

SL No. 32

BEFORE THE HON'BLE NATIONAL GREEN TRIBUNAL
EASTERN ZONE BENCH, KOLKATA

(Application under Section 18(1) read with Sections 14 and 15 and under
Section 18(2) of the National Green Tribunal Act, 2010)

ORIGINAL APPLICATION NO. 48 OF 2025 2026

IN THE MATTER OF:

M/S A. K. ENTERPRISE

....APPLICANT

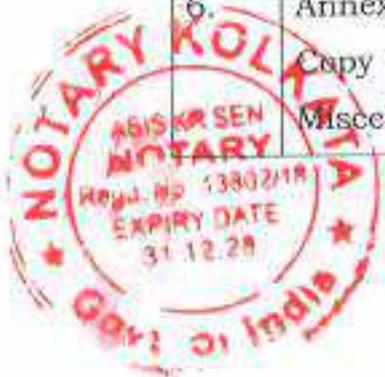
VERSUS

THE STATE OF WEST BENGAL & OTHERS

.....RESPONDENTS

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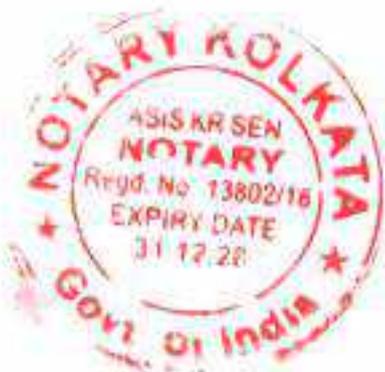
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Filed by:

Steven Bhowmik B.Sud
Advocate

Date: 12.01.2026

Place: Kolkata



SYNOPSIS

Applicant have filed the present Application, *inter alia*, challenging the impugned Notice/Order dated 7th August 2025 passed and/or issued by the Office of the District Magistrate, Birbhum, thereby directed the Applicant to discontinue the operation of their stone crushing unit and further imposed a penalty of Rs. 1,50,000/-, in spite of the fact that the applicant have never operated their unit illegally or in contravention of law. On the contrary, the Applicant have always carried on their business strictly under valid consents and permissions duly granted by the competent authorities. The Impugned Order has been passed with manifest mala fides and for extraneous considerations, without any cogent basis or justification. Such an Order not only violates the principles of natural justice but also amounts to abuse of administrative power. The Impugned Order has been passed in a wholly arbitrary and high-handed manner, without affording any opportunity of hearing to the Applicant which is in complete violation of the principles of natural justice. While violating the principles of natural justice, the concerned authorities have impinged upon Applicant' Fundamental Right enshrined under Article 19(1)(g) of the Constitution of India as it has snatched its right to carry on its business. Further, the Office of the District Magistrate does not have and cannot have any authority to impose or direct payment of any fine upon the Applicant. The power to levy or enforce such monetary penalties under the *Water (Prevention & Control of Pollution) Act, 1974* and the *Air (Prevention & Control of Pollution) Act, 1981* was expressly withdrawn from the Office of the District Magistrate pursuant to the Order dated 30th January 2023 issued by the West Bengal Pollution Control Board. Consequently, any direction for payment of fine issued by the District Magistrate is *void ab initio* and liable to be quashed and the impugned order dated 7th August 2025 passed by the Office of the District Magistrate, Birbhum is liable to be set aside.

Hence the present application.

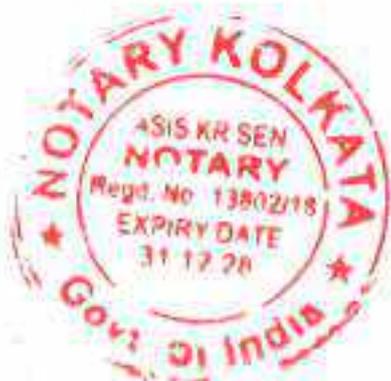


LIST OF DATES AND EVENTS

DATE	EVENTS
28.11.2016	Notice dated 28 th November 2016 issued by the Office of the Additional District Magistrate and District Land & Land Reforms Officer, Birbhum, to the applicant thereby directing them to deposit a fine of Rs. 1,50,000.
2017	Applicants filed an Application, bearing M.A. No. 65/2017/EZ (" said MA "), in O.A. No. 44/2015/EZ, seeking appropriate reliefs before this Hon'ble Tribunal for modification of the Order dated 15 th November 2016 passed in Original Application.
11.10.2017	By an Order dated 11 th October 2017, the MA as filed by the applicant along with the Original Application No. 44/2015/EZ were disposed of, by directing the Office of the District Magistrate to consider the representation of the Applicant for issuance or renewal of the Consent to Operate.
12.11.2020	Consent to Establish was issued by the West Bengal Pollution Control Board in favour of the Applicant, validating the legality of the business of the Applicant.
24.06.2022	Consent to Operate was issued by the West Bengal Pollution Control Board in favour of the Applicant, validating the legality of the business of the Applicant.
30.01.2023	Order passed by the West Bengal Pollution Control Board thereby the authority earlier delegated to the Office of the District Magistrate for grant and / or renewal of Consent to Operate stood expressly withdrawn, thereby centralizing the power back with the West Bengal Pollution Control Board.
26.05.2023	By a letter dated 26 th May 2023, the Association of Mine Owners was apprised of an Order dated 30 th January 2023 passed by the West Bengal Pollution Control Board.
30.05.2023	From 30 th May 2023, the West Bengal Pollution Control Board became the sole and competent authority obliged to issue and



	/ or renews the Consent to Operate in favour of the Applicant.
07.08.2025	Notice/Order of the Office of the District Magistrate, Birbhum, thereby directed the Applicant to discontinue the operation of their stone crushing unit and further imposed a penalty of Rs. 1,50,000/-



BEFORE THE HON'BLE NATIONAL GREEN TRIBUNAL
EASTERN ZONE BENCH, KOLKATA

(Application under Section 18(1) read with Sections 14 and 15 and under
Section 18(2) of the National Green Tribunal Act, 2010)

ORIGINAL APPLICATION NO. OF 2025

IN THE MATTER OF:

M/s A. K. Enterprise, a Proprietorship firm, represented by its proprietor, namely Motahar Hossian Khan, having its place of business at Mouza Nischintapur, Village Jagatpur, Post Office N. Jagatpur, Police Station Md. Bazar, District Birbhum, Pin 731 216.

.....APPLICANT

VERSUS

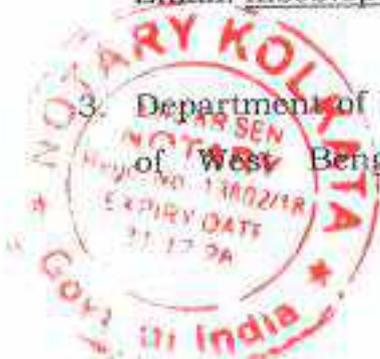
1. The State of West Bengal, service through the Chief Secretary, Government of West Bengal, having its office at NABANNA (13th Floor), 325, Sarat Chatterjee Road, Shibpur, Howrah 711 102.

Email: secci@wb.gov.in

2. Central Pollution Control Board, service through its Member Secretary, having its office at PARIVESH BHAWAN, East Arjun Nagar, Delhi 110 032.

Email: mscb.cpcb@nic.in

3. Department of Environment, Government of West Bengal, service through its



Additional Chief Secretary, having its office at PRANISAMPAD BHAWAN, Block (5th Floor), LB-II, Salt Lake, Sector-III, Bidhannagar, Kolkata 700 106.

Email: psecy.env-wb@gov.in

4. West Bengal Pollution Control Board, service through its Member Secretary, having its office at PARIVESH BHAWAN, 10A, Block LA, Sector III, Salt Lake City, Kolkata 700 106.

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

5. The District Magistrate, Birbhum, Office of the District Magistrate, Birbhum, having its office at Administrative Building, Suri Main Road, Birbhum, West Bengal 731 101.

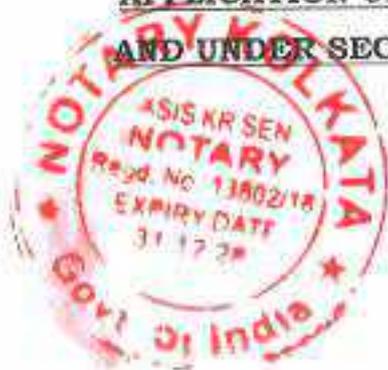
Email: dm-bir@nic.in

6. Block Development Officer, Md. Bazar Development Block, having its office at Block Development Office, Post Office and Police Station Md. Bazar, District Birbhum, West Bengal 731 101. Email: bdomdbazar@gmail.com

.....RESPONDENTS

APPLICATION UNDER SECTION 18(1) READ WITH SECTION 14 AND 15 AND UNDER SECTION 18(2) OF THE NATIONAL GREEN TRIBUNAL ACT,

2010



To

The Hon'ble Chairperson and his Companion Members of the Hon'ble National Green Tribunal, Eastern Zone Bench, Kolkata

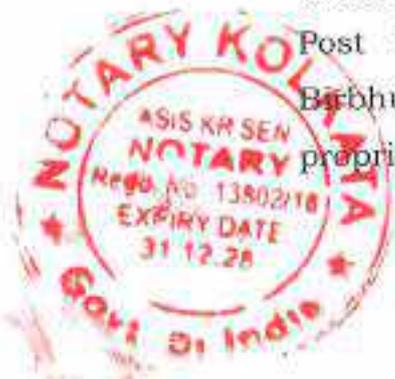
The humble application on behalf of the applicant abovenamed most respectfully

SHEWETH:

1. The present Application is being filed under Sections 18(1) and 18(2), read with Sections 14 and 15 of the National Green Tribunal Act, 2010 ("**NGT Act**"), against the Order dated 07.08.2025 passed by Respondent No.5 i.e. District Magistrate, Birbhum, West Bengal, whereby Respondent No.5 has, *inter alia*, directed the Applicant to not to continue the operations in respect of Applicant' business of stone crushing and has also imposed a penalty of Rs. 1,50,000/- upon it ("**Impugned Order**"). The Impugned Order has been passed in a wholly arbitrary and high-handed manner, without affording any opportunity of hearing to the Applicant which is in complete violation of the principles of natural justice. While violating the principles of natural justice, the Respondent No.5 has impinged upon Applicant' Fundamental Right enshrined under Article 19(1)(g) of the Constitution of India as it has snatched its right to carry on its business. A bare perusal of the aforesaid Impugned Order makes it evident that the same is *ex facie* bogus since it *inter alia* wrongly puts Applicant under Category-1 as it is a matter of fact and record that Applicant would not fall under Category -1.

2. PARTIES:

- a. The Applicant is a Proprietorship Firm, engaged in the business of stone crushing operation at Mouza Nischintapur, Village Jagatpur, Post Office N. Jagatpur, Police Station Md Bazar, District Birbhum, Pin 731 216. The applicant is represented by its proprietor, namely Motahar Hossian Khan.



- b. Respondent No.1 is State of West Bengal, through the Chief Secretary, Government of West Bengal.
- c. Respondent No.2 is Central Pollution Control Board, through its Member Secretary.
- d. Respondent No.3 is Department of Environment, Government of West Bengal, through its Additional Chief Secretary.
- e. Respondent No.4 is West Bengal Pollution Control Board, service through its Member Secretary.
- f. Respondent No.5 is the District Magistrate, Birbhum, West Bengal.
- g. Respondent No.6 is Block Development Officer, Md. Bazar Development Block, Birbhum.

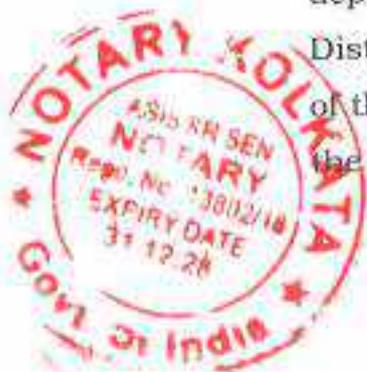
3. BRIEF FACTS:

The brief facts leading to the filing of the captioned Application are as hereunder:

- a. The Applicant are carrying on business under the name and style of M/s A. K. Enterprise, and are engaged in the activity of stone crushing from their unit situated at Mouza Nischintapur, Village Jagatpur, Post Office N. Jagatpur, Police Station Md Bazar, District Birbhum, Pin 731 216. The Applicant had been continuously engaged in the said business for a considerable period of time and have at all times duly complied with and adhered to the rules, regulations, and statutory requirements governing such business activities. Copy of the Registration Certificate necessary for conducting business of stone crushing, which is valid till 2026, is annexed hereto as **ANNEXURE A**.
- b. Furthermore, the Applicant has been depositing necessary and appropriate tax and the same have been collected by the local Gram Panchayat from time to time. In this regard, a Copy of one of such receipt issued by the local Gram Panchayat is annexed hereto as **ANNEXURE B**.



- c. The business of the Applicant has at all material times, been conducted in a fair, transparent, and *bona fide* manner, strictly in compliance with the laws for the time being in force. It is respectfully submitted that no competent authority has ever raised any dispute, objection or adverse remark with respect to either the establishment or the continuation of the Applicant' business. On the contrary, the Applicant have consistently ensured lawful operation of their business by securing and maintaining, from time to time, all requisite permissions, licenses, approvals, and sanctions from the appropriate statutory and regulatory authorities. The Applicant no. 2 was granted Consent to Establish by the West Bengal Pollution Control Board way back in the year 2005 and time to time issued certificate of Consent to Operate. In this regard, a copy of the Consent to Establish dated 12th November, 2020 is annexed hereto as **ANNEXURE C**.
- d. Previously, the Applicant were required to submit applications for grant and / or renewal of permission to operate and / or continue their business before the Office of the District Magistrate, Birbhum i.e. Respondent No.5 herein. The said Office of the District Magistrate functioned as the delegated authority of the West Bengal Pollution Control Board i.e. Respondent No.4 herein, in terms of and under the provisions of the *Water (Prevention and Control of Pollution) Act, 1974* and the *Air (Prevention and Control of Pollution) Act, 1981*. In discharge of such delegated authority, the District Magistrate was duly empowered to issue the requisite certificates and / or consents from time to time. The Applicant, in faithful adherence to the said statutory scheme, regularly deposited the prescribed fees and charges with the Office of the District Magistrate, Birbhum, towards issuance and / or renewal of the requisite Consent to Operate. This consistent compliance on the part of the Applicant further demonstrates their *bona fide*



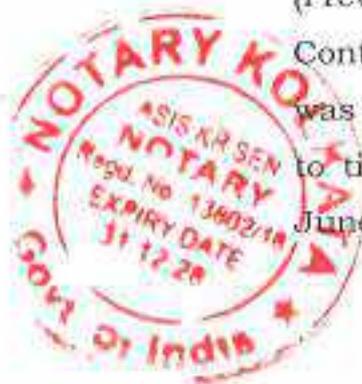
intent and continued adherence to statutory and regulatory obligations governing their business.

- e. In or about November 2016, the Applicant was taken by surprise upon receipt of a Notice dated 28th November 2016 issued by the Office of the Additional District Magistrate and District Land & Land Reforms Officer, Birbhum. The said Notice placed its reliance on an Order dated 15th November 2016 passed by this Hon'ble Tribunal in Original Application bearing No. 44/2015/EZ, enclosed therein.
- f. Pursuant thereto, the Applicant was directed to deposit a fine of Rs. 1,50,000/-. It is respectfully submitted that the aforesaid demand was raised without affording the Applicant any prior opportunity of hearing, and merely on the basis of reliance placed upon the said order, notwithstanding the fact that the Applicant was not party to the proceedings in O.A. No. 44/2015/EZ.
- g. The Applicant was unaware of the proceedings bearing Original Application No. 44/2015/EZ or of any proceedings pending before this Hon'ble Tribunal in relation thereto. A bare perusal of the Order dated 15th November 2016 clearly reveals that the Applicant was neither parties to the said proceedings nor bound by the directions issued therein. Upon receipt of the said notice and the consequential demand purportedly raised on the strength of the said order, the Applicant promptly challenged the same and *inter alia* contended that they do not fall within the ambit or scope of the said Order, nor could any liability or fine be lawfully imposed upon them pursuant thereto. In furtherance of their *bona fide* and diligent conduct, the Applicant accordingly preferred an Application, bearing M.A. No. 65/2017/EZ ("**said MA**"), in O.A. No. 44/2015/EZ, seeking appropriate reliefs before this Hon'ble Tribunal. The applicants crave leave from this Hon'ble Tribunal to



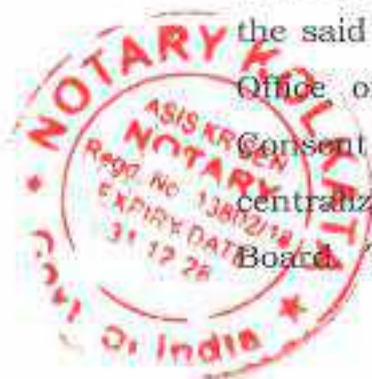
produce and rely on the said Miscellaneous Application at the time of hearing, if necessary.

- h. In the said Miscellaneous Application, the Applicant had prayed for modification of the Order dated 15th November 2016, insofar as the Applicant was concerned. The Applicant further prayed for a declaration that the Order for payment of fine is not applicable on the Applicants for the reason mentioned therein.
- i. A bare perusal of the said MA would further bring out that the Applicant had specifically brought to the notice of this Hon'ble Tribunal that the concerned authorities had duly accepted the requisite statutory fees from the Applicant towards renewal of the Consent to Operate. However, despite receipt and retention of such payments, the authorities failed and neglected to issue the renewal in favour of the Applicant. The said omission, being arbitrary and contrary to the settled principles of fairness and administrative propriety, was raised in the said MA.
- j. Pursuant thereto, *vide* an Order dated 11th October 2017, the said MA along with the Original Application No. 44/2015/EZ were disposed of, by directing the Office of the District Magistrate to consider the representation of such stone crusher units for issuance or renewal of the Consent to Operate. A copy of the said Order dated 11th October 2017 is annexed hereto as **ANNEXURE D**.
- k. In the meantime, as required by the provisions of the Water (Prevention & Control of Pollution) Act, 1974 and Air (Prevention & Control of Pollution) Act, 1981, certificate for Consent to Operate was issued by the West Bengal Pollution Control Board from time to time, and one of such consent was issued way back on 24th June, 2022 in favour of the Applicant, validating the legality of the



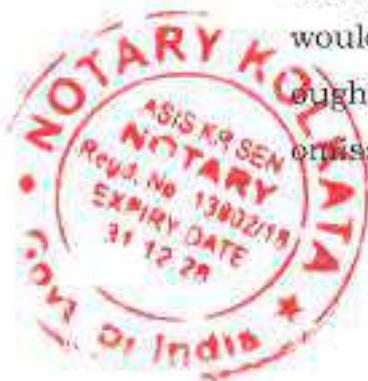
business of the Applicant. Copy of the Certificate and/or Consent to Operate dated 24th June, 2024 is annexed hereto as **ANNEXURE E.**

- l. A bare perusal of the aforesaid Consent to Operate makes it clear that the West Bengal Pollution Control Board itself duly recognized and acknowledged the legality, validity, and *bona fide* operation of the Applicant's business. It is therefore evident that at no point of time was there any violation, irregularity, or infraction of the statutory provisions attributable to the Applicant in the course of their business activities. The said Consent to Operate, having been validly issued, remained operative for the period commencing from April 2022 and continued until March 2026, thereby fortifying the Applicant's compliance with all regulatory requirements during the relevant period.
- m. In the meantime, a state of uncertainty arose with respect to the competent authority, insofar as it was unclear whether Respondent No.2 or Respondent No.5 was vested with jurisdiction to issue or renew the Consent to Operate. In view thereof, due to lack of clarity as to the appropriate body empowered to process such applications, the Applicant were effectively left remediless, having nowhere to approach for renewal of the Consent to Operate during the said period.
- n. Subsequently, by a letter dated 26th May 2023, the Association of Mine Owners was apprised of an Order dated 30th January 2023 passed by the West Bengal Pollution Control Board. A perusal of the said Order revealed that the authority earlier delegated to the Office of the District Magistrate for grant and/or renewal of Consent to Operate stood expressly withdrawn, thereby centralizing the power back with the West Bengal Pollution Control Board. This development clearly substantiates that the earlier



impasse was due to inter-departmental uncertainty and not on account of any lapse, omission, or default on the part of the Applicant. A copy of the said order along with the covering letter is annexed hereto as **ANNEXURE F**.

- o. A perusal of the aforesaid Order would reveal that earlier, the office of the District Magistrate was the delegated authority of the West Bengal Pollution Control Board, having the authority to exercise all powers of the West Bengal Pollution Control Board. However, by the aforesaid Order, the West Bengal Pollution Control Board mandated that Consent to Establish and Consent to Operate of stone crushers shall thereafter be exclusively dealt by the West Bengal Pollution Control Board.
- p. Accordingly, with effect from 30th May 2023, the West Bengal Pollution Control Board became the sole and competent authority obliged to issue and / or renews the Consent to Operate in favour of the Applicant. It is respectfully submitted that the Applicant had already complied with and duly discharged all statutory formalities, requirements, and obligations necessary for such renewal. No further act or duty remained to be performed on the part of the Applicant in relation thereto. In fact, the West Bengal Pollution Control Board, having accepted the renewal application along with the requisite statutory fees, was enjoined to process the same and, in the meantime, expressly advised and / or permitted the Applicant to continue their business operations. The conduct of the Board in accepting the application and fees gives rise to a legitimate expectation in favour of the Applicant that the renewal would be granted in due course, and accordingly, no prejudice ought to be caused to them on account of administrative delay or omission.



and submit a comprehensive fact-finding report in relation to the allegations raised in the Original Application.

u. Pursuant thereto, in spite having a valid consent to operate certificate valid till March, 2026, *Vide* the Impugned Order, the Office of the District Magistrate, Birbhum directed the Applicant to discontinue the operation of their stone crushing unit and further imposed a penalty of Rs. 1,50,000/-. A copy of the said Order dated 7th August 2025 issued by the Office of the District Magistrate is annexed hereto as **ANNEXURE G**.

v. Hence, the captioned Application.

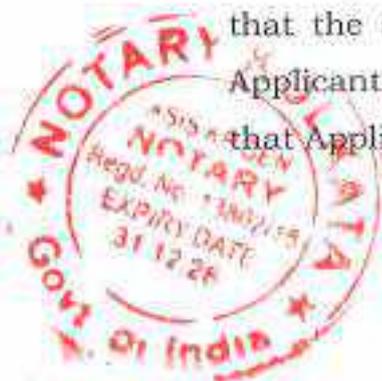
4. **GROUND:**

Being aggrieved, the Applicant has filed the present Application *inter alia* on the following grounds, which are in alternative and without prejudice to each other:

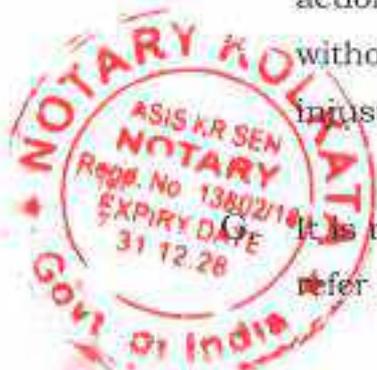
A. The Impugned Order has been passed in a wholly arbitrary and high-handed manner, without affording any opportunity of hearing to the Applicant which is in complete violation of the principles of natural justice.

B. While violating the principles of natural justice, the Respondent No.5 has impinged upon Applicant's Fundamental Right enshrined under Article 19(1)(g) of the Constitution of India as it has snatched its right to carry on its business.

C. A bare perusal of the aforesaid Impugned Order makes it evident that the same is *ex facie* bogus since it *inter alia* wrongly puts Applicant No.2 under Category-I as it is a matter of fact and record that Applicant No.2 would not fall under Category -I.



- D. The veracity of the Applicant' lawful operations and possession of requisite consents will be evident from the copies of the Consent to Operate issued by the Respondent No.5 and West Bengal Pollution Control Board from time to time, which demonstrates continuous compliance with statutory and regulatory requirements. The Impugned Order therefore suffers from a material error of fact and is liable to be set aside.
- E. It appears that an impermissible practice has developed on the part of the Respondent Nos. 4 and 2, whereby issuance or renewal of the Consent to Operate is wrongly withheld, whilst simultaneously issuing directions for the closure of stone crushing units. Such a course of action is arbitrary, procedurally irregular and contrary to the principles of natural justice, as it places the Applicant in an untenable position despite their bona fide compliance with statutory requirements.
- F. It is of utmost importance to note that the Respondent No.5 did not possess any authority or jurisdiction to issue the Impugned Order for closure of the Applicant' unit, as *vide* Order dated 30th January 2023 issued by the Respondent No.4, all powers and functions previously delegated to the Respondent No. 5 (Office of the District Magistrate) under the *Water (Prevention & Control of Pollution) Act, 1974* and the *Air (Prevention & Control of Pollution) Act, 1981*, were expressly withdrawn. Consequently, the Impugned Order suffers from a fundamental legal infirmity and is therefore null and *void ab initio*. The Applicant respectfully submit that any action taken pursuant to the Impugned Order is consequently without legal effect and liable to be set aside to prevent manifest injustice.
- It is respectfully submitted that the Impugned Order fails to cite or refer to any specific statutory provision or legal authority under

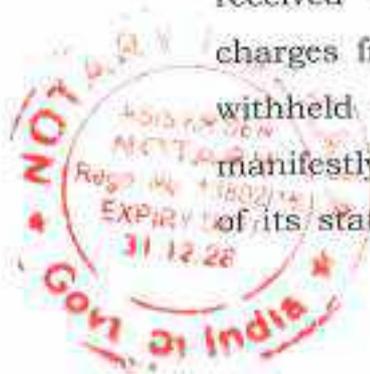


which the directions for payment of fine and closure of the Applicant' units were purportedly issued. The absence of any such legal foundation renders the Impugned Order manifestly arbitrary, procedurally unsustainable and therefore liable to be set aside.

- H. It is further submitted that the Office of the District Magistrate neither possesses nor can exercise any authority to direct the Applicant to discontinue operations in their stone crushing units, as the statutory powers previously delegated to the District Magistrate in this regard have, by Order of the West Bengal Pollution Control Board dated 30th January 2023, been expressly withdrawn. Any such purported direction is, therefore, wholly without jurisdiction and unenforceable in law.
- I. Similarly, the Office of the District Magistrate does not have and cannot have any authority to impose or direct payment of any fine upon the Applicant. The power to levy or enforce such monetary penalties under the *Water (Prevention & Control of Pollution) Act, 1974* and the *Air (Prevention & Control of Pollution) Act, 1981* was expressly withdrawn from the Office of the District Magistrate pursuant to the Order dated 30th January 2023 issued by the West Bengal Pollution Control Board. Consequently, any direction for payment of fine issued by the District Magistrate is *void ab initio* and liable to be quashed.
- J. The Respondent Authorities are estopped from denying the rights of the Applicant by reason of their own conduct, inasmuch as they have on one hand accepted consideration towards renewal of the Consent to Operate, while on the other hand, unjustifiably withheld such renewal. This amounts to approbation and reprobation, which is impermissible in law. The Impugned Order being vitiated by such arbitrary and contradictory conduct is therefore liable to be quashed and set aside.



- K. The Applicant have at all times complied with and adhered to all statutory norms, environmental safeguards and regulatory requirements prescribed under law. In such circumstances, the directions contained in the Impugned Order are wholly unjust, arbitrary, and without jurisdiction, as no violation is attributable to the Applicant.
- L. The Applicant has never operated their unit illegally or in contravention of law. On the contrary, the Applicant have always carried on their business strictly under valid consents and permissions duly granted by the competent authorities. The Impugned Order has been passed with manifest *mala fides* and for extraneous considerations, without any cogent basis or justification. Such an Order not only violates the principles of natural justice but also amounts to abuse of administrative power.
- M. The Office of the District Magistrate seems to have exercised powers under Section 33A of the Water (Prevention & Control of Pollution) Act, 1974 and Section 31A of the Air (Prevention & Control of Pollution) Act, 1981, which cannot be exercised at all by the said authority. Only the West Bengal Pollution Control Board has the authority to exercise such powers. Thus, the Impugned Order deserves to be set aside.
- N. The Respondent No.4 i.e. West Bengal Pollution Control Board has failed to discharge its statutory duty to issue or renew the requisite Consent to Operate in favour of the Applicant. Despite having received and appropriated the prescribed statutory fees and charges from the Applicant, the said Respondent has arbitrarily withheld such Consent to Operate. This conduct is not only manifestly unjust and arbitrary but also equivalent to abdication of its statutory obligations. The said Respondent, being a public



authority, is bound by the principles of fairness, reasonableness, and transparency under Article 14 of the Constitution of India, and its failure to act accordingly renders the Impugned Order unsustainable in law.

- O. It is pertinent to note that there has never been any allegation, much less any finding, that the Applicant have violated the permissible pollution norms, exceeded statutory parameters, or otherwise acted in breach of environmental regulations. In the absence of any contravention or violation, there is no jurisdiction vested in the Respondents to direct closure of the units or to impose any fine or penalty. Any such action without demonstrable misconduct on the part of the Applicant is *ex facie* arbitrary, illegal, and violative of the settled law that "*where there is no fault, there can be no penalty*".
- P. The Applicant have been subjected to penal consequences despite there being no fault or default on their part. The Respondent Authorities, having themselves failed to issue or renew the Consent to Operate in a timely and lawful manner cannot now take advantage of their own wrong and proceed to penalize the Applicant. Such conduct squarely falls within the doctrine that no man can take advantage of his own wrong which is a settled law by the Hon'ble Supreme Court of India.
- Q. The conduct and/or steps taken by the Respondent Authorities amount to infringement of the rights of the Applicant as guaranteed under Articles 14, 19 and 21 of the Constitution of India.

R. There are numerous stone crushing units operating in the same vicinity. The rights of all such units have been infringed and/or violated by the actions of the Respondent Authorities. A



substantial question relating to the environment has arisen, i.e., as to whether the Respondent Authorities can withhold permission and/or Consent to Operate, despite there being no violation of any environmental norms and despite accepting the renewal fees.

- S. There has been a clear abdication of duties by the West Bengal Pollution Control Board, and failure of discharging the duties under the Water (Prevention & Control of Pollution) Act, 1974 and Air (Prevention & Control of Pollution) Act, 1981.
5. The Applicant has not preferred any other application on the self-same cause of action before any other Court.
 6. The Impugned Order was passed on 7th August 2025 and hence the cause of action for filing the present Application arose on 7th August 2025. Thus, the instant application is being filed within the period of limitation as prescribed under Section 14 of the National Green Tribunal Act, 2010.
 7. This Hon'ble Tribunal also has the power and jurisdiction to receive, try and determine the instant application, as the same falls within the subject matter prescribed under the said Act.
 8. There is no other alternative or efficacious remedy available to the Applicant and the reliefs, as prayed for herein, if granted, shall do complete justice to the Applicant.
 9. The records of the present case are lying at the offices of the Respondent Authorities situated within this Hon'ble Tribunal's jurisdiction. Hence, this Hon'ble Tribunal has the territorial jurisdiction to receive, try and determine the instant Application.



10. There is extreme urgency in the matter as by the Impugned Order dated 7th August 2025, the Office of the District Magistrate has directed the Applicant to discontinue operation in the units, failing which it has been threatened that legal action shall be taken against the Applicant. Thus, in the event immediate Interim Orders are not passed, the Respondent Authorities shall take coercive measures against the Applicant, and in such an event, the Applicant shall suffer irreparable loss, injury and prejudice.
11. The Impugned Order by which the Applicant have been directed to apply for necessary consents / permission is completely misplaced, as the Applicant have already applied for renewal and / or issuance of Consent to Operate, and the same is pending at the Office of the West Bengal Pollution Control Board.
12. The balance of convenience and/or inconvenience is entirely in favour of the Applicant herein as no prejudice whatsoever would be caused to the Respondents if reliefs prayed for herein are granted, whereas grave prejudice and irreparable loss would be caused to the Applicant on account of huge losses if reliefs prayed for herein are not so granted.
13. The instant application is being made *bona fide* and in the interests of justice.

LIMITATION

The Applicant declares that as per the National Green Tribunal Act, 2010, the captioned Application is well within the prescribed period of limitation. The cause of action arose upon receipt of the Notice / Order dated 7th August 2025, hence the captioned Application.

PRAYERS

In view of the aforesaid facts, circumstances and grounds, it is humbly prayed that this Hon'ble Tribunal be pleased to:

- (a) Set aside the Order dated 7th August 2025 passed by the Office of the District Magistrate, Birbhum;



- (b) Direct the Office of the District Magistrate, Birbhum to forthwith withdraw and/or rescind and/or forbear from giving effect and/or any further effect to the Order dated 7th August 2025;
- (c) Restrain the Respondent Authorities from taking any coercive measures against the Applicant in any manner whatsoever; and
- (d) Pass further and/or other order(s) and/or direction(s) as this Hon'ble Tribunal may deem fit and proper.

INTERIM RELIEFS

In view of the aforesaid facts, circumstances and grounds, it is humbly prayed that pending disposal of the instant Application, this Hon'ble Tribunal be pleased to:

- (a) Restrain the Respondent Authorities from giving any effect and/or any further effect to the Order dated 7th August 2025;
- (b) Restrain the Respondent Authorities from taking any coercive measures against the Applicant in any manner whatsoever, including any step for recovery of an amount of Rs. 1,50,000/- either on the basis of the Impugned Order dated 7th August 2025 or otherwise;
- (c) Grant *ex parte ad interim / interim* reliefs in terms of the aforesaid prayers (a) and (b); and
- (d) Pass further and/or other order(s) and/or direction(s) as this Hon'ble Tribunal may deem fit and proper.

Kolkata

A. K. ENTERPRISE

Masabur Hasan Khan
Proprietor

By the applicant

Steven David D'Souza
Advocate

Date:



BEFORE THE HON'BLE NATIONAL GREEN TRIBUNAL
EASTERN ZONE BENCH, KOLKATA

(Application under Section 18(1) read with Sections 14 and 15 and under
Section 18(2) of the National Green Tribunal Act, 2010)

ORIGINAL APPLICATION NO. OF 2025

IN THE MATTER OF:

M/S A. K. ENTERPRISE

.....APPLICANT

VERSUS

THE STATE OF WEST BENGAL & OTHERS

.....RESPONDENTS

VERIFICATION

I, Motahar Hossain Khan, aged about 41, son of Musaraf Hossain Khan, residing at Village Kumarpur, Patel Nagar, District Birbhum, Pin 731 132, do hereby verify that the contents of paragraph nos. 1 to 11 are true to my knowledge and the rest are my respectful submissions before the Hon'ble Tribunal and that I have not suppressed any material fact.

Identified by

Steven Bourdieu
Advocate

F/1959/1708/2019

A. K. ENTERPRISE

Motahar Hossain Khan

Proprietor

Deponent



BEFORE THE HON'BLE NATIONAL GREEN TRIBUNAL
EASTERN ZONE BENCH, KOLKATA

(Application under Section 18(1) read with Sections 14 and 15 and under
Section 18(2) of the National Green Tribunal Act, 2010)

ORIGINAL APPLICATION NO. OF 2025

IN THE MATTER OF:

M/S A. K. ENTERPRISE

.....APPLICANT

VERSUS

THE STATE OF WEST BENGAL & OTHERS

.....RESPONDENTS

AFFIDAVIT

I, Motahar Hossian Khan, aged about 41, son of Musaraf Hossain Khan, residing at Village Kumarpur, Patel Nagar, District Birbhum, Pin 731 132, do hereby solemnly affirm and state as follows:

1. That I am the applicant herein and as such I am well acquainted with the facts of the case and I am competent to affirm this affidavit.
2. That the facts stated in the instant Original Application are all true to the best of my knowledge,

Identified by

Steven...

Advocate

A. K. ENTERPRISE

Motahar Hossain Khan

Proprietor

Deponent

F/1959/1708/2019

Solemnly affirmed and declared before me on Identification

ASIS KR SEN

ASIS KUMAR SEN
City Civil Court, Kolkata
Notary
Reg. No. -13802/18

24 NOV 2025



-28-

FORM 11

Annexure A

[See rule 58(2)]

Name Of District : **BIRBHUM**

Name Of Block : **MOHAMED-BAZAR**

Name Of Gram Panchayat : **HINGLOW**

Trade Registration No:- **483**

Trade Registration Date:-**07-Apr-2023**

Trade Registration Certificate issue No:- **2**

Issue Date:-**07-Apr-2023**

Trade Registration Certificate issued for the period of: **2023-2024,2024-2025,2025-2026**

To **MOTAHAR HOSSAIN KHAN**

(Name of Prop/partner/Director)

Full Address :

VILLAGE - **JAGATPUR**

PARA - **OJHAPARA**

POLICE STATION - **MD BAZAR**

POST OFFICE - **N JAGATPUR**

MOUZA - **37**

DAG - **1469**

PIN NO - **731132**

Gram Sansad/ Part No. **V**

Description of Trade : **STONE CRUSHER**

Gram panchayat acknowledges a sum of **Rs. 1500** (Rupees One Thousand Five Hundred Only)

From **A.K ENTERPRISE**

(Name of Trade)

Grant of this certificate shall not absolve the applicant from the requirement of procuring all the statutory clearances to be obtained from the appropriate authority before actual commencement of the trade. If any violation/default is noted later is, the certificate shall be liable to be cancelled and the trade/business shall be closed down with immediate effect.

This Certificate Is Electronically Generated

N.B.: Gram Panchayat has every right to cancel or revoke or not allowing renewal of registration at any time

Ref. Application Docket No. **NOCLLML96893615N**
<https://wbprd.gov.in/>



ফর্ম-৪

03090763

[নিয়ম ৮ (২) এবং ৩১ (২) দেখুন]

রসিদ নং 1704

হিংলো গ্রাম পঞ্চায়েত

গ্রাম পঞ্চায়েতের দ্বারা নির্ধারিত কর, অভিকর ও ফি এর রসিদ
(দুদিকে কার্বন পেপার দিয়ে রসিদের দুটি কপি করতে হবে)

নির্ধারীর নাম ও ঠিকানা : A.K ENTERPRISE হোল্ডিং নং (যদি থাকে) :

প্রাপ্ত অর্থের খাত ও পরিমাণ : PRO - Motahar Hossain Khan
2025/2026 (বছর) সময়কালের জন্য জমি ও বাড়ির উপর কর : 10134 টাকা

- (ক) সময়কালের জন্য গাড়ির রেজিস্ট্রেশনের উপর ফি : _____ টাকা
- (খ) সময়কালের জন্য স্বাস্থ্যবিধান ব্যবস্থার উপর ফি : _____ টাকা
- (গ) সময়কালের জন্য জলের অভিকর : _____ টাকা
- (ঘ) সময়কালের জন্য আলোর অভিকর : _____ টাকা
- (ঙ) সময়কালের জন্য সাফাই অভিকর : _____ টাকা
- (চ) সময়কালের জন্য ব্যবসা-বাণিজ্য নিবন্ধীকরণের উপর ফি : _____ টাকা
- (ছ) সময়কালের জন্য গ্রাম পঞ্চায়েত/ব্লক চালু বা পঞ্চায়েতের
অধীনে পরিচালিত পরিবহন ব্যবস্থায় যাত্রী, যক্ষীকরণ, পানী বা বৈদ্যুতিক উপর টোল বা পথকর : _____ টাকা
- (জ) শ্মশানঘাট ব্যবহারের উপর ফি : _____ টাকা
- (ঝ) সময়কালের জন্য শ্যালো বা টিউবওয়েলের নিবন্ধীকরণের উপর ফি : _____ টাকা
- (ঞ) গ্রামে উৎপাদিত ও গ্রামের বাজারে বিক্রীত পণ্য সামগ্রীর উপর ফি : _____ টাকা
- (ট) সময়কালের জন্য জনসমাজ প্রদর্শিত উদ্দেশ্যে রক্ষিত,
প্রদর্শিত কোনও বিজ্ঞাপনের উপর ফি : _____ টাকা
- (ঠ) ৪৭ নং ধারা বলে উপবিধিতে আদায়যোগ্য জরিমানা : _____ টাকা
- (ড) অন্যান্য : _____ টাকা

Handwritten signature and notes in Bengali script.

মোট - 10134 টাকা

T. Basu 21/5/2025
TAX COLLECTOR
হিংলো গ্রাম পঞ্চায়েত
গ্রাম পঞ্চায়েতের সচিব/কর আদায়কারী

নোট : (১) পঞ্চায়েতের কোন সদস্যকে এই কাজের দায়িত্ব দেওয়া যাবে না।
(২) ড্রাস্ট বা চেকের মাধ্যমে পেমেন্ট করা হলে টাকার অংকের পাশে চেকের নম্বর ও তারিখ লিখে রাখতে হবে।



Form- 4

Receipt No. 1704

Rule 8(2) and 31(2) Section
Hinglow Gram Panchayat

Receipts of taxes, duties and fees prescribed by the Gram Panchayat
(Two copies of the receipt must be made with carbon paper on both sides)

1. Name and Address of the assessor: A.K Enterprise
2. Sector and amount or money received: Pro- Motahar Hossain Khan

Vill- Jagatpur , Birbhum

Holding No(if

available) :

- A. Quarterly 2025/2026./year) Tax on land and houses for a period:10,134/-.....rupees
- B. Fee on vehicle registration for the period :rupees
- C. Fee on health care services for the period :rupees
- D. Water agent for the period :rupees
- E. Light agent for the period :rupees
- F. Cleaning agent for the period :rupees
- G. Fees on business registration for the period :rupees
- H. Toll or road tax on passengers, vehicles,
animals or cargo in the transport system operated by the Gram
Panchayat or under the Panchayat for a period :rupees
- I. Fees on use of crematorium:rupees
- J. Fee on registration of a Shallow or Deep-
Tube well for a period of time:rupees
- K. Fees on goods produced in Villages and sold in village markets :rupees
- L. Fees on any advertisement displayed, intended
for public display for a period of time :rupees
- M. Section 47 states that the fines payable under the bye-laws are :rupees
- N. Others :rupees

Total :10,134/-.....rupees

Ten Thousand One Hundred Thirty Four Rupees

Only

Sd/-

22/05/202

TAX COLLECTOR

Hinglow Gram Panchayat

(Signed with date)

Gram Panchayat Secretary/Tax Collector

- Note : 1. No member of the panchayat can be given the responsibility of this work.
2. If a payment is made by draft or check, the check number and date must be written next to the amount.



-31-

Annexure C

NOC

WEST BENGAL POLLUTION CONTROL BOARD

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

Valid for five years
from the date of issuance
of this certificate. & Gross Capital Investment of Rs. 49,50,000/-

Memo No. 2390/S

Dated 12.11.2015

From:
Member Secretary,
West Bengal Pollution Control Board

To: M/s A.K. Enterprises
prop. Motilal Halder Khan
Unit - Jagtore LA, N. Jagtore, P.S. - Motilal, Dist. - Murshidabad

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

Ref: Your letter No. _____ Dated _____

WEST BENGAL

Dear Sirs,

In response to the application for Consent to Establish (NOC) for proposed Unit of M/s A-K Enterprises
for manufacturing/storage of Spice Chips 60,000 kg / month

at Mega-Nincharpur, Plot No. 37, P.O. 166S, 1466, 1467, 1468, 1472, 1473 & 1482, 1474

this is to inform you that this Board hereby grants the Consent to Establish (NOC) from the environmental point of the above subject to the following conditions and special conditions annexed.

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



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

SPECIAL CONDITION:

Plants to be sited in cleared area with adequate road network. A well-ventilated and equipped road to be provided. The road should be well-maintained and well-lit. The road should be wide enough to allow for the movement of heavy machinery and personnel. The road should be paved with concrete or asphalt. The road should be at least 3-10 meters from the boundary of a stone quarry and shall not exceed 100 meters/mg.

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

Yours faithfully,

 Member Secretary,
 West Bengal Pollution Control Board
 Ex-Office Env. Engineer,
 West Bengal Pollution Control Board
 Dated: _____

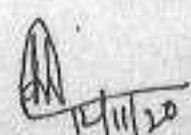
Memo No.
 Copy forwarded for information to :

1. Chief Inspector of Factories, Government of West Bengal, N. S. Building, Kolkata-700 001
2. Director of Industries/Director of Cottage & Small Scale Industries, Government of West Bengal, N. S. Building, Kolkata-700 001
3. Guard file, West Bengal Pollution Control Board.
4. Environmental Engineer, III/Alipur R.O./Howrah R.O./Hooghly R.O./B.R.O./D.R.O./Haldia R.O./S.R.O./Asansol/ Sub-R.O./WBPC Board

Himalaya Bhawan Delhi Road, Dankuni Dist. Hooghly	VIII, Panpur Kalyani Expressway P.O. Narayanpur Dist. 24 Pgs. (N)	Sahid Khudiram Sarani City Centre, Durgapur-16 Dist. Burdwan	10, Camac Street 2nd Floor Kolkata-700 017
Paribesh Bhawan 10A, LA-Block, Sector-III Salt Lake City, Kolkata - 700 098	Block-05 of 40 Flats Complex Adjacent to Priyambada Housing Estate P.O. : Khanjanchak, P.S. Durgachak Haldia-721602 Dist. : Purba Medinipur	Paribahan Nagar Maligara, Siliguri Dist.-Darjeeling	

NOTARY PUBLIC
 SANYA CHOWDHURY
 INDIAN STADIUM
 BATA CHAS BANDH ROAD
 MALDA-782101
 EXPIRY DATE 31-12-28

Asansol Sub-Regional Office
 ADA Commercial Market (2nd Floor)
 Opposite Asansol Fire Station
 G.T. Road, Asansol-713 301


 Member Secretary,
 West Bengal Pollution Control Board
 Ex-Office Env. Engineer,
 West Bengal Pollution Control Board

Typed Copy

West Bengal pollution control board
Paribesh Bhawan
10A, Block-LA, Sector-III, Bidhannagar
Kolkata-700106

Memo No.2390/S

dated 12.11.20

From:
Member Secretary,
West Bengal Pollution Control Board

To,
M/s A.K. Enterprise
Prop Motaha Hossain
Vill-Jagatpur, P.O.- Jagatpur,
P.S.- Md. Bazar, Birbhum.

Sub: Consent to Establish (NOC) from environmental point of law

Ref: Your letter No..... dated

Dear Sirs,

In response to the application for Consent to Establish (NOC) for proposed Unit of M/s. A.K. Enterprises for manufacturing/ storage/ installation Stone Chigs 60,000/- month at mouza- Nisclentapur, J.L. No.37, P/No.1665, 1466,1469,1470,1472,1473 & 1482, 1474 this is to inform you that this Board hereby grants the consent to Establish (NOC) from the environmental point of the above subject to the following conditions and special conditions annexed.

1. The quality sewage and trade effluent to be discharges form your factory shall satisfy the permissible limits as prescribed in IS 2490 (Pt.I) of 1974 and/or its subsequent amendment and Environment (Protection) Rules 1966.
2. Suitable measures to treat your effluent shall be adopted by you in order to reduce the pollutional load so that the quality of the effluent satisfies the standards mentioned above.
3. You shall have to apply to this Board for its consent to operate and discharge of sewage and trade effluent according to the provisions of the water (Prevention & Control of Pollution) Act, 1974. No. swage or trade effluent shall be discharged by you without prior consent of this Board.
4. All emission from you factory shall conform to the standards as laid down by this Board.
5. No. emission shall be permitted without prior approval of this Board and you shall apply to this Board for its consent to operate and atmospheric emission as per provision of the Air (Prevention & Control Pollution) Act 1981.
6. No industrial plan furnace, flues, chimneys, control equipment etc shall be constructed/reconstructed erected without prior approval of this Board.

7. You shall comply with
- (i) Water (Prevention and Control of Pollution) Cess Act, 1977, if applicable.
 - (ii) Water (Prevention and Control of Pollution) Cess Act, 1978, if applicable.
 - (iii) Environment (Protection) Act, 1986
 - (iv) Environment (Protection) Rules, 1980
 - (v) Hazardous Wastes (Management and Handling) Rules, 1989 and Amended Rules, 2000.
 - (vi) Manufacture, Storage and Import of Hazardous Chemicals Rules, 1989 and Amended Rules, 2000
 - (vii) Manufacture, Use, Import and Storage and Hazardous Micro-Organisms, Genetically Engineered Organisms or Cell Rules, 1909
 - (viii) The Public Liability Insurance Act, 1991 and Amended Act, 1992
 - (ix) The Public Liability Insurance Rules, 1991 and Amended Rules 1992
 - (x) Biomedical Wastes (Management & Handling) Rules, 1998 and Amended Rules 2000 & applicable.
 - (xi) Recycled Plastics Manufacture and Usage Rules 1999, If applicable and
 - (xii) Ozone Depleting Substances (Regulation & Control) Rules, 2000, & applicable and
8. You will have to abide by any other stipulations as may be prescribed by any authority/local bodies/Government Departments etc.

SPECIAL CONDITION

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

Yours faithfully

Member Secretary
West Bengal Pollution Control Board
Dated:

Memo No.

Copy forwarded for information to:

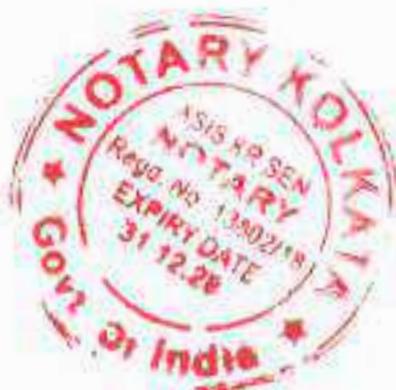
1. Chief Inspector of Factories, Government of West Bengal, N. S. Building, Kolkata-700001
2. Director of industries/Director of Cottage & Small Scale Industries, Government of West Bengal, N. S. Building, Kolkata-700 001
3. Guard file, West Bengal Pollution Control Board.
4. Environmental Engineer, I/II/Alipur R.O./Howrah R.O./Hooghly R.O./B.R.O/D.RO/Haldia R.O/S.R.O/ Asansol Sub-R.O/WBPC Board

Himalaya Bhawan Delhi Road, Dankuni Dist. Hooghly	VIII.- Panpur Kalyani Expressway P.O. Narayanpur Dist. 24 Pgs. (N)	Sahid Khudiram Sarani City Centre, Durgapur- 16 Dist. Burdwan	10, Camac Street, 2 nd Floor Kolkata-700 017
Paribesh Bhawan 10A, LA-Block, Sector-III, Salt Lake City, Kolkata-700 098	Block-05 at 40 Flats Complex Paribahan Nagar Adjacent to Priyambada Housing Estate P.O.: Khanjanchak, P.S. Durgachak Haldia-721602 Dist. Purba Medinipur	Paribahan Nagar Maligara, Siliguri Dist.-Darjeeling	
Satya Chowdhury Indoor Stadium Balurchar Bandh Road Malda-732101	Asansol Sub-Regional Office ADDA Commercial Market (2 nd floor) Opposite Asansol Fire Station G.T. Road, Asansol-713301		

Members Secretary
West Bengal Pollution Control Board

BEFORE THE NATIONAL GREEN TRIBUNAL
EASTERN ZONE BENCH, KOLKATA

Item No.	Application No.	Parties
2	Original Application O.A 44/2015/EZ	Joydeep Mukherjee Vs. Pollution Control Board, West Bengal & Ors.
	M.A. No. 47/2017/EZ In Original Application no. 44/2015/EZ	M/s Meien Stone Crusher (R.555) Vs. West Bengal Pollution Control Board & Ors.
	M.A. No. 48/2017/EZ In Original Application no. 44/2015/EZ	M/s Motherland Stone Crusher (R.559) Vs. West Bengal Pollution Control Board & Ors.
	M.A. No. 49/2017/EZ In Original Application no. 44/2015/EZ	M/s Karmakar Industries (R.65) Vs. West Bengal Pollution Control Board & Ors.
	M.A. No. 50/2017/EZ In Original Application no. 44/2015/EZ	M/s New Baba Bashukinath Stone Crusher (R.525) Vs. West Bengal Pollution Control Board & Ors.
	M.A. No. 51/2017/EZ In Original Application no. 44/2015/EZ	M/s V.S.P Stone Crusher (R.544) Vs. West Bengal Pollution Control Board & Ors.
	M.A. No. 52/2017/EZ In Original Application no. 44/2015/EZ	M/s Kali Mata Stone Crusher (R.554) Vs. West Bengal Pollution Control Board & Ors.
	M.A. No. 53/2017/EZ In Original Application no. 44/2015/EZ	M/s Loknath Baha Stone Crusher (R.476) Vs. West Bengal Pollution Control Board & Ors.
	M.A. No. 54/2017/EZ In Original Application no. 44/2015/EZ	M/s New Meelah Stone Product (R.98) Vs. West Bengal Pollution Control Board & Ors.
	M.A. No. 55/2017/EZ In Original Application no. 44/2015/EZ	M/s Kalyaneswari Stone Crusher (R.64) Vs. West Bengal Pollution Control



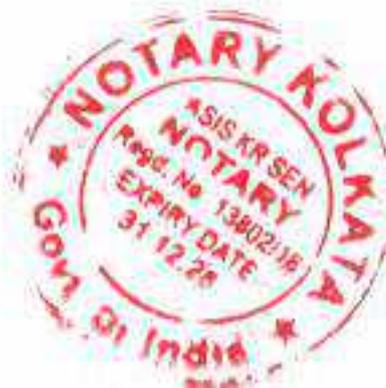
M.A. No. 56/2017/EZ In Original Application no. 44/2015/EZ	Board & Ors. M/s Pachami Granite (R.104) Vs. West Bengal Pollution Control Board & Ors.
M.A. No. 57/2017/EZ In Original Application no. 44/2015/EZ	M/s Bhui Bhui Stone Crusher (R.47) Vs. West Bengal Pollution Control Board & Ors.
M.A. No. 58/2017/EZ In Original Application no. 44/2015/EZ	M/s Pachami Stone Works (R.536) Vs. West Bengal Pollution Control Board & Ors.
M.A. No. 59/2017/EZ In Original Application no. 44/2015/EZ	M/s Saheb Stone Crusher (R.550) Vs. West Bengal Pollution Control Board & Ors.
M.A. No. 60/2017/EZ In Original Application no. 44/2015/EZ	M/s R.K. Enterprise (R.521) Vs. West Bengal Pollution Control Board & Ors.
M.A. No. 61/2017/EZ In Original Application no. 44/2015/EZ	M/s Mia Kali Stone Crusher (R.561) Vs. West Bengal Pollution Control Board & Ors.
M.A. No. 62/2017/EZ In Original Application no. 44/2015/EZ	M/s West Wind Stone Crusher (R.29) Vs. West Bengal Pollution Control Board & Ors.
M.A. No. 63/2017/EZ In Original Application no. 44/2015/EZ	M/s Panchami Stone Product Unit-II (R. 492) Vs. West Bengal Pollution Control Board & Ors.
M.A. No. 64/2017/EZ In Original Application no. 44/2015/EZ	M/s C.S,D Stone (R.539) Vs. West Bengal Pollution Control Board & Ors.
M.A. No. 65/2017/EZ In Original Application no. 44/2015/EZ	M/s A.K. Enterprise (R.552) Vs. West Bengal Pollution Control Board & Ors.
M.A. No. 66/2017/EZ In Original Application no. 44/2015/EZ	M/s Unique Stone Product (R.562) Vs. West Bengal Pollution Control Board & Ors.
M.A. No. 67/2017/EZ In Original Application no.	M/s Joy Ma Tara Stone Products (R.59) Vs.



44/2015/EZ M.A. No. 68/2017/EZ In Original Application no. 44/2015/EZ	West Bengal Pollution Control Board & Ors. M/s Bhola Baba Stone Crusher (R.484) Vs. West Bengal Pollution Control Board & Ors.
M.A. No. 69/2017/EZ In Original Application no. 44/2015/EZ	M/s A.K. Industries (R.509)s Vs. West Bengal Pollution Control Board & Ors.
M.A. No. 70/2017/EZ In Original Application no. 44/2015/EZ	M/s N.S. Stone Crusher (R.500) Vs. West Bengal Pollution Control Board & Ors.
M.A. No. 71/2017/EZ In Original Application no. 44/2015/EZ	M/s Bhar Bhai Stone Crusher Unit-II (r.48) Vs. West Bengal Pollution Control Board & Ors.
M.A. No. 72/2017/EZ In Original Application no. 44/2015/EZ	M/s Rangmatl Stone Crusher (R.119) Vs. West Bengal Pollution Control Board & Ors.
M.A. No. 73/2017/EZ In Original Application no. 44/2015/EZ	M/s Choudhury Stone Crusher (R.548) Vs. West Bengal Pollution Control Board & Ors.
M.A. No. 74/2017/EZ In Original Application no. 44/2015/EZ	M/s United Stone Crusher (R.140) Vs. West Bengal Pollution Control Board & Ors.
M.A. No. 75/2017/EZ In Original Application no. 44/2015/EZ	M/s Panchami Black Stone (R.542) Vs. West Bengal Pollution Control Board & Ors.
M.A. No. 76/2017/EZ In Original Application no. 44/2015/EZ	M/s Sairam Stone Crusher (R.126) Vs. West Bengal Pollution Control Board & Ors.
M.A. No. 77/2017/EZ In Original Application no. 44/2015/EZ	M/s Gour Hari Stone Crusher (R.505) Vs. West Bengal Pollution Control Board & Ors.
M.A. No. 78/2017/EZ In Original Application no. 44/2015/EZ	M/s Damrai Chandl Stone Crusher (R.540) Vs. West Bengal Pollution Control Board & Ors.



M.A. No. 79/2017/EZ In Original Application no. 44/2015/EZ	M/s Panchami Stone Quarry (R.543) Vs. West Bengal Pollution Control Board & Ors.
M.A. No. 80/2017/EZ In Original Application no. 44/2015/EZ	M/s New Lakshmi Mata Enterprise (R.95) Vs. West Bengal Pollution Control Board & Ors.
M.A. No. 81/2017/EZ In Original Application no. 44/2015/EZ	M/s N. Hossain Stone Com (R.547) Vs. West Bengal Pollution Control Board & Ors.
M.A. No. 82/2017/EZ In Original Application no. 44/2015/EZ	M/s Panchami Syndicate (R.105) Vs. West Bengal Pollution Control Board & Ors.
M.A. No. 83/2017/EZ In Original Application no. 44/2015/EZ	M/s Man Durga Stone Crusher (R.73) Vs. West Bengal Pollution Control Board & Ors.
M.A. No. 84/2017/EZ In Original Application no. 44/2015/EZ	M/s Robul Islam Mollah (R.545) Vs. West Bengal Pollution Control Board & Ors.
M.A. No. 85/2017/EZ In Original Application no. 44/2015/EZ	M/s Lakshmi Mata Enterprise (R.68) Vs. West Bengal Pollution Control Board & Ors.
M.A. No. 86/2017/EZ In Original Application no. 44/2015/EZ	M/s Bhola Nath Stone Crusher (R.533) Vs. West Bengal Pollution Control Board & Ors.
M.A. No. 87/2017/EZ In Original Application no. 44/2015/EZ	M/s J.B. Industries (R.532) Vs. West Bengal Pollution Control Board & Ors.
M.A. No. 88/2017/EZ In Original Application no. 44/2015/EZ	M/s Mondal Stone Product (R.482) Vs. West Bengal Pollution Control Board & Ors.
M.A. No. 100/2017/EZ In Original Application no. 44/2015/EZ	M/s Beacon Stone Product (R.44) Vs. West Bengal Pollution Control Board & Ors.
M.A. No. 101/2017/EZ	M/s Black Stone Crusher (R.49)



In Original Application no. 44/2015/EZ M.A. No. 102/2017/EZ	Vs. West Bengal Pollution Control Board & Ors M/s Jeet Stone Crusher (R.57)
In Original Application no. 44/2015/EZ M.A. No. 103/2017/EZ	Vs. West Bengal Pollution Control Board & Ors M/s L.G. Enterprise (R.66)
In Original Application no. 44/2015/EZ M.A. No. 104/2017/EZ	Vs. West Bengal Pollution Control Board & Ors M/s Man Ganga Stone Product (R.75)
In Original Application no. 44/2015/EZ M.A. No. 105/2017/EZ	Vs. West Bengal Pollution Control Board & Ors M/s Mondal Stone Crusher (R.88)
In Original Application no. 44/2015/EZ M.A. No. 106/2017/EZ	Vs. West Bengal Pollution Control Board & Ors M/s Modina Stone Crusher (R.85)
In Original Application no. 44/2015/EZ M.A. No. 107/2017/EZ	Vs. West Bengal Pollution Control Board & Ors M/s New Raja Enterprise (R.99)
In Original Application no. 44/2015/EZ M.A. No. 108/2017/EZ	Vs. West Bengal Pollution Control Board & Ors M/s New Sante Enterprise (R.101)
In Original Application no. 44/2015/EZ M.A. No. 109/2017/EZ	Vs. West Bengal Pollution Control Board & Ors M/s Panchami Unique Stone Product (R.107)
In Original Application no. 44/2015/EZ M.A. No. 110/2017/EZ	Vs. West Bengal Pollution Control Board & Ors M/s Raisa Enterprise (R.111)
In Original Application no. 44/2015/EZ M.A. No. 111/2017/EZ	Vs. West Bengal Pollution Control Board & Ors M/s Raj Stone Product (R.116)
In Original Application no. 44/2015/EZ M.A. No. 112/2017/EZ	Vs. West Bengal Pollution Control Board & Ors M/s Sapta Sikha Stone Works (R.128)
In Original Application no. 44/2015/EZ M.A. No. 113/2017/EZ	Vs. West Bengal Pollution Control Board & Ors M/s Garai Stone Industries (R.480)



Original Application no. 44/2015/EZ	Vs. West Bengal Pollution Control Board & Ors.
M.A. No. 114/2017/EZ In	M/s Raghunath Enterprise (R.488)
Original Application no. 44/2015/EZ	Vs. West Bengal Pollution Control Board & Ors.
M.A. No. 115/2017/EZ In	M/s Bengal Stone Crusher (R.511)
Original Application no. 44/2015/EZ	Vs. West Bengal Pollution Control Board & Ors.
M.A. No. 116/2017/EZ In	M/s Ranu Stone Crusher (R.512)
Original Application no. 44/2015/EZ	Vs. West Bengal Pollution Control Board & Ors.
M.A. No. 117/2017/EZ In	M/s Data Stone Crusher (R.574)
Original Application no. 44/2015/EZ	Vs. West Bengal Pollution Control Board & Ors.
M.A. No. 118/2017/EZ In	M/s Gitanjali Enterprise (578)
Original Application no. 44/2015/EZ	Vs. West Bengal Pollution Control Board & Ors.
M.A. No. 119/2017/EZ In	M/s Joy Ganga Stone Comary (R.58)
Original Application no. 44/2015/EZ	Vs. West Bengal Pollution Control Board & Ors.
M.A. No. 131/2017/EZ In	M/s B Das & Company (R.42)
Original Application no. 44/2015/EZ	Vs. West Bengal Pollution Control Board & Ors.
M.A. No. 132/2017/EZ In	M/s Raja Enterprise (R.117)
Original Application no. 44/2015/EZ	Vs. West Bengal Pollution Control Board & Ors.
M.A. No. 133/2017/EZ In	M/s Malleswar Stone Crusher (R.80)
Original Application no. 44/2015/EZ	Vs. West Bengal Pollution Control Board & Ors.
M.A. No. 134/2017/EZ In	M/s Suraj Stone Product (R.138)
Original Application no. 44/2015/EZ	Vs. West Bengal Pollution Control Board & Ors.
M.A. No. 135/2017/EZ In	M/s Jyoti Stone Crusher (R.479)
Original Application no. 44/2015/EZ	Vs. West Bengal Pollution Control Board & Ors.
M.A. No. 136/2017/EZ In	M/s Kalyan Bose & Company (R.514)



Original Application no. 44/2015/EZ	Vs. West Bengal Pollution Control Board & Ors.
M.A. No. 137/2017/EZ In	M/s Chanda Stone Crusher (R.515)
Original Application no. 44/2015/EZ	Vs. West Bengal Pollution Control Board & Ors.
M.A. No. 138/2017/EZ In	M/s Netaji Stone Crusher (R.518)
Original Application no. 44/2015/EZ	Vs. West Bengal Pollution Control Board & Ors.
M.A. No. 139/2017/EZ In	M/s Ranki Stone Crusher (R.519)
Original Application no. 44/2015/EZ	Vs. West Bengal Pollution Control Board & Ors.
M.A. No. 140/2017/EZ In	M/s Rani Stone Crusher (R.576)
Original Application no. 44/2015/EZ	Vs. West Bengal Pollution Control Board & Ors.
M.A. No. 141/2017/EZ In	M/s Kajal Stone Product (R.62)
Original Application no. 44/2015/EZ	Vs. West Bengal Pollution Control Board & Ors.
M.A. No. 142/2017/EZ In	M/s Man Durga Stone Crusher (R.73)
Original Application no. 44/2015/EZ	Vs. West Bengal Pollution Control Board & Ors.
M.A. No. 143/2017/EZ In	M/s Maa Tara Stone Crushing (R.79)
Original Application no. 44/2015/EZ	Vs. West Bengal Pollution Control Board & Ors.
M.A. No. 144/2017/EZ In	M/s Pal Stone Crusher (R.106)
Original Application no. 44/2015/EZ	Vs. West Bengal Pollution Control Board & Ors.
M.A. No. 145/2017/EZ In	M/s Sankha Laghu & O.B.C Stone Crusher (R.127)
Original Application no. 44/2015/EZ	Vs. West Bengal Pollution Control Board & Ors.
M.A. No. 146/2017/EZ In	M/s Shib Durga Stone Product (R.134)
Original Application no. 44/2015/EZ	Vs. West Bengal Pollution Control Board & Ors.
M.A. No. 147/2017/EZ In	M/s Sri Krishnas Stone Crusher (R.137)
Original Application no. 44/2015/EZ	Vs. West Bengal Pollution Control Board & Ors.



M.A. No. 148/2017/EZ In Original Application no. 44/2015/EZ	M/s K.P. Enterprise (R.475) Vs. West Bengal Pollution Control Board & Ors.
M.A. No. 149/2017/EZ In Original Application no. 44/2015/EZ	M/s Marian Stone Product (R.478) Vs. West Bengal Pollution Control Board & Ors.
M.A. No. 150/2017/EZ In Original Application no. 44/2015/EZ	M/s Bubar Ghosal (R.487) Vs. West Bengal Pollution Control Board & Ors.
M.A. No. 151/2017/EZ In Original Application no. 44/2015/EZ	M/s Radha Gobinda Enterprise (R.489) Vs. West Bengal Pollution Control Board & Ors.
M.A. No. 152/2017/EZ In Original Application no. 44/2015/EZ	M/s K.G.N Stone Crusher (R.508) Vs. West Bengal Pollution Control Board & Ors.
M.A. No. 153/2017/EZ In Original Application no. 44/2015/EZ	M/s R B N Stone Product (R.577) Vs. West Bengal Pollution Control Board & Ors.
M.A. No. 154/2017/EZ In Original Application no. 44/2015/EZ	M/s Hari Sadhay Stone Crusher (R.55) Vs. West Bengal Pollution Control Board & Ors.
M.A. No. 155/2017/EZ In Original Application no. 44/2015/EZ	M/s Pratima Stone Crusher (R.568) Vs. West Bengal Pollution Control Board & Ors.
M.A. No. 158/2017/EZ In Original Application no. 44/2015/EZ	M/s Stone India (R.402) Vs. West Bengal Pollution Control Board & Ors.
M.A. No. 159/2017/EZ In Original Application no. 44/2015/EZ	M/s Sahara Stone Crusher (R.125) Vs. West Bengal Pollution Control Board & Ors.
M.A. No. 160/2017/EZ In Original Application no. 44/2015/EZ	M/s Dighal Gram Stone Crusher (R.510) Vs. West Bengal Pollution Control Board & Ors.
M.A. No. 161/2017/EZ In Original Application no.	M/s S.S.P. Stone Crusher (R.497) Vs.



44/2015/EZ	West Bengal Pollution Control Board & Ors.
M.A. No. 162/2017/EZ In	M/s Ghosh Enterprise (R.362) Vs.
Original Application no. 44/2015/EZ	West Bengal Pollution Control Board & Ors.
M.A. No. 163/2017/EZ In	M/s Associated Enterprise (R.41) Vs.
Original Application no. 44/2015/EZ	West Bengal Pollution Control Board & Ors.
M.A. No. 164/2017/EZ In	M/s Y.M. Stone Chips (R.142) Vs.
Original Application no. 44/2015/EZ	West Bengal Pollution Control Board & Ors.
M.A. No. 165/2017/EZ In	M/s Shiv Shakti Stone Product (R.134) Vs.
Original Application no. 44/2015/EZ	West Bengal Pollution Control Board & Ors.
M.A. No. 166/2017/EZ In	M/s Aditi Stone Crusher (R.565) Vs.
Original Application no. 44/2015/EZ	West Bengal Pollution Control Board & Ors.
M.A. No. 167/2017/EZ In	M/s Kalimata & Kalimata Stone Crusher (R.554) Vs.
Original Application no. 44/2015/EZ	West Bengal Pollution Control Board & Ors.
M.A. No. 168/2017/EZ In	M/s Swarnamayi Stone Crusher (R.139) Vs.
Original Application no. 44/2015/EZ	West Bengal Pollution Control Board & Ors.
M.A. No. 169/2017/EZ In	M/s M S Stone Crusher (R.71) Vs.
Original Application no. 44/2015/EZ	West Bengal Pollution Control Board & Ors.
M.A. No. 170/2017/EZ In	M/s Sri Gobinda Stone Product (R.136) Vs.
Original Application no. 44/2015/EZ	West Bengal Pollution Control Board & Ors.
M.A. No. 171/2017/EZ In	M/s Shri Paresmath Industries (R.108) Vs.
Original Application no. 44/2015/EZ	West Bengal Pollution Control Board & Ors.
M.A. No. 172/2017/EZ In	M/s Abdul Hamid Stone Crusher (R.485) Vs.
Original Application no. 44/2015/EZ	West Bengal Pollution Control Board & Ors.
M.A. No. 173/2017/EZ In	M/s Dewangunj Stone Company (R.570)

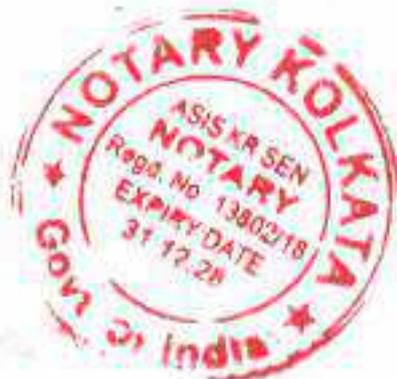


Original Application no. 44/2015/EZ
Vs.
West Bengal Pollution Control Board & Ors.
M.A. No. 174/2017/EZ
In
M/s Ashirbad Stone Product (R.164)
Original Application no. 44/2015/EZ
Vs.
West Bengal Pollution Control Board & Ors.
M.A. No. 175/2017/EZ
In
M/s New Panchami Stone Crusher (R.573)
Original Application no. 44/2015/EZ
Vs.
West Bengal Pollution Control Board & Ors.
M.A. No. 176/2017/EZ
In
M/s Jugal Kishori Stone Product (R.61)
Original Application no. 44/2015/EZ
Vs.
West Bengal Pollution Control Board & Ors.
M.A. No. 177/2017/EZ
In
M/s National Stone Enterprise (R.490)
Original Application no. 44/2015/EZ
Vs.
West Bengal Pollution Control Board & Ors.
M.A. No. 178/2017/EZ
In
M/s Mondal Stone Product (R.482)
Original Application no. 44/2015/EZ
Vs.
West Bengal Pollution Control Board & Ors.
M.A. No. 179/2017/EZ
In
M/s Panchami Stone Enterprise (R.486)
M.A. No. 233/2017/EZ
To
M.A. NO. 295/2017
&
M.A. NO. 309/2017
M.A. NO. 310/2017/EZ
In
Original Application no. 44/2015/EZ
Vs.
West Bengal Pollution Control Board & Ors.

CORAM: Hon'ble Mr. Justice S.P.Wangdi, Judicial Member
Hon'ble Prof. (Dr.) P. C. Mishra, Expert Member

PRESENT:

Applicant	: Ms. Leena Mukherjee, Advocate
Respondent No.1	: Mr. Sibojyoti Chakraborti, Advocate
Respondent No. 2 & 3	: Mr. Rajib Ray, Advocate
Respondent No. 4	: Mr. Binod Kumar Gupta, Advocate Ms. Aishwarya Rajyashree, advocate
Respondent No. 5	: Mr. Surendra Kumar, Advocate
Applicants in MAs	: Mr. Ambar Majumdar, Advocate ✓ Mr. Biswajib Ghose, Advocate ✓ Mr. Avirup Chatterjee, Advocate ✓



Date & Remarks	Orders of the Tribunal
Item No. 2 11 th October, 2017.	<p>These MAs arising out of OA 44/2015/EZ are taken up together for disposal since similar questions are involved.</p> <p>As already observed in our order dated 27.7.2017 it had been made abundantly clear after a detail hearing that the only question that remained to be decided in these matters was as to whether the applicants would be held liable to pay penalty in terms of our order passed in OA 41/2015/EZ and that as it was an admitted position that the applicants had been operating their stone crusher units without consents to operate even before they were granted such consent, there could be no doubt that they were liable to pay penalty of Rs. 1.5 lakh as they fell under category I, i.e., those who did not have any consent to operate at any point of time at all.</p> <p>Today, Mr. Amber Mukherjee, Id. advocate for the applicants in the MAs submits that he would not press the MAs and would comply with the findings of the Tribunal but only prays that the District Magistrate be directed to consider their cases based on the documents, which had been sought for under the RTI</p>



Act, 2005, with regard to which reply dated 21.8.2017 had been sent to the applicants by the Dy. Magistrate & Dy. Collector and SPIO, Sadar, Suri, Birbhum district.

Notwithstanding the established fact that the applicants are liable to pay the penalty, we direct the District Magistrate, Birbhum to consider the pleas expressed by the applicants in these MAs before finally directing them to pay the penalty as per our directions. This shall be done within a month from hence.

The letter produced before us by Mr. Majumdar be taken on record and marked with letter A for identification.

For the reasons stated above, in our opinion, nothing further would remain for our determination in these cases and accordingly the MAs stand disposed of.

O.A. 44/2015/EZ :

For the same reasons alluded to above, the OA also stands disposed of.

No order as to costs.

.....
Justice S.P.Wangdi, JM
11-10-2017

.....
Prof. (Dr.) P. C. Mishra, EM
11-10-2017



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WEST BENGAL POLLUTION CONTROL BOARD, Annexure E

Paribesh Bhawan, Bldg. No. 10A, Block - LA, Sector III, Bidhannagar, Kolkata - 700 108
(Orange/Green Category Unit)



Memo Number: 978/S

Date: 24.6.22

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

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

M/s A.K. Enterprise, Mosleh Hossein Khan, Vill-Jagatpur, P.O. - N. Jagatpur, Md. Barua

(hereinafter referred to as Applicant) for its unit located at Vill-Jagatpur, P.O. N. Jagatpur, Barua

Kulindopara, T.L. 2037, Pincode 485, 1466, 1469, 1470, 1472, 1473, 1474, Md. Barua, Sundarban

(Dotted address of the manufacturing unit)

for a period from Apr. 1, 2022 to March 31, 2026 to operate the industrial unit and to discharge liquid effluent and to emit gaseous effluent from the premises/land of the industrial unit in accordance with the conditions as mentioned below provided on any day at any instance the quantity and quality of liquid discharge and gaseous emission shall not exceed the permissible limit as specified in this consent letter and as specified in the Environmental (Protection) Act, 1986.

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

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

Conditions:

01. This Consent is valid for the manufacture of:

Sl. No.	Name of major products and by-products	Quantity produced per month	Sl. No.	Name of major products and by-products	Quantity produced per month
01.	Stone chips	Tons	03.		
02.			04.		

02. The Applicant shall observe the following fuel consumption pattern:

Sl. No.	Type of fuel	Quantity per day	Sl. No.	Type of fuel	Quantity per day	Sl. No.	Type of fuel	Quantity per day
01.			02.			03.		

03. The Applicant falls in the _____ category of the Water (Prevention and Control of Pollution) Cess Act, 1977 and Rules made thereunder and shall comply with the provisions of said Act, and Rules and regularly submit to the Board the Returns of Water consumption in the prescribed form and pay the Cess as specified under Section 3 of the said Act.

04. Daily water consumption for the following purposes should not exceed:

Industrial cooling, spraying in mine pits and boiler feed water (water used for gardening should be included in the category of use)	Domestic purpose	Processing whereby water gets polluted and the pollutants are easily biodegradable	Processing whereby water gets polluted and the pollutants are not easily biodegradable
5.0 KL	3.0 KL		

05. Daily discharge of effluent shall not exceed:

	Industrial liquid effluent	Domestic liquid effluent	Mixed (Industrial & Domestic) liquid effluent
No. of outlets	1		
Quantity	0.5 KL	KL	0.3 KL
Place of discharge	Sundarban		Sundarban

06. The Applicant shall provide _____ system for conveying industrial & domestic liquid waste & separate drainage system for storm-water and shall provide comprehensive treatment facility for industrial and domestic liquid waste (sewage, sullage & liquid effluent generated from center) and operate and maintain the same to conform to the Standard for liquid effluent as given below.



07. This Applicant shall provide comprehensive pollution control equipment and operate and maintain the same continuously to conform the quality of the final gaseous emission to the Standard as given below

Stack No.	Stack height (m)	Stack attached to (sources and control system, if any)	Volume (m ³ /hr)	Velocity of gaseous emission (m/sec)	Concentrations of parameters not to exceed			Frequency of sampling
					SPM (mg/Nm ³)	CO (% v/v)		
S-1								
S-2								
S-3								
S-4								

08. The Applicant shall maintain the generation and treatment/disposal of non-hazardous solid waste as specified below

Type of waste	Quantity	Treatment	Disposal
Stone Dust	1000mt	Deep Bungal	Not to be disposed of in environmental safe manner

09. The Applicant shall take adequate measures for control of noise levels from its own sources within its premises to conform to

Time	Limit in dB (A) L ₉₀	Time	Limit in dB (A) L ₉₀
Day time (06 a.m. to 09 p.m.)	65	Night Time (03 p.m. to 06 a.m.)	55

10. The Applicant shall remain responsible for quantity and quality of liquid effluent and air emissions and shall furnish to the State Board all information in respect of quality, quantity, rate of discharge, place of discharge of liquid effluent and air emissions.

11. The Applicant shall at all times maintain good house-keeping, proper working order, control pollution (including fugitive emissions) from all sources to maintain clean environment in & around factory premises and its surrounding areas/inhabitants.

12. The Applicant shall bring about at least 33% of the available open land under the green coverage/plantation.

13. The Applicant shall provide for sufficient alternate electric power source to operate all pollution control facilities. In absence of such alternate power source, the production should be stopped/reduced/controlled to conform the conditions of the Consent.

14. All the stacks connected to various sources of emissions must be painted/displayed to designate by numbers such as S-1, S-2 etc. and shall have ports, ladder, platform etc. for monitoring/sampling the air emissions and the same shall be made available for inspection and use by the State Board's staff as well as State Board's authorized agencies.

15. The Applicant shall install a separate energy meter showing the consumption of energy for operation of pollution control devices and shall install suitable device for measuring the volume of water consumed for different purposes as mentioned above giving correct result to the satisfaction of the State Board.

16. The Applicant shall allow the Officers of the State Board to enter into the premises of the unit at any reasonable time to inspect the pollution control systems and shall provide adequate and safe facility for collection of air, wastewater and solid waste samples for monitoring and measuring by the State Board's staff as well as State Board's authorized agencies.

17. The Applicant shall maintain an Inspection Book in the factory premises which shall be made available to inspecting officers of the State Board for inspection, review and to write down any direction or observation as is deemed necessary during the inspection.

18. The Applicant shall intimate to the State Board immediately of any occurrence or apprehension of occurrence of discharge of any pollutants in excess of quality and quantity as mentioned above to any receiving water body/system or to atmosphere owing to accident or other unforeseen incident/event including natural disaster and the Applicant shall take adequate steps to prevent such accidental event.

19. The Applicant shall apply for renewal of consent to State Board in prescribed form 60 (sixty) days before expiry of this Consent.

20. The Applicant shall not make any alteration/modification/expansion in the existing/manufacturing process and equipment, pollution control system and shall not bring into any altered or new outfall/draft or stack or change the place of discharge, without prior approval of the Board.

21. The Applicant shall comply with the conditions as laid down in the Manufacture, Storage and Import of Hazardous Chemicals Rules, 1989, Hazardous Wastes (Management & Handling) Rules, 1989 and Public Liability Insurance Act, 1991.

Additional Conditions:

AMBIENT AIR QUALITY REPORT TO BE SUBMITTED WITHIN 3 MONTHS OF THE DATE OF ISSUANCE OF THIS CONSENT TO THE STATE BOARD OF POLLUTION CONTROL, BANGALORE. YEARLY REPORT TO BE SUBMITTED TO THE STATE BOARD OF POLLUTION CONTROL, BANGALORE. TERMS AND CONDITIONS AS Laid Down in the Consent to Manufacture and Operation of the Plant. ANNEXURE ARE STRICTLY TO BE OBSERVED.

For and on behalf of the Board
Sd/- U. Srinivas Reddy
ES-Officer Env. Engineer
State Board of Pollution Control, Bangalore
Member, State Board of Pollution Control, Bangalore



WEST BENGAL POLLUTION CONTROL BOARD
'Paribesh Bhawan', Bldg. No. 10A, Block- LA, Sector-III, Bidhannagar, Kolkata-700106
(Orange /Green Category Unit)

Memo Number: 97/5

Date: 24.6.22.

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

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

Ms A.K. Enterprise, Motiar Hossain Khan, Vill- Jagatpur, P.O- N. Joyatpur Md. Barer (hereinafter referred to as Application) for its unit located at Vill- Jagatpur, P.O.N. Jagatpur, Mouza-Nischintpur, J.L. No. 37, Plot No. 465, 1466, 1469, 1179, 1472, 1473, 1432 Md. Bazar Birbhum .

For a period from April 2022 to March, 2026 to operate the industrial unit and to discharge liquid effluent and to emit gaseous effluent from the premises/land of the industrial unit in accordance with the conditions as mentioned below provided on any day at any instance the quantity and quality of liquid discharge and Environmental (Protection) Act, 1986.

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

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

Conditions:

01.This consent is valid for the manufactured of:

Sl. No.	Name of major Products and by products	Quantity Produced per month	Sl. No.	Name of major products and by products	Quality produced per month
01.	Stone chips	7000mt.	03		
02			04		

02. The Applicant shall observe the following fuel consumption pattern.

Sl. No.	Type of fuel	Quantity per day	Sl. No.	Type of fuel	Quantity per day	Sl. No.	Type of fuel	Quantity per day
01			02			03		

03. The Applicant falls in the category of the Water (Prevention and Control of Pollution) Cess Act, 1977 and Rules made there under and shall comply with the provisions of said Act and rules and regularly submit to the Board the Returns of Water consumption in the prescribed form and pay the cess as specified under section 3 of the said Act.

04. Daily water consumption for the following purpose should not exceed.

Industrial cooling, spraying in mine pls and boiler feed water (water used for gardening should be included in this category of use)	Domestic Purpose	Processing whereby water gets polluted and the pollutants are easily biodegradable	Processing whereby water gets polluted and the pollutants are not easily biodegradable.
5.0 KL	3.0 KL		

05. Daily discharge of effluent shall not exceed

	Industrial liquid effluent	Domestic liquid effluent	Mixed (Industrial and Domestic) liquid influent
No. of outfalls	1		
Quality	0.5 KL	KL	0.3 KL
Place of Discharge	Sogkrit		

06. The applicant state provide system for conveying industrial and domestic liquid waste and separate drainage system for strm water provide comprehensive treatment facility for industrial and domestic liquid was (sewage influent generated from canteen) and operate and maintain the same to conform to the standard financial influent given below.

(2)

07. That applicant shall provide comprehensive pollution control equipment and operate and maintain the same continuously to conform the quality of the final gaseous emission to the Standard ad given below.

Sl. No.	Stack height from GI (in Mts.)	Stock attached to (sources and control system if any)	Volume Nm/mt.	Velocity of gaseous emission (Mg/Soc)	Concentration of parameters not to exceed				Frequency of Sampling
					SPM (mg NM)	CO (% v/v)			
S-1									
S-2									
S-3									
S-4									

08. The applicant shall maintain the generation and treatment/disposal of non-hazardous solid waste as specified below.

Type of waste	Quality	Treatment	Disposal
Stone Dust	1000mt	West Bengal	To be disposed of in

09. The applicant shall take adequate measures for control of noise levels from its own sources within its premises to conform to

Time	Limit in DB (A)L	Time	Limit in DB (A)L
Day time (06 a.m. to 09 p.m)	65	Night Time (09 p.m. to 06 a.m.)	55

10 The Applicant shall remain responsible for quantity and quality of liquid effluent and air emissions and shall furnish to the State Board all information in respect of quality, quantity, rate of discharge, place of discharge of liquid effluent and air emissions.

11. The Applicant shall at all times maintain good house-keeping, proper working order, control pollution (includ-ing fugitive emissions) from all sources to maintain clean environment in & around factory premises and to surrounding areas/inhabitants.

12. The Applicant shall bring about at least 33% of the available open land under the green coverage/ plantation.

13. The Applicant shall provide for sufficient alternate electric power source to operate all pollution control facili-ties. In absence of such alternate power source, the production should be stopped/reduced/controlled to con-Torm the conditions of the Consent.

14. All the stacks connected to various sources of emissions must be painted/displayed to designate by num-bers such as S-1, S-2 etc. and shall have ports, ladder, platform etc. for monitoring/sampling the air emissions and the same shall be made available for inspection and use by the State Board's staff as well as State Board's authorised agencies.

15. The Applicant shall install a separate energy meter showing the consumption of energy for operation of pollution control devices and shall Install suitable device for measuring the volume of water consumed for differ-ent purposes as mentioned above giving correct result to the satisfaction of the State Board.

16. The Applicant shall allow the Officers of the Stale Board to enter into the premises of the unit at any reason-able time to inspect the pollution control systems and shall provide adequate and safe facility for collection of air, wastewater and solid waste samples for monitoring and measuring by the State Boards's staff as well as State Board's authorised agencies

17. The Applicant shall maintain an Inspection Book in the factory premises which shall be made available to inspecting officers of the State Board for inspection, review and to write down any direction or observation as is deemed necessary during the inspection.

18. The Applicant shall intimate to the State Board immediately of any occurrence or apprehension of occur-rence of discharge of any pollutants in excess of quality and quantity as mentioned above to any receiving water body/system or to atmosphere owing to accident or other unforeseen incident/event including natural disaster and the Applicant shall take adequate steps to prevent such accidental event.

19. The Applicant shall apply for renewal of consent to Stale Board in prescribed form 60 (sixty) days before expiry of this Consent

20. The Applicant shall not make any alteration/modification/expansion in the existing/manufacturing process and equipment, pollution control system and shall not bring into any altered or new outlet/outfall or stack or change the place of discharge, without prior approval of the Board

21. The Applicant shall comply with the conditions as laid down in the Manufacture, Storage and Import of Hazardous Chemicals Rules, 1989, Hazardous Wastes (Management & Handling) Rules, 1989 and Public Liability insurance Act. 1991.

Additional Conditions



Government of West Bengal
Office of the Sub-Divisional Officer,
Birbhum Sadar, Suri

Date: 26/05/2023

659/S

✓ To,
The Secretary,
Panchami Mine Owner's Association,
Kapasdanga, Bharkata, Birbhum

Sub: Order regarding the power to issue 'Consent to Establish' & 'Consent to operate' of all units attracting environmental clearance.

Ref: Order of the Chairman, West Bengal Pollution Control Board issued vide Memo. no 02/4A-10/2012 30/01/2023

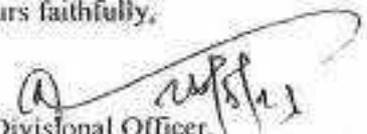
Sir,

Enclosed please find herewith the copy of the order issued by the Chairman, West Bengal Pollution Control Board issued vide Memo. no 02/4A-10/2012 30/01/2023 regarding the processes to be followed to get 'Consent to Establish (NOC)' & 'Consent to Operate' of stone crushers and units dealing with mining of all minor minerals such as river sand, black stone, china clay etc. attracting Environment Clearance(EC) provisions.

You are requested to take necessary steps accordingly.

Encl: As stated

Yours faithfully,


Sub-Divisional Officer,
Birbhum Sadar,

Date: 26/05/2023

No 659/10/US

Copy forwarded for information to:

- 1. The CA to the District Magistrate, Birbhum.
- 2. The CA to the Additional District Magistrate(L&R).


Sub-Divisional Officer,
Birbhum Sadar



-49-



West Bengal Pollution Control Board

Paribesh Bhawan,
Bldg. No. 10 A, Block-LA, Sector-III, Salt Lake City, Bidhan Nagar,
Kolkata - 700 106, INDIA
Website : www.wbpcb.gov.in, e-mail : wbpcbnet@wbpcb.gov.in

Memo No. 02 14A-10/2012

Dated : 30.01.2023

ORDER

WHEREAS the West Bengal Pollution Control Board, Department of Environment, Government of West Bengal is concerned about various complaints against the illegal mining of minor minerals such as river sand, black stone, China Clay etc., having mining lease area less than 5 hectare which are operating without proper statutory licenses and without adopting proper pollution control systems and measures and thereby creating environmental hazards and various other environmental problem.

AND WHEREAS the West Bengal Pollution Control Board (hereinafter will be referred to as the State Board) is executing the provisions of the Water (Prevention and Control of Pollution) Act, 1974, the Air (Prevention and Control of Pollution) Act, 1981, and the Environment (Protection) Act, 1986 and Rules framed thereunder for Prevention and Control of Pollution within the territorial jurisdiction of West Bengal.

AND WHEREAS the State Board by the order bearing No.3895/43L/WPB/2003 dated 09/12/2010 declared the Block Development Officer, Sub-Divisional Officer of all the Districts, West Bengal as Ex-Officio Environment Officers of the State Board. They were delegated powers to inspect and monitoring of the stone queries and stone crushing units and also to issue 'Consent to Establish' (NOC) and 'Consent to Operate' maintaining the norms and procedure as mentioned therein.

AND WHEREAS in the said Order of the State Board, the District Magistrates were declared as "Ex-Officio Senior Environmental Officer" of the State Board and powers were also delegated to the District Magistrates of all the Districts of West Bengal to issue regulatory order against the stone queries and stone crushing units in the form of closure, disconnection of, electricity, water line and also to exercise such powers as conferred under the Water (Prevention and Control of Pollution) Act, 1974, the Air (Prevention and Control of Pollution) Act, 1981 and Environment (protection) Act, 1986 and Rules framed thereunder, for the purpose of abatement of pollution from the Stone quarries and stone crushing units

AND WHEREAS the Ministry of Environment and Forest & Climatic Change, Govt. of India issued Notifications dated 15-01-2016 and 20-01-2016 in order to streamline process of issuance of Environmental Clearance (EC) for mining minerals units, as mentioned therein.

AND WHEREAS the District Level Environment Impact Assessment Authority (DEIAA) and District Expert Appraisal Committee (DEAC) have been constituted by the West Bengal Government at all the Districts towards issuance of EC for such units dealing with mining of minor

o/e



minerals such as river sand, black stone, China Clay etc.

AND WHEREAS the State Board by the order bearing No.67/375L/WPB/2017 dated 24/01/2017 declared the Sub-Divisional Officers of all the District of West Bengal as Ex-Officio Environmental Officers of the State Board. They were delegated powers to inspect and monitoring of the units dealing with the mining of minor minerals, such as river sand, black stone, China Clay etc., having mining lease less than 5 hectare and also to issue 'Consent to Establish' (NOC) and 'Consent to Operate' maintaining the norms and procedure as mentioned therein.

AND WHEREAS in the said Order of the State Board, the District Magistrates were declared as "Ex-Officio Senior Environmental Officer" of the State Board and powers were also delegated to the District Magistrates of all the Districts of West Bengal to issue regulatory order against the units dealing with the minor minerals in the form of closure, disconnection of, electricity, water line and also to exercise such powers as conferred under the Water (Prevention and Control of Pollution) Act, 1974, the Air (Prevention and Control of Pollution) Act, 1981 and Environment (protection) Act, 1986 and Rules framed thereunder for the purpose of abatement of pollution from the activities of mining of minor minerals units.

AND WHEREAS all these orders issued by the State Board with the condition "Rights is also reserved to the West Bengal Pollution Control Board for withdrawal of such delegation of powers at any point of time for public interest".

AND WHEREAS the Hon'ble National Green Tribunal, Principal Bench, in Original Application No. 479 of 2016, vide its order on 19/07/2017 directed that the Stone Crusher units to obtain the Environmental Clearance (EC) from the competent authority.

AND WHEREAS office Memorandum dated 12/12/2018 of the Ministry of Environment and Forest & Climate Change, Government of India in connection with Order dated 4th September, 2018 & 13th September, 2018 passed by the Hon'ble National Green Tribunal, New Delhi in O.A.No.173 of 2018 & O.A.No.186 of 2016 in the matters titles "Sundarsan Das Vs State of West Bengal & Ors" & "Satendra Pandey Vs Ministry of Environment Forest & Climate Change & Anr.", directed that for areas 0 to 5 Hectres EC application of minor minerals to be evaluated by State Level Expert Appraisal Committee (SEAC) for recommendation of EC by State Environment Impact Assessment Authority (SEIAA) instead of DEAC / DEIAA.

AND WHEREAS the Department of Environment, GoWB has published the Gazette Notification on 08/06/2022 under West Bengal Right to Public Service Act 2013 (vide no 1770-EN/A-02/2013 (Pt. I) dated 05/10/2021) for the various services of the State Board.

AND WHEREAS in the said notification, the power to issue 'Consent to Establish' (NOC) and 'Consent to Operate' of all EC attracting units are delegated to the State Board.

AND WHEREAS the State Board, in compliance of the Ease of Doing Business Initiatives of GoWB, has introduced Online Consent Management Monitoring System (OCMMS) [<http://wbocmms.nic.in>] developed by NIC since 01/02/2020 for receiving & processing of Consent



Applications.

HENCE, after careful consideration of the above mentioned orders, Notification and National Green Tribunal Orders, West Bengal Pollution Control Board, in consultation with the Department of Environment, Government of West Bengal has decided to withdraw the delegation of Power given to District Magistrate, Sub-Divisional Officers & Block Development Officers vide no. 3895/43L/WPB/2003 dated 09/12/2010 and 67/375L/WPB/2017 dated 24/01/2017.

NOW THEREFORE to ensure uniformity in consent application, processing through OCMMS and in supersession of all previous orders in this regard, the State Board hereby orders that henceforth Consent to Establish (NOC) and Consent to Operate applications of stone crushers and units dealing with mining of all minor minerals such as river sand, black stone, China Clay etc., attracting Environmental Clearance (EC) provisions shall be dealt by the State Board.

This order will take immediate effect.


Kalyan Rudra
Chairman



Memo No. 02 (1-53)/4A-10/2012

Dated : 30.01.2023

Copy forwarded to:-

- 1 The Principal Secretary, Department of Environment, GoWB
- 2 The Principal Secretary, Department of Micro, Small & Medium Enterprises and Textiles (MSME&T), GoWB
- 3 The District Magistrate, Alipurduar / Bankura / Birbhum / Cooch Behar / Dakshin Dinajpur / Darjeeling / Hooghly / Howrah / Jalpaiguri / Jhargram / Kalimpong / Kolkata / Malda / Murshidabad / Nadia / North 24 Parganas / Paschim Bardhaman / Paschim Medinipur / Purba Bardhaman / Purba Medinipur / Purulia / South 24 Parganas / Uttar Dinajpur
- 4 Chief Engineer (O&E / Planning & EIM), WBPCB
- 5 Chief Technical Advisor, WBPCB
- 6 Chief Scientist, WBPCB
- 7 Senior Personnel Manager, WBPCB
- 8 OSD to Minister-in-Charge, Department of Environment, GoWB
- 9 Joint Director (Durgapur Zone), Micro, Small & Medium Enterprise (MSME), N.S. Building, Kolkata-700001
- 10 Senior Environmental Engineer, WBPCB – O&M Cell / Hooghly RO / Alipore RO / Kolkata RO / Salt Lake RO
- 11 Environmental Engineer, WBPCB – Asansol RO / Howrah RO / Durgapur RO / EIM Cell / Barrackpur RO / Siliguri RO
- 12 Senior Scientist, WBPCB - D. Gupta / Dr. D. Chakraborty
- 13 Senior Law Officer, WBPCB
- 14 Law Officer, WBPCB
- 15 Finance & Accounts Manager, WBPCB
- 16 Assistant Environmental Engineer, WBPCB – Haldia RO / Malda RO
- 17 Environment Officer (Communication) - for circulation in float file
- 18 TA to Member Secretary, WBPCB
- 19 PA to Chairman, WBPCB

Chief Engineer (Planning)
West Bengal Pollution Control Board



Government of West Bengal
Office of Sub Divisional officer,
Birbhum Sadar, Suri

Date: 26/05/2023

To
The Secretary,
Panchami Mine Owner's Association,
Kapasdanga, Barkata, Birbhum.

Sub: Order regarding the power to issue 'Consent to Establish' & 'consent to operate' of all units attracting environmental clearance.

Ref: Order of the Chairman, West Bengal Pollution Control Board issued vide Memo No.02/4A-10/2012 30/01/2023.

Sir

Enclosed please find herewith the copy of the order issued by the Chairman, West Bengal Pollution Control Board issued vide Memo No.02/4A-10/2012 30.01.2023 regarding the processes to be followed to get 'Consent to Establish' (NOC) and Consent to operate of stone crushers and units dealing with mining of all minor minerals such as river sand, black stone, china clay etc. attracting Environment Clearance (EC) provisions.

You are requested to take necessary steps accordingly.

Encl: As stated.

Yours faithfully,

Sd/-

Sub-Divisional Officer
Birbhum, Sadar

659/1 (2)/1/S

date: 26/05/2023

Copy forwarded for information to

1. The CA to the District Magistrate, Birbhum,
2. The CA to the Additional District Magistrate (L & LR).

Sd/-

Sub-Divisional Officer,
Birbhum Sadar

West Bengal Pollution Control Board
Paribesh Bhawan,
Bldg. No. 10 A, Block-LA, Sector-III. Salt Lake City, Bidhan Nagar,
Kolkata 700 106, INDIA
Website www.wbpcb.gov.in, e-mail: wbpcbnet@wbpcb.gov.in

Memo No. 02/4A-10/2012

Dated: 30.01.2023

ORDER

WHEREAS the West Bengal Pollution Control Board, Department of Environment, Government of West Bengal is concerned about various complaints against the illegal mining of minor minerals such as river sand, black stone, China Clay etc., having mining lease area less than 5 hectare which are operating without proper statutory licenses and without adopting proper pollution control systems and measures and thereby creating environmental hazards and various other environmental problem.

AND WHEREAS the West Bengal Pollution Control Board (hereinafter will be referred to as the State Board) is executing the provisions of the Water (Prevention and Control of Pollution) Act, 1974, the Air (Prevention and Control of Pollution) Act, 1981, and the Environment (Protection) Act, 1986 and Rules framed thereunder for Prevention and Control of Pollution within the territorial jurisdiction of West Bengal.

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AND WHEREAS in the said Order of the State Board, the District Magistrates were declared as "Ex-Officio Senior Environmental Officer" of the State Board and powers were also delegated to the District Magistrates of all the Districts of West Bengal to issue regulatory order against the stone queries and stone crushing units in the form of closure, disconnection of, electricity, water line and also to exercise such powers as conferred under the Water (Prevention and Control of Pollution) Act, 1974, the Air (Prevention and Control of Pollution) Act, 1981 and Environment (protection) Act, 1986 and Rules framed thereunder, for the purpose of abatement of pollution from the Stone quarries and stone crushing units

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AND WHEREAS the District Level Environment Impact Assessment Authority (DEIAA) and District Expert Appraisal Committee (DEAC) have been constituted by the West Bengal Government at all the Districts towards issuance of EC for such units dealing with mining of minor

minerals such as river sand, black stone, china clay etc.

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AND WHEREAS all these orders issued by the State Board with the condition "Rights is also reserved to the West Bengal Pollution Control Board for withdrawal of such delegation of powers at any point of time for public interest".

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AND WHEREAS in the said notification, the power to issue Consent to Establish' (NOC) and Consent to Operate' of all EC attracting units are delegated to the State Board.

AND WHEREAS the State Board, in compliance of the Ease of Doing Business Initiatives of GoWB, has introduced Online Consent Management Monitoring System (OCMMS) [<http://wbocmans.nic.in>] developed by NIC since 01/02/2020 for receiving & processing of Consent

Applications.

HENCE, after careful consideration of the above mentioned orders, Notification and National Green Tribunal Orders, West Bengal Pollution Control Board, in consultation with the Department of Environment, Government of West Bengal has decided to withdraw the delegation of Power given to District Magistrate, Sub-Divisional Officers & Block Development Officers vide no. 3895/43L/WPB/2003 dated 09/12/2010 and 67/375L/WPB/2017 dated 24/01/2017.

NOW THEREFORE to ensure uniformity in consent application, processing through OCMMS and in supersession of all previous orders in this regard, the State Board hereby orders that henceforth Consent to Establish (NOC) and Consent to Operate applications of stone crushers and units dealing with mining of all minor minerals such as river sand, black stone, China Clay etc., attracting Environmental Clearance (EC) provisions shall be dealt by the State Board.

This order will take immediate effect.

Sd/-
Kalyan Rudra
Chairman

Memo No. 02(1-53)/4A-10/2012

Dated: 30.01.2023

Copy forwarded to

1. The Principal Secretary, Department of Environment, GoWB
2. The Principal Secretary, Department of Micro, Small & Medium Enterprises and Textiles (MSME&T), GoWB.
3. The District Magistrate, Alipurduar/Bankura/Birbhum/Cooch Behar/ Dakshin Dinajper/ Darjeeling/ Hooghly/ Howrah Jalpaiguri Jhargram/ Kalimpong/ Kolkata Malda /Murshidabad/ Nadia/ North 24 Parganas/ Paschim Bardhaman/Paschum Medinipur / Purba Bardhaman Purba Medinipur/ Purulia/South 24 Parganas/Uttar Dinajpur
4. Chief Engineer (O&E/Planning & EIM), WBPCB
5. Chief Technical Advisor, WBPCB
6. Chief Scientist, WBPCB
7. Senior Personnel Manager, WBPCB
8. OSD to Minister-in-Charge, Department of Environment, GoWB
9. Joint Director (Durgapur Zone), Micro, Small & Medium Enterprise (MSME), N.S. Building, Kolkata-700001
10. Senior Environmental Engineer, WBPCB-O&M Cell / Hooghly RO/Alipore RO/Kolkata RO/Salt Lake RO.
11. Environmental Engineer, WBPCB-Asansol RO/Howrah RO/ Durgapur RO/EIM Cell /Barrackpur RO/Siliguri RO
12. Senior Scientist, WBPCB-D. Gupta/Dr. D. Chakraborty
13. Senior Law Officer, WBPCB
14. Law Officer, WBPCB
15. Finance & Accounts Manager, WBPCB
16. Assistant Environmental Engineer, WBPCB-Haldia RO/Malda RO
17. Environment Officer (Communication) for circulation in float file
18. TA to Member Secretary, WBPCB
19. PA to Chairman, WBPCB

Sd/-
Chief Engineer (Planning)
West Bengal Pollution Control Board



Government of West Bengal
Office of the District Magistrate
Birbhum

Email :: dm-bir@nic.in

Memo No. M&M/4142(155)DL&LRO(B)/2025

Date: 07.08.2025

To,	: A.K. Enterprise
Name of Stone Crushing Unit	: Mukul Babu
Name of Proprietor/Owner	: Jagatpur, PS-Md.Bazar, Dist.-Birbhum
Address	: Nischintapur-37
Mouza where crushing unit is located	: Md. Bazar, Birbhum.
P.S. & District	

Sub: Operation of Stone Crushing Unit without obtaining requisite Consent to Establish/Consent to Operate from the WBPCB and imposition of Environment Compensation in terms of the solemn order dated 21.03.2025 passed by the Hon'ble NGT, Eastern Zone Bench in O.A. No. 154/2024/EZ..

Whereas, in terms of the solemn order dated 21.03.2025 by the Hon'ble National Green Tribunal, Eastern Zone Bench passed in O.A. No. 154/2024/EZ (Earlier O.A. No.722/2024/PB) in the matter of Re: News item titled "Birbhum- a proposed Coal mine in West Bengal and the related health hazards" appearing in "The Hindu" dated 12.05.2024 as regards determination of Environmental Compensation against the Stone Crushing Units operating illegally in contravention of law, Notice being Memo No. M&M/1630/DL&LRO(B) dated 04.04.2025 was issued to the 229 number of stone crushing units under PS- Md. Bazar asking them to submit copies of all permissions/consents/licenses/relevant documents related to their stone crushing units in the office of the DL&LRO, Md. Bazar within two weeks from the date of receipt of the said notice;

And whereas, in terms of the said direction vide the Notice dated 04.04.2025, the appearing stone crushing units have submitted certain documents as available to them, in connection with their respective crushing units.

And whereas, after scrutiny of the said documents, as submitted by the appearing stone crushing units before the DL&LRO, Md. Bazar Block, it appears that your stone crushing unit is being operated/run by you without valid subsisting Consent/Permission/Clearance from the appropriate authority from the period from Since inception till date;

And whereas, in earlier occasion, the Hon'ble National Green Tribunal, Eastern Zone vide Order dated 15.11.2016 passed in O.A. No. 41/2015/EZ read with the Order dated 11.10.2017 passed in O.A. No. 44/2015/EZ in the matter of Joydeep Mukherjee Vs. WBPCB & Os., categorized the stone crushing units into two as follows:

Category-I : Those units which did not have any consent at any point of time but running illegally;

Category-II : Those units which possessed consents to operate the validity of which expired and were not renewed but continuing to be operating illegally.

The Hon'ble National Green Tribunal vide the aforesaid order, was pleased to impose a fine of Rs. 1.5 Lakhs for Category-I and Rs. 1.00 Lakh for the Category-II, which was to be submitted with the WBPCB.



And whereas, while adopting the aforesaid method and manner of imposition of such penalty, it appears that your stone crushing falls within the Category- I and therefore, you are liable to pay a fine of Rs. 1,50,000 (Rs. One Lakh Fifty Thousands only).

You are therefore directed to:

1. Not to resume/continue operation in your stone crushing unit until you obtain the requisite license/consent/permission from the competent authority;
2. Pay the aforesaid fine of Rs. 1,50,000 (Rs. One Lakh Fifty Thousands only) with the regional office of the WBPCB within one month from the date of receipt of this order and to obtain requisite consents/permission thereof in respect of your crushing unit following the relevant procedure.

In the event of failure of the aforesaid directions, legal action shall be taken against your crushing unit strictly in accordance with the law.

It is clarified that payment of the aforesaid fine shall not *ipso facto* create any right or equity in favour of you to grant/issue requisite consent/permission by the competent authority, for which you have to follow the relevant procedure to apply and such application shall be dealt with by the competent authority in accordance with law.


District Magistrate
Birbhum.

Date: 07.08.2025

Memo No. M&M/4142(155)/1(9)/DL&LRO(B)/2025

Copy forwarded for information and necessary action to:

1. The Superintendent of Police, Birbhum with a request to make necessary arrangements to ensure that the stone crushing unit in issue does not resume/continue its operation till he obtains the requisite consents/permissions.
2. The Additional District Magistrate and District Land & Land Reforms Officer, Birbhum.
3. The Sub-Divisional Officer, Suri Sadar Sub-Division, Birbhum.
4. The Environment Engineer and In-Charge, WBPCB, Durgapur Regional Office.
5. The Sub-Divisional Land & Land Reforms Officer, Suri Sadar Sub-Division, Birbhum.
6. The Block Development Officer, Md. Bazar Dev. Block, Birbhum.
7. The Block Land & Land Reforms Officer, Md. Bazar Block, Birbhum.
8. The Mining Officer, Suri Zone.
9. The Officer-in-Charge, Md. Bazar Police Station.


District Magistrate
Birbhum.



Government of West Bengal
office of the District Magistrate
Birbhum
Email: dm-bir@nic.in

Memo No. M & M/4142 (155)/DL & LRO (B)/2025

Date: 07.08.2025

To
Name of Stone Crushing Unit : A.K. Enterprise
Name of Proprietor/Owner : Mukul Babu
Address : Jagatpur, P.S.- Md. Bazar, Dist- Birbhum

Mouza where crushing unit is located : Nischintapur-37
P.S. & District : Md. Bazar, Birbhum.

Sub: Operation of stone Crushing Unit without obtaining requisite consent to Establish/Consent to Operate from the WBPCB and imposition of Environment Compensation in terms of the solemn order dated 21.03.2025 passed by the Hon'ble NGT, Eastern Zone bench in O.A. No. 154/ 2024/ EZ.

Whereas, in terms of the solemn order dated 21.03.2025 by the Hon'ble National Green Tribunal, Eastern Zone bench passed in O.A. No.154/2024/EZ (Earlier O.A. No.722/2024/PB) in the matter of Re: News item titled "Birbhum- a proposed coal mine in West Bengal and the related health hazards" appearing in "The Hindu" dated 12.05.2024 as regards determination of Environmental Compensation against the Stone Crushing Unit operating illegally in contravention of law. Notice being Memo No. M& M/1630/DL & LRO (B) dated 04.04.2025 was issued to the 229 number of stone Crushing units under PS- Md. Bazar asking them to submit copies of all permissions/consents/licenses relevant documents related to their stone crushing units in the office of the BL & LRO, Md. Bazar within two weeks from the date of receipt of the said notice.

And whereas in terms of the said direction vide the Notice dated 04.04.2025, the appearing stone crushing units have submitted certain documents as available to them, in connection with their respective crushing units.

And whereas, after scrutiny of the said documents, as submitted by the appearing stone crushing units before the BL & LRO, Md. Bazar Block, it appears that your stone crushing unit is being operated/run by you without valid subsisting consent/permission/clearance from the appropriate authority from the period from Since inception till date.

And whereas, the earlier occasion, the Hon'ble National Green Tribunal, Eastern Zone vide order dated 15.11.2016 passed in O.A. No. 41/2015/EZ read with the order dated 11.10.2017 passed in O.A. No. 44/2015/EZ in the mater of Joydeep Mukherjee Vs WBPCB and Ors. categorized the stone crushing units into two as follows:-

- Category-1: Those units which did not have any consent at any point of time but running illegally.
- Category-II: Those units which possessed consents to operate the validity of which expired and were not renewed but continuing to be operating illegally.

The Hon'ble National Green Tribunal vide the aforesaid order, was pleased to impose a fine of rs.1.5 lakhs for category -1 and Rs.1.00 Lakh for the Category-II, which was to be submitted with the WBPCB.

And whereas, while adopting the aforesaid method and manner of imposition of such penalty, it appears that your stone crushing falls within the Category- I and therefore, you are liable to pay a fine of Rs.1,50,000 (Rs. One Lakh Fifty Thousands only).

You are therefore directed to:

1. Not to resume/continue operation in your stone crushing unit until you obtain the requisite license/consent/permission from the competent authority:
2. Pay the aforesaid fine of Rs.1,50,000 (Rs. One Lakh Fifty Thousands only) with the regional office of the WBPCB within one month from the date of receipt of this order and to obtain requisite consents/permission thereof in respect of your crushing unit following the relevant procedure.

In the event of failure of the aforesaid directions, legal action shall be taken against your crushing unit strictly in accordance with the law.

It is clarified that payment of the aforesaid fine shall not ipso facto create any right or equity in favour of you to grant/issue requisite consent/permission by the competent authority, for which you have to follow the relevant procedure to apply and such application shall be dealt with by the competent authority in accordance with law.

Sd/-
District Magistrate
Birbhum

Memo No. M&M/4142(155)/1(9)/DL&LRO(B)/2025

Date: 07.08.2025

Copy forwarded for information and necessary action to:

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4. The Environment Engineer and In-Charge, WBPCB, Durgapur Regional Office.
5. The Sub-Divisional Land & Land Reforms Officer, Suri Sadar Sub-Division, Birbhum.
6. The Block Development Officer, Md. Bazar Dev. Block, Birbhum.
7. The Block Land & Land Reforms Officer, Md. Bazar Block, Birbhum.'
8. The Mining Officer, Suri Zone.
9. The Officer-in-Charge, Md. Bazar Police Station.

Sd/-
District Magistrate
Birbhum

A. K. ENTERPRISE
Madan Mohan Biswas
Proprietor

"VAKALATNAMA"

In the Honble National Appellate Tribunal
Eastern Zone Bench, Kolkata
Before Ld _____ Judge
Sult/Case No. _____ at 201

Signature

M/S A.K. Enterprise

Plaintiff
Applicant
Appellant

-vs-

The State of West Bengal and
Defendant
Opp. Party
Respondent

KNOW ALL MEN by these Applicant

that I/We do hereby in my / our name and my / our behalf constitute and appoint Sri
Steven Saurabh Biswas Advocate
true and lawful Pleader / Advocate & Attorneys to appear and act for me / us in the
matter noted above to the suit written statement, conduct suit, appeal from original
suit order etc. and for that purpose to do all acts and things, whatsoever in that
connection including compromise of the above matter disposing in or withdrawing
money from filing or taking out of appeal, document and payment order from Court
referring matters in dispute between the parties here to arbitration, withdrawing the above
matters with liberty file fresh suit, sending properties released from attachment filing execution
or Miscellaneous cases and other petitions, bidding at execution sale, obtaining payment from
us our Court. Withdrawing custody and other fees and doing on my / our behalf such other acts
in the above matters as are necessary and proper

I/We hereby agreeing to ratify and confirm all acts so done by the said Advocate or Attorneys as
my / our own acts and as if done by
me / us to all intents and purposes.

Date.....201

ADVOCATES
Steven Saurabh Biswas
Advocate
High Court Kolkata
5 Park Lane, Kolkata - 700016
Mob) - 700 3415 389
email - biswas.steven@gmail.com
F | 1959 | 1708 | 2019

Received this Vakalatnama
from the executant direct.
Satisfied and accepted the same.

Shri. B. S. Subramanian
Advocate