA DATED 15.12.2025

Most Respectfully Sheweth

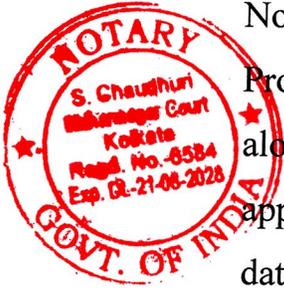
I, Smt Sumana Bhattacharyya, IFS, w/o.- Sanjib Kumar Kundu, aged about 57 years, presently working as Chief Environment Officer, Department of Environment, Government of West Bengal, having office at Prani sampad Bhawan, 5th Floor, LB-2. Salt Lake City, Kolkata - 700 106 and state as follows:-

1. That, I am holding the post of Member Secretary, State Level Environment Impact Assessment Authority, West Bengal (SEIAA), Government of West Bengal and I have made myself well acquainted with the facts and circumstances of instant case and have gone through the documents to the subject matter of the instant Original Application. Hence, I am competent to affirm this instant affidavit before the Hon'ble Tribunal.
2. That, this affidavit is being filed in compliance to the Solemn Order dated 15.12.2025 passed by the Hon'ble Tribunal wherein all the respondents are directed to file reply.
3. That it is respectfully submitted before this Hon'ble Tribunal that M/s Unique Universal Bio Waste LLP made online application vide proposal No.SIA/WB/INFRA2/481778/2023 dated 8th June, 2023 along with copies of EIA/EMP (Environment Management Plan) thus seeking for Environment Clearance under the provisions of the EIA Notification, 2006.The proposed

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project activity is listed at Sl. No. 7(a) of Bio Medical Waste Treatment Facilities under B1 of EIA Notification, 2006. The project proponent obtained Terms of Reference issued by SEIAA, West Bengal *vide* File No. EN/T-II-1/086/2022 dated 23.12.2022 against the proposal No.SIA/WB/INFRA2/407378/2022. Based on the TOR and public hearing , the Project Proponent prepared the final EIA report which was submitted alongwith EC application in the PARIBESH portal. After due appraisal of the application, as per provision of EIA Notification , 2006, SEAC in its meeting dated 21.06.2023 recommended the proposed project for grant of Environmental Clearance with certain conditions.



4. That Ministry of Environment Forest & Climate Change, Government of India *vide* letter dated D.O. No.20/4/2021-HSMD dated 18.10.2022 has clarified that grant of ECs by the State Level Environment Impact Assessment Authority (SEIAA) must be based on gap analysis studies undertaken by the concerned SPCBs .

Copy of letter from MOEF&CC dated 18.10.2022 is marked as **Annexure R/1**.

5. That the Central Pollution Control Board (CPCB) has further communicated *vide* letter no. F. No. B-31011/BMW(3398/61.1)/2022/WM-16760 dated 07.12.2022 that “Bio-medical Waste Management Rules, 2016 do not restrict setting up of more than one CBMWTF at one location and CPCB revised Guidelines for CBWTFs also do not restrict installation of new facility in a coverage area, if the existing facility does not have adequate capacity to handle quantum of biomedical waste and/or does not comply with the norms prescribed under BMWM Rules, 2016.”

Copy of letter of CPCB dated 07.12.2022 is marked as **Annexure R/2**.

6. That the SEIAA considered the application in its meeting dated 10.07.2023 wherein it decided to request a report from West Bengal Pollution Control Board including gap analysis study as per Central Pollution Control Board Guidelines for establishment of Common Bio-Medical Waste Treatment Facilities dated 21.12.2016 with specific comments on the proposed project.

Copy of relevant part of the minutes of SEIAA meeting dated 10.07.2023 is marked as **Annexure R/3**.

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7. Reply from West Bengal Pollution Control Board (WBPCB) based on Gap Analysis study has been received *vide* Memo No. 153(1)/1S-74/2001(Pt. IX) dated 24.08.2023 wherein it has been mentioned that more Common Bio-Medical Waste Treatment Facilities (CBMWTFs) in West Bengal are required. Based on projected generation upto the year 2030 and to cater the requirement both by capacity and accessibility seven more CBMWTFs should come up apart from existing six CBMWTFs. Considering the same, the State Board opined that M/s. Unique Universal Bio Waste LLP may be allowed to set up CBMWTF at Vill Kaluabari, PO Debithakurbari, PS Chhatgujrimari, Pargana - Baikunthapur, Dist - Jalpaiguri.
- Copy of communication from WBPCB dated 24.08.2023 is marked as **Annexure R/4.**
8. Based on the reply of WBPCB and recommendation of SEAC, SEIAA granted EC to the proposed project in its meeting dated 31.08.2023.
- Copy of the relevant portion of the minutes of the SEIAA meeting dated 31.08.2023 is annexed herewith and marked as **Annexure R/5.**
9. That the Principal Secretary, Health & Family Welfare Department, Government of West Bengal has communicated to SEIAA *vide* letter dated 14.07.2023 emphasising the need of more CBMWTF facilities in North Bengal districts to avoid irregular lifting and mismanagement of Bio Medical waste.
- Copy of letter of Health & Family Welfare Department dated 14.07.2023 is marked as **Annexure R/6.**
10. A similar Writ Petition No. 1374 of 2023 was filed in the Hon'ble Calcutta High Court on the matter of granting Environmental Clearances to more proposed CBMWTF in Jalpaiguri districts which was disposed by the Hon'ble Calcutta High Court *vide* Order dated 20.11.2023 as the challenges in the writ petition were found baseless and unfounded.
- Copy of Order of Hon'ble Calcutta High Court dated 20.11.2023 is marked as **Annexure R/7.**

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11. That the Affidavit is true to my knowledge and belief, which I derive from the office records.

Identified by me

Somana Bhattacharyya
DEPONENT

Advocate


S. CHAUDHURI
★ NOTARY ★
GOVT. OF INDIA
Regd. No. - 6584/08
Bidhannagar Court
Dist. - North 24 Pgs

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VERIFICATION

I, Smt. Sumana Bhattacharyya, IFS, Member Secretary, State Level Environment Impact Assessment Authority, West Bengal do hereby solemnly affirm and declare that the contents of the report in the form of affidavit are true to the best of my knowledge and belief. No part of the Report is false and nothing has been concealed.

Verified at Kolkata this 23rd day of February, 2026.

Identified by me

Advocate

SE/AA, West Bengal.

Sumana Bhattacharyya
DEPONENT

S. CHAUDHURI
★ NOTARY ★
GOVT. OF INDIA
Regd. No. 8584
Bidhannagar Court
Dist. - North 24 Pgs

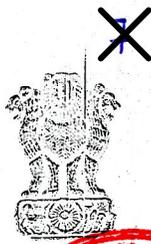
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Annexure R/1

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

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

Respected Sir,



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

Dated: 18th October, 2022

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

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

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

With regards,

Yours sincerely,

(Naresh Pal Gangwar)

Shri Ujjwal Kumar Bhattacharya
Chairman, SEIAA, West Bengal
AC-3, Action Area-1, New Town,
Kolkata - 800163.
ukb1955@gmail.com

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पृथ्वी विंग, पांचवा तल, कवारा नं. ३, प्रियवाराण भवन, जोर बाग रोड,
नई दिल्ली-110003, फोन: (011) 203 42 47, ई-मेल: asnpg.mefcc@gov.in

Prithvi Wing, 5th Floor, Room No. 505, Prithvi Parvayaran Bhawan, Jor Bagh Road,
New Delhi-110003, Tel.: (011) 203 42 47, E-mail: asnpg.mefcc@gov.in



आजादी का
अमृत महोत्सव



2943539/ms
12/11/22

Annexure R/2

केन्द्रीय प्रदूषण नियंत्रण बोर्ड
CENTRAL POLLUTION CONTROL BOARD
पर्यावरण, वन एवं जलवायु परिवर्तन मंत्रालय भारत सरकार
MINISTRY OF ENVIRONMENT, FOREST & CLIMATE CHANGE GOVT. OF INDIA

By Speed Post

F. No. B-31011/BMW (3398/61.1)/2022/WM-I 5260

December 7, 2022

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



BMW-289
13/11/22

Sub.: Clarification for establishment of new CBWTFs in compliance with the Biomedical Waste Management Rules, 2016 and CPCB Guidelines –reg.

Sir,

This has reference to establishment of new CBWTFs in compliance with the Biomedical Waste Management Rules, 2016 and CPCB Guidelines. CPCB is in receipt of many complaints/clarifications related to establishment of new CBWTF and coverage area of CBWTF.

In this regard, it is to clarify that as per CPCB revised guidelines for CBWTFs, SPCB/PCC is required to conduct the gap analysis w.r.to coverage area of the bio-medical waste generation and also its projection over a period of next ten years and adequacy of existing treatment capacity of the CBWTF in each coverage area of radius 75 KM.

Further, CPCB revised guidelines also suggests that the coverage area of CBWTF to cover 10,000 beds with flexibility of extending coverage area up to 150 km if 10,000 beds were not available within 75 km. However, as required under Rule 8 (7) of BMWM Rules, 2016, CBWTF is required to ensure that the waste is treated and disposed of within 48 hours.

It is also to clarify that Biomedical Waste Management Rules, 2016 do not restrict setting up of more than one CBWTF at one location and CPCB revised Guidelines for CBWTFs also do not restrict installation of new facility in a coverage area, if the existing facility does not have adequate capacity to handle quantum of biomedical waste and/or does not comply with the norms prescribed under BMWM Rules, 2016.

Yours faithfully,

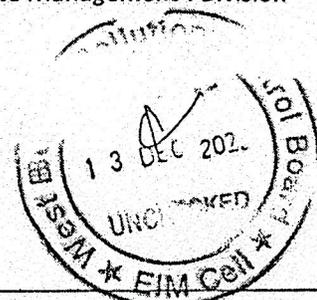
West Bengal Pollution Control Board

Diary No. 109965
Date 12.11.22
Referred to: SEE (BMW)
Remarks:

(V. P. Yadav)
Director & Head
Waste Management-I Division

Member Secretary

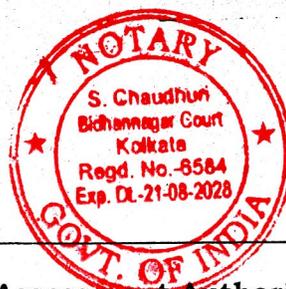
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Annexure R/3

--***--
State Environment Impact Assessment Authority
West Bengal
Minutes of SEIAA Meeting
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Subject: 7th meeting of SEIAA (Reconstituted on 17.05.2023)
 Venue:- Conference Room of Environment Department, Prani Sampad Bhavan, 5th Floor,
 LB - Block, Sector - III, Salt Lake, Kolkata - 700106
 From :- 10 July 2023
 To :- 10 July 2023

CONSIDERATION/RECONSIDERATION OF ENVIRONMENTAL CLEARANCE

(1) Proposed MIN_BIR_23 Sand Mine at over an area of 3.22 ha (7.95 Acres) on the Mayurakshi River at Mouza: Khorad, J.L. No.: 108, Plot No.:720/817, P.S. and Block: Saithia, District: Birbhum, West Bengal by M/s. West Bengal Mineral Development and Trading Corporation Limited.

Proposal No. :- SIA/WB/MIN/426734/2023, File No. : EN/T-II-1/370/2023, Type-EC

INTRODUCTION

The proponent made online application vide proposal no. SIA/WB/MIN/426734/2023 dated 24 April 2023 seeking environment clearance under the provisions of the EIA Notification, 2006 for the above-mentioned project. The proposed project activity is listed at SL. No. 1(a) Mining of minerals under Category "B2" of EIA Notification 2006.

SEAC recommended that Environmental Clearance be granted for the proposed project during its 1st meeting held on 31.05.2023. Standard EC conditions for the sand mines should be referred to. Following additional conditions may be imposed:

- Status of the need-based activities to be reported during six monthly progress report.
- Basic amenities, safety and occupational health examinations for labourers to be provided.
- To enhance success/ survival rate the plantation shall be attempted during the first two years of the project life and the plantation so done shall be taken care of during the rest of the project life. Species of the plant selected should be self-sustaining in that particular region.

PROJECT DETAILS

The project of M/s. West Bengal Mineral Development and Trading Corporation Limited located in as follows :

S. No.	State	District
(1.)	West Bengal	Birbhum

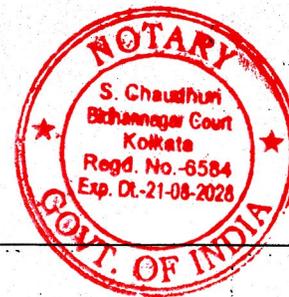
DELIBERATION IN SEIAA

SEIAA considered the recommendation of SEAC and decided that the application for MIN_BIR_23 falling within the DSR potential code BH_MR2_MY_20 is accepted.

RECOMMENDATIONS OF SEIAA

The application for EC is approved.

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CONCLUSION

Approved for EC.

(2) Proposed WB_BIR_MAY_B_16 Sand Mine over an area of 4.96 ha (12.26 Acres) on the Mayurakshi River at Mouza: Nadighasbera, J.L. No.: 141, Plot No.: 1 P.S. and Block: Mohammad Bazar, District: Birbhum, West Bengal by **M/s. West Bengal Mineral Development and Trading Corporation Limited.**

Proposal No. : SIA/WB/MIN/422392/2023, File No. : EN/T-II-1/371/2023, Type-EC

INTRODUCTION

The proponent made online application vide proposal no. **SIA/WB/MIN/422392/2023** dated **24 April 2023** seeking environment clearance under the provisions of the EIA Notification, 2006 for the above-mentioned project. The proposed project activity is listed at SL. No: **1(a) Mining of minerals** under Category "**B2**" of EIA Notification 2006.

SEAC recommended that Environmental Clearance be granted for the proposed project during its 1st meeting held on 31.05.2023. Standard EC conditions for the sand mines should be referred to. Following additional conditions may be imposed:

- Status of the need-based activities to be reported during six monthly progress report.
- Basic amenities, safety and occupational health examinations for labourers to be provided.
- To enhance success/ survival rate the plantation shall be attempted during the first two years of the project life and the plantation so done shall be taken care of during the rest of the project life. Species of the plant selected should be self-sustaining in that particular region.

PROJECT DETAILS

The project of **M/s. West Bengal Mineral Development and Trading Corporation Limited** located in as follows :

S. No.	State	District
(1.)	West Bengal	Birbhum

DELIBERATION IN SEIAA

SEIAA considered the recommendation of SEAC and decided that the application for **WB_BIR_MAY_B_16** falling within the DSR potential code **BH_MB_MY_10_11_12** is accepted.

RECOMMENDATIONS OF SEIAA

The application for EC is approved.

CONCLUSION

Approved for EC.

(3) Proposed Kashipur Sand Mine (MIN_PUR_18) over an area of 3.20 ha (7.90 Acres) on the Dwarakeswar River at J. L. No. - 62 and 146, Plot No. 1151 and 1 and 721, Mouza - Mahuljoda and Kumardih, Village - Mahuljoda and Kumardih, Police Station - Kashipur, District - Purulia, West Bengal by **M/s. West Bengal Mineral Development and Trading Corporation Limited.**

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DELIBERATION IN SEIAA

SEIAA considered the recommendation of SEAC and accepted the same.

RECOMMENDATIONS OF SEIAA

The application for EC is approved based on the Madhyamgram Municipal Corporation Building Permit No. COM-85/MM/2022-23 dated 20/02/2023.

CONCLUSION

Approved for EC.

(7) Proposed development of a Residential Complex at Premises No. -145, Jessore Road, Holding No. - 70, Cal Jessore Road, Kolkata- 700089, J.L. No. - 24, Mouza - Patipukur, L.R. Dag No. - 326, 327, 328, 329, 502, 503, 504, 505(P), 506, 520, 521, L.R. Khatian No. - 2102, P.S.- Lake Town, under South Dum Dum Municipality, Ward No. 30, Dist. - North 24 Parganas, West Bengal by M/s. Purti NPR Developers LLP.

Proposal No. :- SIA/WB/INFRA2/430463/2023, File No. : EN/T-II-1/407/2023, Type-EC

INTRODUCTION

The proponent made online application vide proposal no. SIA/WB/INFRA2/430463/2023 dated 24 May 2023 seeking environment clearance under the provisions of the EIA Notification, 2006 for the above-mentioned project. The proposed project activity is listed at SL No. 8(a) Building / Construction under Category "B2" of EIA Notification 2006.

SEAC recommended that Environmental clearance may be granted to the project with the additional conditions during its 2nd meeting held on 07.06.2023.

PROJECT DETAILS

The project of M/s. Purti NPR Developers LLP located in as follows :

S. No.	State	District
(1.)	West Bengal	North 24 Parganas

DELIBERATION IN SEIAA

SEIAA considered the recommendation of SEAC and observed that the PP should upload the following documents in the PARIVESH portal :

- Right of Records (porcha) of the individual Dag Nos.
- Need-based activity for the local people as per Office Memorandum of MoEF & CC vide F. No. 22-65/2017.IA.III dated 30.09.2020.

RECOMMENDATIONS OF SEIAA

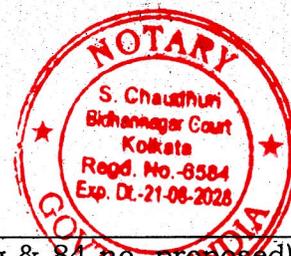
Therefore, the application for EC is deferred for additional information.

CONCLUSION

Deferred (Additional Information).

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(8) Proposed redevelopment of 180 Residential Quarters (96 no. existing & 84 no. proposed) by SAIL-ISP at Burnpur, Paschim Bardhaman, West Bengal by M/s. Indian Iron & Steel Company (IISCO).

Proposal No. :- SIA/WB/MIS/240409/2021, File No. : EN/T-II-1/392/2023, Type-EC

INTRODUCTION

The proponent made online application vide proposal no. SIA/WB/MIS/240409/2021 dated 26 April 2023 seeking environment clearance under the provisions of the EIA Notification, 2006 for the above-mentioned project. The proposed project activity is listed at SL. No. 8(a) Building and Construction projects under Category "B2" of EIA Notification 2006.

SEAC during its 2nd meeting held on 07.06.2023 observed that the project is an expansion / modification of the existing township. However, the project proponent appears to have submitted only the particulars of the project and not of the township as a whole. The SEAC noted that the proposal submitted by the PP does not attract the provisions of EIA Notification, 2006 since the total built up area of the project is < 20,000 sqm. The SEAC decided that the PP should submit a fresh proposal considering the above project to be an expansion / modification of the entire township of IISCO, Burnpur. Therefore, the present proposal has been forwarded to SEIAA for rejection.

PROJECT DETAILS

The project of M/s. Indian Iron & Steel Company (IISCO) located in as follows :

S. No.	State	District
(1.)	West Bengal	Paschim Bardhaman

DELIBERATION IN SEIAA

SEIAA considered the recommendation of SEAC and decided to hear the PP.

RECOMMENDATIONS OF SEIAA

The project proponent is required to appear for a hearing before the SEIAA, WB before a final decision on EC application is taken.

CONCLUSION

Deferred for further consideration.

(9) Proposed establishment of Common Bio-Medical Waste Treatment Facility (CBWTF) at Village - Kaluabari, P.O. - Debithakurbari, P.S. - Rajganj, Mouza - Chhatgujrimari, Pargana - Baikunthapur, Dist. - Jalpaiguri, West Bengal by M/s. Unique Universal Bio Waste LLP.

Proposal No. :- SIA/WB/INFRA2/431778/2023, File No. : EN/T-II-1/086/2022, Type-EC

INTRODUCTION

The proponent made online application vide proposal no. SIA/WB/INFRA2/431778/2023 dated 08 June 2023 along with copies of EIA/EMP seeking environment clearance under the provisions of the EIA Notification, 2006 for the above-mentioned project. The proposed project activity is listed at SL. No. 7(da) Bio-Medical Waste Treatment Facilities under Category "B1" of EIA

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Notification 2006.

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

SEAC, during its 4th meeting held on 21.06.2023, recommended the proposed project for grant of Environmental Clearance with the following additional conditions:-

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

PROJECT DETAILS

The project of M/s: Unique Universal Bio Waste LLP located in as follows :

S. No.	State	District
(1.)	West Bengal	Jalpaiguri

DELIBERATION IN SEIAA

SEIAA considered the recommendation of SEAC and observed that as per Order dated 30.06.2023 of the Hon'ble High Court of Calcutta in WPA No. 1374 of 2023, respondent authorities has been restrained from granting any permission of operation till 31st of August, 2023. Hence, the same is deferred till the expiry of the force of the order or any interim order prior to the same period.

RECOMMENDATIONS OF SEIAA

The matter will be referred to the Senior Law Officer of Dept. of Environment for further expert advice.

Further, SEIAA decided to request a report from WBPCB including the gap analysis study as per CPCB guidelines for establishment of Common Biomedical Waste Treatment Facilities dated 21.12.2016, Bio-Medical Waste Management Rules, 2016 and the MoEF&CC letters vide D.O. no. 20/4/2021-HSMD dated 14.10.2022 and 20/4/2021-HSMD dated 18.10.2022 (copies enclosed) in respect of the proposed project. WBPCB shall specifically mention, if EC can be issued for this project.

Also a consent letter from Dept. of Health & Family Welfare, GoWB for this particular project shall be obtained with a specific mention, if EC can be issued for this project.

CONCLUSION

Deferred for further consideration after receiving the inputs as stated above.

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SEAC recommended the proposed project for CRZ clearance to SEIAA with the following conditions in addition to the conditions recommended by WBSCZMA :-

- i. The project proponent should obtain EC from SEIAA, if the total built up area for the proposed project exceeds 1,50,000 sqm.
 - ii. No groundwater shall be extracted without permission from the competent authority.
 - iii. Pillar and Pile caps should not affect the flow water in the river during flood and normal conditions.
 - iv. No excavated material during the construction shall be dumped in water bodies or adjacent areas. The site shall be restored to its near original condition after completion of construction of bridge.
 - v. Temporary structures raised for construction activity on land, intertidal / tidal area shall be removed immediately after completion of construction activity.
 - vi. All possible safeguard to be taken to avoid any environmental impact during construction and operation of the project.
 - vii. Project proponent shall obtain all other necessary permission as applicable from the competent authorities.
 - viii. Special care needs to be taken to avoid any adverse impact on aquatic life.
 - ix. Emergency preparedness plan and disaster management plans should be specifically provided.
 - x. Plantation of mangroves, as much as possible, is suggested.
2. Complaint received on 30.06.2023 from Mr. Ankur Sharma against flouting of environmental norms at "Rajwada Royal Garden" (located near Chintamoni Kar Bird Sanctuary) at 153, School Road, Rajpur-Sonarpur Municipality, West Bengal - 700103.
- In order to assess the veracity of the complaint, a field visit by WBPCB is to be organised with prior intimation to the project proponent.**
3. Complaint received on 03.07.2023 from Mr. Ankur Sharma against filling of water bodies and flouting of environmental norms at "Atri Surya Toron" at Holding No. 6002, Mouza - Jayenpur, P.S. - Sonarpur, Banhooghly - I Gram Panchayat, South 24 Parganas, West Bengal.
- In order to assess the veracity of the complaint, a field visit by WBPCB is to be organised with prior intimation to the project proponent.**
4. Complaint received on 03.07.2023 from Mr. Ankur Sharma against filling of water body and flouting of environmental norms at "Spotlight Countryside" at Holding No. 841, Dwarir Road, P.S. - Sonarpur, Rajpur-Sonarpur Municipality, South 24 Parganas, West Bengal.
- In order to assess the veracity of the complaint, a field visit by WBPCB is to be organised with prior intimation to the project proponent.**
5. Letter received from Joint Director / Scientist 'D', Ministry of Environment, Forest and Climate Change (MoEF&CC) vide F. No. IA-J-11014/101/2022-IA-I(M) dated 04.07.2023 regarding complaint against Day care unit in Godrej Prakriti Residential Apartments at West Bengal.
- The project proponent had obtained EC vide No. 1317/EN/T-II-1/026/2018 dated**

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07.10.2020 against proposal no. SIA/WB/NCP/30726/2018.

SEIAA has already caused an inspection on the basis of complaint received on 13.06.2022 and decided to forward the inspection report to MoEF&CC for information.

6. SEIAA decided to issue a letter to Urban Development & Municipal Affairs Department, Panchayat and Rural Affairs Department with a request to provide the following, with reference to NOC / Guarantee letter being issued by the ULBs to SEIAA claiming proper solid waste management, handling and disposal scenario. The chart has to be filled in separately for each ULB and Panchayat :

Solid waste generation per day house to house collection per day	Solid waste collection from slums. Door to door community bins	Solid waste collection & segregation at source per day	Composition of solid waste category wise	Plant & machinery available for collection	Manpower / Agency involved	Plant & machinery available for waste processing with its location & capacity per day	Land available for such processing and extent of present workability (acres / still available) with expected life span further	Location of landfill site identified for the project with expected life span	Total budget for solid waste management at present and capacity	Remarks

(Dr. Ashit Kumar Mukherjee)
Chairman

(Dr. Nilangshu Bhushan Basu)
Member

(K. Balamurugan)
Member Secretary



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Annexure R/4

Dr. Rajesh Kumar, IPS
Member Secretary



LIFE
Livelihoods for
Environment

WEST BENGAL POLLUTION CONTROL BOARD

(Dept. of Environment, Govt. of West Bengal)
Paribesh Bhawan, 10A, Block - LA, Sector III,
Bidhannagar, Kolkata - 700106, INDIA
Tel. : 2202-3000 Fax : 2202-3099 City Code 033
Country Code 91
e-mail: ms.wbpcb-wb@bangla.gov.in

Memo No. /IS-74/2001(Pt-IX)

Date . 08. 2023

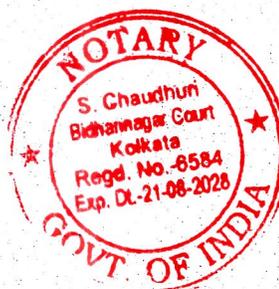
To
The Member Secretary
State Level Environment Impact Assessment Authority
Department of Environment, GoWB,
Pranisampad Bhawan, 5th Floor, Sector III,
Salt Lake, Kolkata- 700106

Ref. : Your letter no. 1366/EN/T-II-I/086/2022 dated 18/07/2023

In reference to the above, this is for your information that inventorization including Gap Analysis of Bio Medical waste in the State of West Bengal was conducted by National Productivity Council (Ministry of Commerce & Industry, Govt. of India), Regional Directorate, Kolkata during 2019-20.

As per the Inventorization and Gap Analysis of Bio Medical waste, more Common Bio-medical Waste Treatment Facilities (CBMWTFs) in West Bengal are required. Based on projected generation upto the year 2030 and to cater the requirement both by capacity and accessibility seven (07) more CBMWTFs should come up apart from the existing six (06) CBMWTFs. The proposed distribution of CBMWTFs with district coverage are given below:-

Region	No. of Treatment Facility Required	Location
South Region	2	One at North 24 Parganas district and one around Kolka
South East Region		
Central Region	1	One at Murshidabad
West Region	2	One at Purba Bardhaman and one at Bankura
North Region	2	One at Coochbehar and one facility at Uttar Dinajpur
Total	7	



Continued Page 2

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Page 2

The State Board has authorized 09 (nine) nos. CBMWTFs for operation at different districts of West Bengal to cater service to the health care units in the State. Details are given in the table below:-

Sl. No.	Name & Address of the existing CBMWTFs
1	Medicare Environmental Management Pvt. Ltd. F-Road, Belgachia, Dist.-Howrah
2	Medicare Environmental Management Pvt. Ltd. K-26, Phase – III, Growth Centre, (Behind IOCL LPG Bottling Plant), Kalyani, Dist.-Nadia
3	Medicare Environmental Management Pvt. Ltd. Mouza: Mangalpur, P.O.: Shergarh Pargana, P.S.: Raniganj, Dist.- Purba Bardhaman
4	West Bengal Waste Management Ltd. Purba Srikrishnapur, P.O.: Haldia, Dist.- Purba Medinipore
5	Green Zen Bio Pvt. Ltd. Mouza. Binnaguri, PO. Fulbari, PS. Bhaktinagar, Dist. Jalpaiguri
6	Greentech Environ Management Pvt. Ltd. Dhamua Road, P.S.-Mograhat, P.O-Chakparan Kantakhali, Dist-24 Pgs (S)
7	M/s RVD Waste Tech Pvt. Ltd. P.O.-Kaichar, P.S.-Mangalkote, Dist.- Purba Bardhaman
8	West Bengal Waste Management Ltd. Vill & Mouza- Pabayan, P. S- Bankura, Saltora Tehsil, Bankura- 722158
9	SNG Envirosolutions Pvt. Ltd. Mouza- Saharjora, PO & PS- Barjora, Bankura- 722202

The WBPCB suggested to the Secretary, Department of Health & Family Welfare, GoWB and Chairman of the State Level Advisory committee on Bio-medical Waste Management through its letter vide Memo No. 23-1S-58/2001(Pt. 1) dated 04/07/2022 that new CBMWTFs may be allowed to be set up at least one in each district so that the State Board may take Regulatory Action including 'Closure' for violation of Bio-medical Waste Management Rules, 2016 and its subsequent amendments without affecting treatment & safe disposal of Bio-medical waste in the area.

It has also been decided in a meeting held on 31-08-2022 in presence of Principal Secretary, Department of Environment, GoWB, Secretary, Health & Family Welfare Department, GoWB & Chairman of the State Level Advisory committee on Bio-medical Waste Management and Member Secretary, WBPCB that each district of West Bengal can have at least two CBMWTFs and bigger districts with more Bio-medical wastes generation can even have three such facilities to take care of the problems faced by the WBPCB and the Health & Family Welfare Department, GoWB in properly regulating the non abiding CBMWTF.



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Continued Page 3

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Page 3

The Central Pollution Control Board has clarified through its letter vide F. No. B-31011/BMW(3398/61.1)/2022/WM-16760 dated 07/12/2022 that Bio-medical Waste Management Rules, 2016 do not restrict setting up of more than one CBMWTF at one location and CPCB revised Guidelines for CBWTFs also do not restrict installation of new facility in a coverage area, if the existing facility does not have adequate capacity to handle quantum of biomedical waste and/or does not comply with the norms prescribed under BMW Rules, 2016.

Presently, M/s. Green Zen Bio Pvt. Ltd., located at Mouza. Binnaguri, PO. Fulbari, P. S. Bhaktinagar, Dist. Jalpaiguri is the only one operator in the Jalpaiguri district and providing service to the health care units located in the different district of North Bengal. This CBMWTF has a capacity for treatment and disposal of Bio-medical wastes generated from 15000 beds & Bio-medical wastes from non-bedded units and catered more than 150KM radial distance.

As per the information provided by M/s. Greenzen Bio Pvt Ltd. through submission of Annual Report for the year 2022 that the number of bed covered by them is 21986 in the various districts of North Bengal which is more than 15000 nos. resulting poor service and non-compliance of Bio-medical Waste Management Rules, 2016 & its amendments. The State Board received several complaints from different health care units, both public & private owned, against M/s. Greenzen Bio Pvt Ltd. regarding poor service. The State Board issued 'Show Cause Notices' and 'Directions' including imposition of Environmental Compensation and Bank Gurantee time to time for non-compliances of BMW Rules, 2016 and its amendments. But the operator of the CBMWTF is reluctant to comply with the norms as well as directions of the State Board. The State Board is not in a position to take Regulatory Action including issuance of 'Closure Order' for violation of Bio-medical Waste Management Rules, 2016 and its subsequent amendments against M/s. Green Zen Bio Pvt. Ltd. as it is the only one operator in the districts of North Bengal.

Considering the above, the State Board has opined that M/s. Unique Universal Bio Waste LLP may be allowed to set up CBMWTF at Vill- Kaluabari, P. O- Debithakurbari, P. S- Rajganj, Mouza- Chhatgujrimari, Paragana- Baikunthapur, Dist.- Jalpaiguri.

Sdr
Member Secretary

Encl. : As stated

Memo No. 153 (1)/IS-74/2001(Pt. IX)

Date: 24.08.2023

Copy forwarded to :

1. The Principal Secretary, Department of Environment, GoWB, Pranisampad Bhawan, 5th Floor, Sector III, Salt Lake, Kolkata- 700106.
2. The Chief Engineer, EIM Cell, WBPCB, 10A, Block - LA, Sector III, Bidhannagar, Kolkata - 700106

24/08/23
Member Secretary

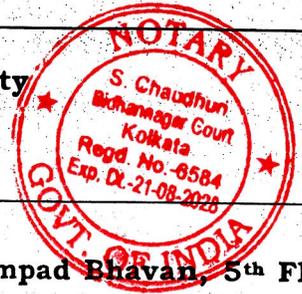


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Annexure R/5

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--***--
State Environment Impact Assessment Authority
West Bengal
Minutes of SEIAA Meeting
 --***--



Subject: 14th meeting of SEIAA (Reconstituted on 17.05.2023)
Venue:- Conference Room of Environment Department, Prani Sampad Bhavan, 5th Floor, LB - Block, Sector - III, Salt Lake, Kolkata - 700106
From :- 31 August 2023
To :- 31 August 2023

(1) Proposed establishment of Common Bio-Medical Waste Treatment Facility (CBWTF) at Village - Kaluabari, P.O. - Debithakurbari, P.S. - Rajganj, Mouza - Chhatgujrimari, Pargana - Baikunthapur, Dist. - Jalpaiguri, West Bengal by **M/s. Unique Universal Bio Waste LLP.**

Proposal No. :- SIA/WB/INFRA2/431778/2023, File No. : EN/T-II-1/086/2022, Type-EC

INTRODUCTION

The proponent made online application vide proposal no. **SIA/WB/INFRA2/431778/2023** dated **08 June 2023** along with copies of EIA/EMP seeking environment clearance under the provisions of the EIA Notification, 2006 for the above-mentioned project. The proposed project activity is listed at SL. No. **7(da) Bio-Medical Waste Treatment Facilities** under Category "B1" of EIA Notification 2006.

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

SEAC, during its 4th meeting held on 21.06.2023, recommended the proposed project for grant of Environmental Clearance with the following additional conditions:-

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

The proposal was placed before SEIAA in its 7th meeting held on 10.07.2023. SEIAA considered the recommendation of SEAC and observed that as per Order dated 30.06.2023 of the Hon'ble High Court of Calcutta in WPA No. 1374 of 2023, respondent authorities has been restrained from granting any permission of operation till 31st of August, 2023. Hence, the same is deferred till the expiry of the force of the order or any interim order prior to the same period.

Further, SEIAA decided to request a report from WBPCB including the gap analysis study as per CPCB guidelines for establishment of Common Biomedical Waste Treatment Facilities dated 21.12.2016, Bio-Medical Waste Management Rules, 2016 and the MoEF&CC letters vide D.O. no. 20/4/2021-HSMD dated 14.10.2022 and 20/4/2021-HSMD dated 18.10.2022 (copies enclosed) in respect of the proposed project.

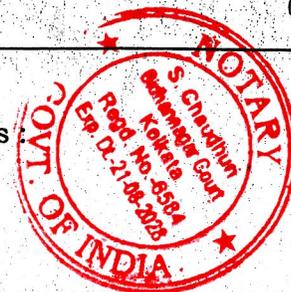
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PROJECT DETAILS

The project of **M/s. Unique Universal Bio Waste LLP** located in as follows:

S. No.	State	District
(1.)	West Bengal	Jalpaiguri



DELIBERATION IN SEIAA

As per the Order of Hon'ble Calcutta High Court dated 21.08.2023 in W.P. No. 1374 of 2023, it is ordered that 'The interim order dated 30.06.2023 restraining the authorities from granting recommendation to the respondent no. 11, is vacated because of such sharp practice where the trust of the court upon representatives of the petitioners were obtained in an unfair and obnoxious manner by making wholly false statement.'

Reply from West Bengal Pollution Control Board based on Gap Analysis has also been received vide Memo No. 153(1)/1S-74/2001(Pt. IX) dated 24.08.2023 wherein it has been mentioned that 'more Common Bio-Medical Waste Treatment Facilities (CBMWTFs) in West Bengal are required. Based on projected generation upto the year 2030 and to cater the requirement both by capacity and accessibility seven more CBMWTFs should come up apart from existing six CBMWTFs. Moreover, it has also stated in the same communication that 'Considering the above, the State Board has opined that M/s. Unique Universal Bio Waste LLP may be allowed to set up CBMWTF at Vill - Kaluabari, PO - Debithakurbari, PS - Rajganj, Mouza - Chhatgujrimari, Pargana - Baikunthapur, Dist - Jalpaiguri.'

Based on the above and recommendation of SEAC, SEIAA decided to grant EC to the proposed project.

RECOMMENDATIONS OF SEIAA

The application for EC is approved.

CONCLUSION

Approved for EC.

II. CONSIDERATION/RECONSIDERATION OF TOR PROPOSALS

(1) Proposed expansion cum modification of Housing Complex at Premises No. - 37, Panditiya Road, Ward - 85, Borough - VIII, Kolkata - 700 029, West Bengal by **M/s. Fort Builders (Violation case)**.

Proposal No. :- SIA/WB/INFRA2/432998/2023, File No. : EN/T-II-1/435/2023, Type-ToR

The proponent made online application vide proposal no. **SIA/WB/INFRA2/432998/2023** dated **20 June 2023** seeking Terms of reference under the provisions of the EIA Notification, 2006 for the above mentioned proposed project. The proposed project activity is listed at S. No. **8(a) Building / Construction** projects under Category **B2** of EIA Notification, 2006.

SEAC, during its 6th meeting held on 05.07.2023, recommended the proposal for Terms of Reference

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Annexure R/6

GOVERNMENT OF WEST BENGAL
HEALTH & FAMILY WELFARE DEPARTMENT
H.S. (M.S.) BRANCH
SWASTHYA BHAVAN, GN-29, SECTOR-V
SALT LAKE CITY, KOLKATA-700091

Memo No. 120 – HS(MS)/HF/O/HS(MS)/BMW-01/2018

Date: 14.07.2023

From: Senior Special Secretary
Health & Family Welfare Department

To: The Member Secretary
State Level Environment Impact Assessment Authority,
Department of Environment, Govt of West Bengal
Pranisampad Bhawan, 5th Floor, LB 2, Sector III, Salt Lake, Kolkata - 700106

Sub: Views of Health & Family Welfare Department w.r.t. setting up new Common Bio Medical Waste Treatment Facility in the district of Jalpaiguri

Ref. No. 1242/EN/T-II-I/038/2022 dt. 04/07/2023

Sir,

In reference to the subject and reference cited above, the Department of Health & Family Welfare holds the view to encourage setting up more Common Bio Medical Waste Treatment Facilities in the State, especially in the North Bengal area on the following grounds:

1. As of now GREEN ZEN BIO PVT. LTD. is the only authorised CBWTF operator in the North Bengal area, which is engaged for lifting, transportation, treatment and disposal of bio medical wastes generated in different public health facilities of all the 7 districts viz. Alipurduar, Cooch Behar, Dakshin Dinajpur, Darjeeling, Jalpaiguri, Kalimpong, Malda & Uttar Dinajpur. The sanctioned bed strength of these health facilities is 14856.
2. The mentioned CBWTF having bed capacity 15000 per day is catering 14856 beds of govt. health facilities, which is almost 99% of their capacity, apart from BMW generated in other private facilities of the area, as there is no other authorised CBWTF to serve.
3. This dependence on only one CBWTF often causes disputes like irregular lifting and lifting of lesser quantity resulting in unnecessary dumping of bio medical wastes in the hospital premises. This raises the risks of health hazards which is highly objectionable in the eyes of National Green Tribunal and also not at all desirable for public health. To avoid this mismanagement, more plants are needed to establish in the North Bengal districts.
4. Moreover, in the meeting of high level committee, specially constituted for resolving the problems arising out of existing arrangements for disposal of bio medical wastes of public health facilities, held on 23.08.2022, it was decided to encourage interested parties/entrepreneurs to set up more CBWTF in the State, at least two in bigger districts.

So, this department will always welcome any such initiative of setting up new Common Bio Medical Waste Treatment Facilities in the State.

Yours sincerely,

23 FEB 2026



Senior Special Secretary
Health & Family Welfare Department



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Annexure R/7

20.11.2023
Sl. No.4
srm/s.biswas/GB

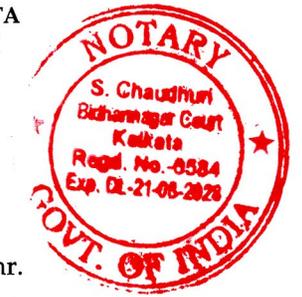
IN THE HIGH COURT AT CALCUTTA
CIRCUIT BENCH AT JALPAIGURI
APPELLATE SIDE

W.P.A. No. 1374 of 2023
With
CAN 1 of 2023

M/s. Greenzen Bio Pvt. Ltd. & Anr.

Versus

The State of West Bengal & Ors.



Ms. Reshmi Ghosh,
Mr. Hillol Saha Podder

...for the Petitioners.

Mr. Subir Kumar Saha,
Mr. Momenur Rahman,
Ms. Bedashruti Bose

.....for State-respondents.

Mrs. Soumi Guha Thakurta

...for the Respondent No.6.

Mr. Rajarshi Dutta,
Mr. Piyush Agarwal,
Mr. Sourav Ganguly

...for the Respondent Nos.7 & 8.

Mr. Sankarsan Sarkar

...for the Respondent No.10.

Ms. Sutapa Sanyal,
Mr. Soumya Ray Chowdhury,
Mr. Debrup Bhattacharjee,
Mr. Ritesh Ganguly,
Mr. Utsa Podder

...for the Respondent No.12.

None appears on behalf of the respondent No.11.

As the parties are ready and affidavits have been

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exchanged, the matter is taken up for final hearing. The documents relied upon by the respondent No.10 are already annexed to the affidavit of the respondent Nos.7 and 8.

The writ petition has been filed for a mandamus upon the respondent Nos.1, 2, 3 and 4 to withdraw and/or cancel and set aside the recommendation granted to M/s. S.N.G. Envirosolutions Private Limited, that is, the respondent No.10 who has been authorized to set up a Common Bio-Medical Waste Facility (CBWTF) at Tehsil Rajganj.

According to the petitioners, the said recommendations by the government and the consent to operate by the West Bengal Pollution Control Board, were given contrary to the Bio Medical Waste (Management and Handling) Rules, 1998 (hereinafter referred to as the said Rules).

The provision relied upon by the petitioners is Rule 7(3). The said rule states that no occupier shall establish onsite treatment and disposal facility, if service of a common bio medical waste facility is available at a radial distance of 75 kms.

Rule 7(4) states that in cases where common bio-medical waste facilities (CBWTF) are not available, the

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occupiers can set up requisite bio medical waste treatment equipments, as stated in the said Rule.

Further reliance has been placed on the revised guidelines for common bio medical waste treatment facilities, especially the guideline No.8 which deals with coverage area of a CBWTF. Paragraphs 8(a) and 8(b) are quoted below for convenience:-

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

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

It appears from the aforementioned provisions/guidelines that a CBWTF which is located in a state or a union territory shall be allowed to cater to health care units situated at a radial distance of 75 kms. However, in a coverage area where 10,000 beds are not available within a radial distance of 75 kms., the existing

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CBWTF in the locality may be allowed to cater to the health care units situated up to a radial distance of 150 kms. with reference to its location, provided the bio-medical waste generated is collected, treated and disposed of within 48 hours as stipulated under the said Rules.

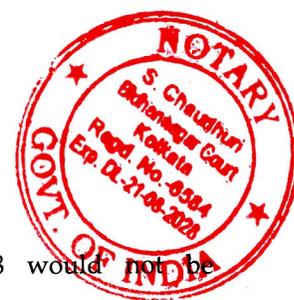
In case the number of beds exceed 10,000 in the locality (coverage area of CBWTF) and the existing treatment capacity is not adequate, in such case a new CBWTF may be allowed in such a locality to cater to the services of the additional beds.

Ms. Ghosh, learned Advocate for the petitioners vehemently urges this Court to take into consideration the authorization given by the West Bengal Pollution Control Board dated July 26, 2019. According to Ms. Ghosh, clause 8(b) should not be made applicable in this case even if the guidelines provide that beyond 10,000 beds, the authority may recommend establishment of CBWTF treatment plants to cater to the needs of the excess beds. The petitioners had been given authorization to cover 1077 healthcare facilities consisting of 15,000 beds within a radial distance of 150 kms. and the bio-medical waste allowed to be handled was 3750 kgs. per day. The treatment plant is being operated by the petitioners at Binnaguri, to cater to more than 10,000 beds on the basis

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of the authorization, thus, clause 8 would not be applicable and the recommendation in favour of the respondent No.10 was arbitrary and contrary to the rules.

It is next submitted that clause 10(3) of the said Rules provides that every application for authorization shall be disposed of by the prescribed authority within a period of 90 days from the date of receipt of a duly completed application along with necessary documents, failing which, it shall be deemed, that the authorization was granted under the rules.

By application of the deeming clause, the contentions of the respondents in their affidavits-in-opposition to the effect that the petitioners' authorization had expired, is negated. The application for renewal has neither been rejected nor refused by the West Bengal Pollution Control Board.

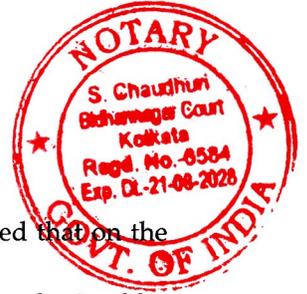
Ms. Ghosh submits that according to the Pollution Control Board, the plant of the petitioners was capable of catering to the needs of the healthcare facilities, having total number of beds of 15,000. The subsequent recommendation in favour of the respondent No.10 was completely unfounded.

Affidavit-in-reply to the affidavit-in-opposition filed by the respondent No.7, has been relied upon

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vehemently by Ms. Ghosh and it is submitted that on the basis of the Annual Report, 2022 which was submitted by the petitioners to the respondent No.7, the treatment capacity of the plant was 9184 kgs. per day, whereas, the quantity of medical waste which was allowed to be treated by the Pollution Control Board was 4835 kgs. per day. Therefore, the excess treatment capacity of 4349 kgs. per day, could not be ruled out and the same remained unutilized. If such is the position and the capacity of the treatment plant of the petitioners exceeds the requirement of the healthcare centres for waste disposal, there was no justification in allowing another treatment plant within a radial distance of 16.5 kms. from Binnaguri. Further, it is contended that unless there is a decision on the gap analysis upon proper consideration of the ground reality with specific findings of the authorities that the treatment capacity of the unit of the petitioners could not cover all the healthcare facilities within the radial distance of 75 kms., the recommendation to operate, in favour of the respondent No.10, is liable to be quashed.

According to Ms. Ghosh, there must be a formation of opinion with regard to the capacity of CBWTF before another plant is allowed to function within the radial distance of 75 kms. According to Ms. Ghosh, imposition of

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environment compensation and the other directions of the Pollution Control Board, are not subject matters of the writ petition. The petitioners reserve their right to challenge those directions in an appropriate proceeding, before the appropriate forum. Such decisions and/or imposition of conditions, including the direction for payment of environment compensation by the Pollution Control Board, could not be a ground for the state authorities to recommend another operator.

Mr. Rahman, learned Advocate for the State-respondents submits that the petitioners had been rendering service to around 21,986 hospital beds, although the authorization was for 15,000 beds. This was the first violation. Secondly, the plant of the petitioners was located at Binnaguri, which is beyond the radial distance of 75 kms. from the eight districts in which the petitioners operate. Thirdly, the recommendation in favour of the respondent No.10 was not in violation of the rules. A transparent process to select the agency was conducted, by floating e-tenders. The entire area was divided into 13 zones with six existing sites and seven new proposed sites. The e-tender was floated on February 12, 2019. Four bidders participated, including the petitioner No.1. In accordance with the quality and cost based selection

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methodology, two bidders were selected, i.e. SNC

Mercantile Pvt. Ltd (T1) and M/s. Medicare Environmental Management Pvt. Ltd. (T2) after obtaining concurrence from the Finance Department, Government of West Bengal.

According to Mr. Rahman, Rule 8(a) and (b), do not prohibit the state authorities from recommending other agencies to operate healthcare treatment facilities, in case an existing operator cannot cater to more than 10,000 beds within the radius of 75 kms. The petitioner No.1 was authorized to serve 15,000 beds within a radius of 150 kms. and considering the existing requirement, the government exercised its authority and jurisdiction, to set up a few more zones for creation of waste management facilities. The respondent No.10 was the successful bidder in the bidding process. The T1 bidder put forward an agreement with the T2 bidder, for utilizing the latter's infrastructure for lifting and treatment of bio medical waste and until they could set up their own plant. The agreement between the T1 and T2 bidder was filed with the government. The plant has been set up by the respondent No.10 and is functional. According to Mr. Rahman, the writ petition should be dismissed as the

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petitioners do not have any cause of action to file the same.

Mr. Dutta, learned Advocate appearing on behalf of the Pollution Control Board submits that the petitioner No.1 was granted consent to establish on March 10, 2008 for a capacity of 15,000 beds. Thereafter, on August 5, 2019, the period was extended up to December 31, 2022. The consent to operate was valid up to December 31, 2022. The treatment plant is located at Fulburi Canal Road and the petitioner No.1 was allowed to cater to 1077 healthcare facilities within a radius of 150 kms. having a capacity of 15,000 beds and to lift waste upto 3750 kgs. There are more than 23,000 beds across the said area and there is no other CBWTF to cater to such centres, for collection, transportation, treatment and disposal of bio-medical waste. In the annual report which was filed by the petitioners as per Rule 13 of the Rules, it was found that the petitioner No.1 was catering to 23,320 beds, i.e., in excess of the authorization. The plant of the petitioners was also operating beyond 150 kms. radius, in violation of the authorization. The services of the said plant also rendered at Kaliachak Dristi Eye Hospital, which was far beyond the 150 kms., from the unit at Binnaguri.

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At a meeting held on August 31, 2022, by the Department of Environment, Government of West Bengal in the presence of the Principal Secretary, Government of West Bengal, Chairman of the State Level Advisory Committee, bio-medical waste management and the respondent No.8, a decision was taken to authorize at least two facilities per district and three facilities for bigger districts, in order to collect, treat and dispose of bio-medical wastes.

The Central Pollution Control Board vide letter dated December 7, 2022, intimated the respondent No.8 that the Rules did not restrict more than one such facility at one location and the revised guidelines of the Central Pollution Control Board, did not restrict installation of a new facility in a given coverage area, if the existing facility did not have adequate capacity to handle the waste that was generated. Further, a meeting of the State Level Advisory Committee for bio-medical waste management in West Bengal, was held on February 6, 2023, when the officials of the respondent No.6 were requested to take appropriate action to enhance the number of designated facilities in the State.

The respondent No.7 caused an inspection of the unit of the petitioner No.1 on November 21, 2017 and found

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that the autoclave, the shredders and the insinuator of the unit, were not in operation. Untreated bio-medical waste was lying in the premises, in violation of Rules.

The representative of the petitioners informed the respondent No.7 that the autoclave was not in operation for more than 15 days.

On the findings during the inspection, a complaint case under Section 200 of the Code of Criminal Procedure against the petitioners was filed before the learned Additional Chief Judicial Magistrate, Jalpaiguri for issuance of process and for conviction of the accused persons who were guilty of commission of offence under Sections 15 and 16 of the West Bengal Environment Protection Act 1986 read with the relevant Rules. The complaint case is pending before the appropriate court.

Second inspection of the unit was conducted on September 24, 2018 and the environmental compliance notice was issued upon the petitioners by the respondent No.7. The petitioner No.1 was further directed to execute a bank guarantee, valid for 12 months from such direction, in favour of the respondent No.7, as an assurance for compliance of the environmental norms and proper functioning of the pollution controlling system.

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The third inspection was carried out by the respondent No.7 on July 26, 2019 and it was found that the non-compliances by the petitioners continued. The respondent No.7, by an order dated August 31, 2019, imposed environmental compensation of Rs.15,22,500/- upon the petitioner No.1, for non-compliance of the environmental norms. Further direction was issued to furnish a bank guarantee of Rs.15,00,000/-.

Fourth inspection was held once again and it was found that the direction of the Pollution Control Board had not been complied with. The petitioners neither paid the environmental compensation nor furnished the bank guarantee. Several complaints were filed by M/s. Neotia Healthcare Initiative Limited, Siliguri, inter alia, stating the failure of the facility to collect the biomedical waste from the unit.

On the fifth inspection, it was found that all the biomedical waste was heaped up in front of the unit of the petitioners and the area looked like a dumping ground of waste material. The capacity of the plant was not only inadequate, but also extremely poor. Rather, the plant was operating without a valid consent since January 2023, which was again a violation of the rules. It has been stated that the petitioners failed to submit any document in

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support of the prayer for renewal of the lease agreement.

Despite two notices, the petitioners failed to pay the environmental compensation and furnish the bank guarantee. Accordingly, directions were issued upon the petitioners, by extending the time up to April 30, 2023 to regularize the consent to operate and submit environmental compensation and also the bank guarantee.

As the petitioners failed to comply with all the directions within the stipulated period, i.e., April 30, 2023, a recovery proceeding was initiated under the Bengal Public Demand Recovery Act, 1993 on May 30, 2023.

It also appears that the lease agreement for the unit was not extended. When the petitioners applied for a renewal, the respondent No.7 had asked the petitioners to upload the relevant documents including a valid lease agreement in respect of the land on which the unit was situated. The petitioners failed to upload the documents. The unit operated without authorization. Hence, a show cause notice was issued to the petitioners as to why regulatory action should not be taken against the petitioner No.1. The petitioners were directed to submit a response within June 15, 2023. The response was submitted, in which it was stated that the petitioners were unable to obtain any extension of the lease from the land

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owner, as there was an order of status quo in respect of the land, passed by the National Company Law Tribunal, Kolkata. The petitioners prayed for withdrawal of the order imposing environmental compensation as also the direction to furnish bank guarantee. The petitioners were informed by the respondent No.7 that such prayer could not be allowed. It also appears from the affidavit, that numerous complaints had been received against the unit, which led to the decision of the Pollution Control Board to issue a show cause notice upon the petitioners. Such contentions have been elaborately narrated with supporting documents in the affidavit-in-opposition.

Mr. Sarkar, learned advocate appearing on behalf of the respondent No.10, submits that the petitioners do not have any locus to maintain the writ petition as the petitioners do not have any authorization or consent from the Pollution Control Board, to operate the unit.

Moreover, Mr. Sarkar places emphasis on the guidelines and submits that the guidelines do not totally prohibit the State authorities from establishing other units within 75 kms. radius from the existing unit. As the existing unit was unable to operate at the optimum level and did not have the consent to operate, the

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recommendation in favour of the respondent No.10 should not be interfered with.

It is further submitted by Mr. Sarkar that unless the consent to operate was renewed by the Pollution Control Board and the directions of the Pollution Control Board were either reversed or set aside by the appellate forum, the writ petition should be dismissed as not maintainable. Mr. Sarkar also raises the question of alternative remedy.

Ms. Sanyal, learned advocate appearing on behalf of the respondent No.12 submits that in the agreement between the Director of Health Services, Hospital and Administration Branch, Directorate of Health Service, Government of West Bengal and the petitioners, a specific clause had been inserted, as Clause 20 thereof. According to the said clause, if the agency which had been allowed to operate as CBWTF, either failed to operate as allowed or the performance was unsatisfactory or the agency did not hold an authorization from the West Bengal Pollution Control Board, the operator could be changed without any prior notice. It is also submitted that the plant will soon be operational. Moreover, the said plant is beyond 75 kms. from Binnaguri. Hence, there cannot be any cause of action against the respondent No.12.

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Mrs. Guha Thakurta, learned advocate for the Central Pollution Control Board, submits that although rules have been framed by her client, the State Pollution Control Board and the State respondents are the authorities who are empowered by the rules to decide the eligibility criteria and grant recommendation in favour of operators, in accordance with rules.

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

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

The guidelines do not prohibit establishment of another operator for the purpose of removal of biomedical waste within 75 kilometres radius of the existing unit, if the authorities are of the opinion that the capacity of the

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existing unit could not cater to more than ten thousand beds.

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

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

This Court finds that not only there are proceedings initiated in the criminal court by the Pollution Control

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Board against the petitioners for non-compliance of the rules and for allowing biomedical waste to be heaped up in the locality without any treatment whatsoever, the authorization of the petitioners had also expired. The authority has decided to proceed against the petitioners in accordance with the relevant laws and compensation for violation of the norms has also been imposed.

Under such circumstances, as of now, the petitioners do not have either any authority or legal right to operate its own unit. The bio-medical wastes discharged, have to be collected, treated and disposed of in accordance with the rules and there are more than 23,000 beds in the area. The law also does not prohibit setting up of a separate unit, if the authorities are of the opinion that the existing plant is not capable of handling the waste in the area or had performed poorly. The authority can also set up units even if the petitioners' unit is in operation, if the existing capacity of the unit to cater to beds in excess of 10,000, is inadequate. The petitioners have not been able to show any evidence that the authorities had violated the law and the recommendation in favour of the respondent No.10 was either arbitrary or discriminatory. The estimates of the beds in 2008 when the petitioners were recommended, cannot be the same at present. The State-respondents had

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assessed the capacity and the increased requirement and had decided to establish seven more units by a tendering process. The petitioners also participated. The authorization/capacity which was given to the petitioners to cater 15,000 beds, expired and there is ample evidence before this Court, filed by way of affidavits by the Pollution Control Board, the State-respondents as also the respondent Nos.3 and 4, indicating that other units are required to be established for proper management of biomedical wastes which had not been done effectively and the matter required expert handling. Secondly, if the biomedical wastes had been lying around in a heap, as was found near the plant of the petitioners without proper treatment, the same was cause of health and environmental hazard and is a serious lapse. Such situation is required to be avoided.

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

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authorities for necessary orders. However, the challenges in the writ petition are baseless and unfounded.

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

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

However, there shall be no order as to costs.

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

(Shampa Sarkar, J.)

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BEFORE THE NATIONAL GREEN TRIBUNAL
EASTERN ZONE BENCH, KOLKATA
ORIGINAL APPLICATION NO. 204/2025/EZ
M/S. GREENZEN BIO PRIVATE LIMITED AND ANR
Versus
STATE OF WEST BENGAL & ORS



AFFIDAVIT BY THE RESPONDENT No.3 AND 4,