

35
S.L. NO.

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. **50** OF ~~2025~~ **2026**

IN THE MATTER OF:

M/S BHAKAT BHAJI STONE CRUSHER

.....APPLICANT

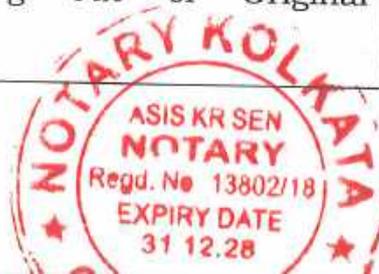
VERSUS

THE STATE OF WEST BENGAL & OTHERS

.....RESPONDENTS

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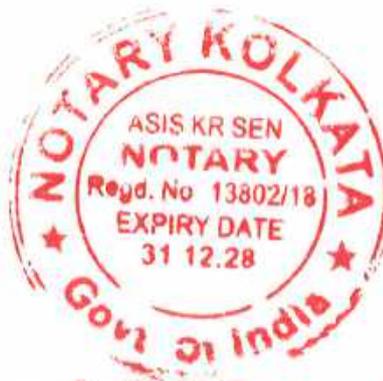
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Filed by:

Stenendradip Bose
Advocate

Date: 12.01.2026

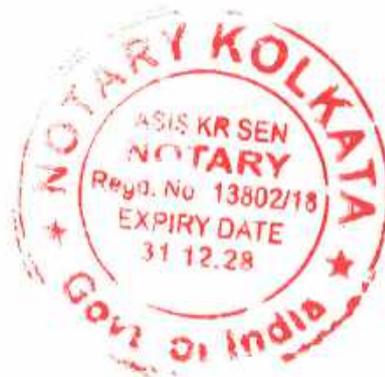
Place: Kolkata



SYNOPSIS

Applicant have filed the present Application, *interalia*, 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'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. 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.

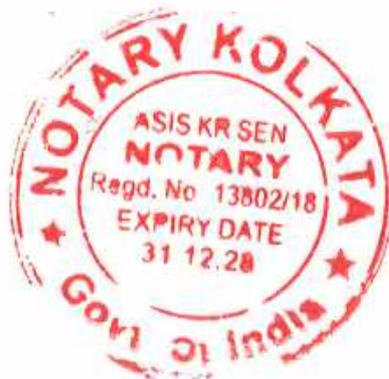


LIST OF DATES AND EVENTS

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	Miscellaneous Applications filed by many Stone Crusher Unit 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, such Miscellaneous Applications as filed by many stone crusher unit 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.
05.11.2018	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.
06.04.2023	The Applicant immediately deposited and / or paid an amount of Rs. 13790/- to the West Bengal Pollution Control Board for renewal and / or extension of the Consent to Operate with effect from April 2022 till March 2027.



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.
13.01.2025	The Applicant received a Notice issued by the Block Land & Land Reforms Officer, Md. Bazar, Birbhum. In the said Notice, the Applicant was directed to discontinue all business operations at their stone crushing unit forthwith without any reason mentioned therein.
18.02.2025	The Applicant gave reply to the said notice dated 13.01.2025, issued by the Block Land & Land Reforms Officer, Md. Bazar, Birbhum
04.04.2025	Notice was issued by the Office of the District Magistrate on 4 th April 2025, whereby the Applicant were called upon to submit copies of all permissions / consents / licenses and relevant documents related to their stone crushing unit within a stipulated time.
13.05.2025	In response to the Notice dated 4 th April 2025, <i>vide</i> its letter dated 25 th June 2025, the Applicant submitted all requisite and necessary documents in support of their operations before the Office of the Learned District Magistrate.
03.02.2025	Applicant submitted an application for issuance / renewal of the Consent to Operate and the same was duly uploaded on the official website of the West Bengal Pollution Control Board.
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 Bhakat Bhai Stone Crusher, a
Proprietorship firm, represented by its
proprietor, namely Suresh Bhakat, having
its place of business at Mouza and Village
Panchami, Post Office Bharkata, Police
Station Md Bazar, District Birbhum.

.....APPLICANT

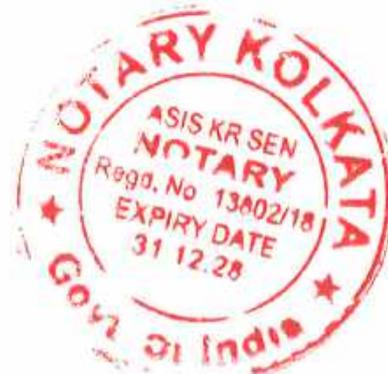
VERSUS

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

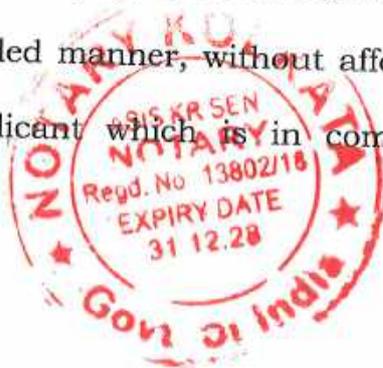
To

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'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. 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-I as it is a matter of fact and record that Applicant would not fall under Category -I.

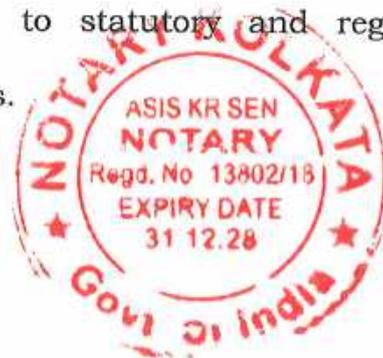
2. PARTIES:

- a. The Applicant is a Proprietorship Firm, engaged in the business of stone crushing operation at Mouza and Village Panchami, Post Office Bharkata, Police Station Md Bazar, District Birbhum.. The applicant is represented by its proprietor, namely Suresh Bhakat.
- 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.

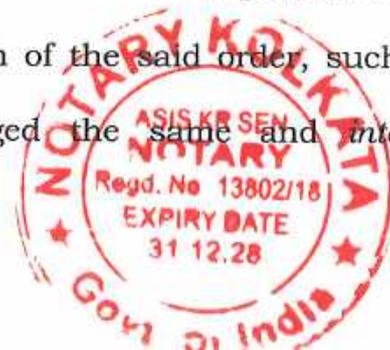


establishment or the continuation of the Applicant' business. On the contrary, the Applicant have consistently ensured lawful operation of their business by securing and maintaining, from time to time, all requisite permissions, licenses, approvals, and sanctions from the appropriate statutory and regulatory authorities.

- d. Previously, the Applicant was 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.

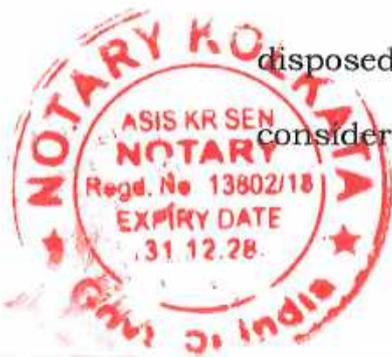


- e. In or about November 2016, numerous numbers of similarly situated stone crusher units were taken by surprise upon receipt of a Notice dated 28th November 2016 issued by the Office of the Additional District Magistrate and District Land & Land Reforms Officer, Birbhum. The said Notice placed its reliance on an Order dated 15th November 2016 passed by this Hon'ble Tribunal in Original Application bearing No. 44/2015/EZ, enclosed therein. It is pertinent to mention here that the Applicant were not served with the said notice.
- f. Pursuant thereto, the said stone crusher units were directed to deposit a fine of Rs. 1,50,000/-. It is respectfully submitted that the aforesaid demand was raised without affording such stone crusher units any prior opportunity of hearing, and merely on the basis of reliance placed upon the said order, notwithstanding the fact that such stone crusher units were not party to the proceedings in O.A. No. 44/2015/EZ.
- g. The aforesaid stone crusher units were 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 such stone crusher units were 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, such stone crusher units 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. The Applicant craves leave from this Hon'ble Tribunal to produce and rely on one of such Miscellaneous Application at the time of hearing, if necessary.

- h. In the said MA, such stone crusher units had prayed for modification of the Order dated 15th November 2016, insofar as such stone crusher units were concerned. They have further prayed for a declaration that the Order for payment of fine is not applicable on such stone crusher units for the reason mentioned therein.
- i. A bare perusal of the said MA would further bring out that such stone crusher units had specifically brought to the notice of this Hon'ble Tribunal that the concerned authorities had duly accepted the requisite statutory fees from them 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 such stone crusher units such stone crusher units. 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 C**.

k. Thereafter, as required by the provisions of the Water (Prevention & Control of Pollution) Act, 1974 and Air (Prevention & Control of Pollution) Act, 1981, a Consent to Operate was issued by the West Bengal Pollution Control Board on 5th November 2018 in favour of the Applicant, validating the legality of the business of the Applicant. A copy of the Certificate and/or Consent to Operate dated 5th November 2018 is annexed hereto as **ANNEXURE D**.

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 2018 and continued until March 2022, thereby fortifying the Applicant's compliance with all regulatory requirements during the relevant period.

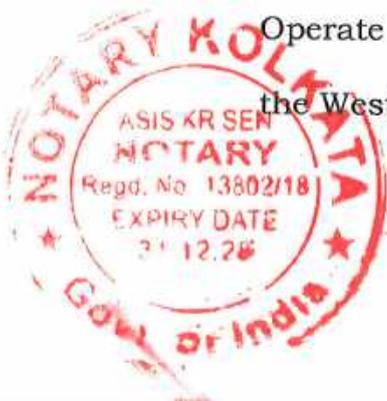
m. Upon expiry of the aforesaid Consent to Operate in March 2022, a state of uncertainty arose with respect to the competent authority, insofar as it was unclear whether Respondent No.2 or Respondent No.5 was vested with jurisdiction to issue or renew the Consent to



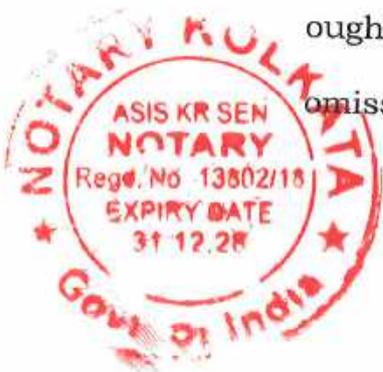
Operate. In view thereof, due to lack of clarity as to the appropriate body empowered to process such applications, the Applicant were effectively left remediless, having nowhere to approach for renewal of the Consent to Operate during the said period.

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 E**.

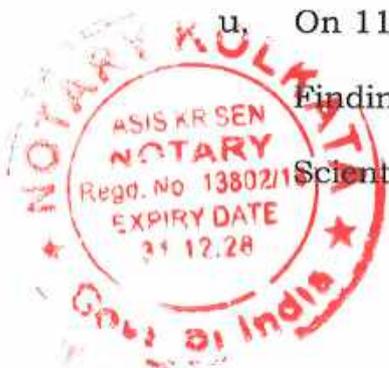
o. A perusal of the aforesaid Order would reveal that earlier, the office of the District Magistrate was the delegated authority of the West Bengal Pollution Control Board, having the authority to exercise all powers of the West Bengal Pollution Control Board. However, by the aforesaid Order, the West 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. The Applicant further deposited and / or paid an amount of Rs. 13790/- to the West Bengal Pollution Control Board for renewal and / or extension of the Consent to Operate for the period April, 2022 to March, 2027. Such payment was made on the instructions of the West Bengal Pollution Control Board on 30th May 2023. A copy of the pay in slip issued by the West Bengal Pollution Control Board in this regard is annexed hereto as **ANNEXURE F**.
- q. 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.



- r. On 12th May 2024, the *Hindu* published a news article "*Birbhum – a proposed coal mine in West Bengal and the related health hazards*" concerning the West Bengal Government's proposed 35,000 crore DeochaPachami Coal Block Mining Project at Mohammad Bazar, Birbhum District, West Bengal ("**said Article**"). It is *inter alia* stated in the said Article that the Project has been facing protests relating to land acquisition and that the Government intends to commence mining operations at the DeochaPachami Coal Block, as it is the largest coal block in the country, with estimated reserves of approximately 1,198 million tonnes of coal and 1,400 million cubic metres of basalt, spread over an area of 12.31 sq. km. (approximately 3,400 acres). The said Article further notes that the Project area comprises around twelve villages, with a population exceeding 21,000, including members of Scheduled Castes and Scheduled Tribes.
- s. In view of the aforesaid, the Hon'ble NGT, New Delhi Bench, registered a *suomotu* case on the basis of the said Article bearing Original Application No.722/2024/PB.
- t. Thereafter, the aforesaid Original Application was transferred by the New Delhi Bench of this Hon'ble Tribunal *vide* its Order dated 03.07.2024 to the Eastern Bench of the Tribunal and the case was renumbered as Original Application No.154/2024/EZ.
- u. On 11th September 2024, this Hon'ble Tribunal constituted a Fact-Finding Committee comprising the following members: (i) Senior Scientist, West Bengal Pollution Control Board; (ii) District



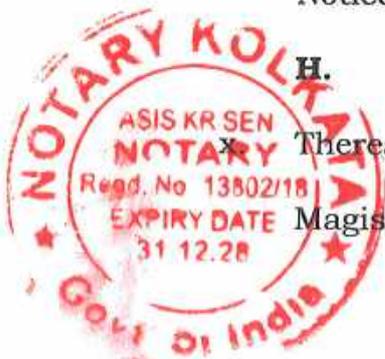
Magistrate, Birbhum, or his representative not below the rank of Additional District Magistrate; and (iii) District Mining Officer, Birbhum, or his representative of senior rank. The Committee was directed by this Hon'ble Tribunal to inspect the site in question and submit a comprehensive fact-finding report in relation to the allegations raised in the Original Application.

v. On 13th January 2025, the Applicant received a Notice issued by the Block Land & Land Reforms Officer, Md. Bazar, Birbhum. In the said Notice, the Applicant was directed to discontinue all business operations at their stone crushing unit forthwith without any reason mentioned therein. The abrupt and arbitrary nature of the said directive caused the Applicant considerable hardship and prejudice, particularly in light of their long-standing lawful conduct and prior approvals from the competent authorities. A copy of the said notice dated 13th January 2025 is annexed hereto as **ANNEXURE G**.

w. In response to the aforesaid Notice dated 13th January 2025, *vide* its letter dated 18th February, 2025, the Applicant submitted that they had complied with all statutory formalities and obligations, and that no lapse or violation had occurred on their part warranting the issuance of the closure notice. A copy of the said Notice dated 18th February, 2025 is annexed hereto as **ANNEXURE**

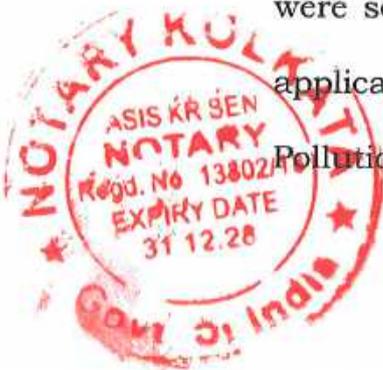
H.

Thereafter, another Notice was issued by the Office of the District Magistrate on 4th April 2025, whereby the Applicant were called



upon to submit copies of all permissions / consents / licenses and relevant documents related to their stone crushing unit within a stipulated time. A copy of the said Notice dated 4th April 2025 is annexed hereto as **ANNEXURE I**.

- y. In response to the aforesaid Notice dated 4th April 2025, *vide* its letter dated 13th May 2025, the Applicant submitted all requisite and necessary documents in support of their operations and further informed the authorities that they were awaiting renewal of the Consent to Operate, which, until its expiry, remained valid and subsisting. The Applicant respectfully submitted that they had complied with all statutory formalities and obligations, and that no lapse or violation had occurred on their part warranting the issuance of the closure notice. A copy of the said letter dated 13th May 2025 is annexed hereto as **ANNEXURE J**.
- z. Without prejudice to the aforesaid, prior to responding to the Notice dated 4th April 2025, and in view of the imminent threat of discontinuation of the Applicant' business despite no default on their part, the Applicant by abundant caution, submitted an application for issuance / renewal of the Consent to Operate on 3rd February, 2025. The said application was duly uploaded on the official website of the West Bengal Pollution Control Board, and all prescribed procedures and formalities in connection therewith were scrupulously complied with by the Applicant. A copy of the application, which is available on the portal of the West Bengal Pollution Control Board is annexed hereto as **ANNEXURE K**.



- aa. In view of the appropriate documents being submitted by the Applicant, and in view of the fact that the amounts were accepted by the West Bengal Pollution Control Board for renewal of the Consent to Operate, the authorities were duty bound and/or obliged to formally renew the Consent to Operate or issue a fresh Consent to Operate in terms of the Applicant' fresh application dated 3rd February, 2025.
- bb. In the meantime, *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 L**.
- cc. 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' 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 under Category-I as it is a matter of fact and record that Applicant 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

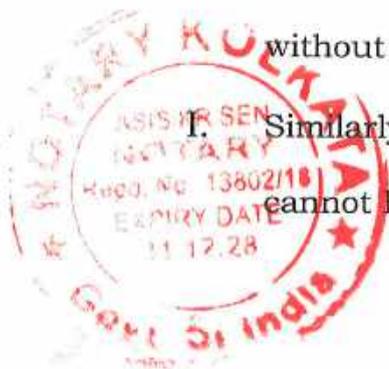


functions previously delegated to the Respondent No. 5 (Office of the District Magistrate) under the *Water (Prevention & Control of Pollution) Act, 1974* and the *Air (Prevention & Control of Pollution) Act, 1981*, were expressly withdrawn. Consequently, the Impugned Order suffers from a fundamental 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.

G. 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.

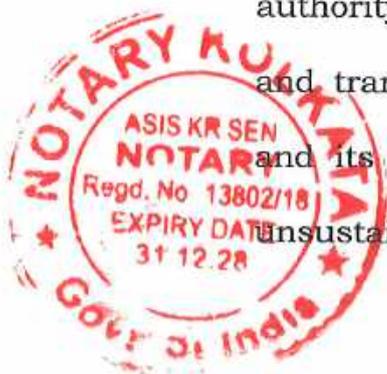
L. The Applicant has never operated their unit illegally or in contravention of law. On the contrary, the Applicant have always



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.

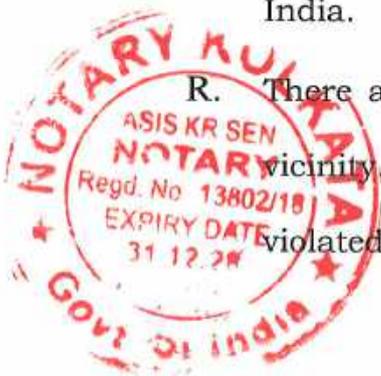
M. The Office of the District Magistrate seems to have exercised powers under Section 33A of the Water (Prevention & Control of Pollution) Act, 1974 and Section 31A of the Air (Prevention & Control of Pollution) Act, 1981, which cannot be exercised at all by the said authority. Only the West Bengal Pollution 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.



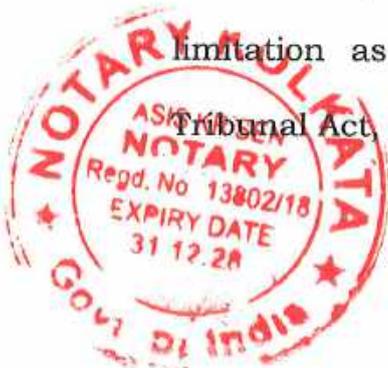
- O. It is pertinent to note that there has never been any allegation, much less any finding, that the Applicant have violated the permissible pollution norms, exceeded statutory parameters, or otherwise acted in breach of environmental regulations. In the absence of any contravention or violation, there 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 has 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. The Respondent Authorities, especially the West Bengal Pollution Control Board, are required to be directed to issue or renew the Consent to Operate in favour of the Applicant till such time as this Hon'ble Tribunal shall deem fit and proper. Till such time such certificate and/or consent is issued, no coercive step can be taken by the Respondent Authorities.
- T. 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.

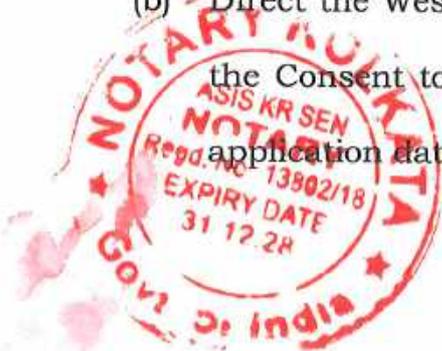
LIMITATION

The Applicant declare 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 West Bengal Pollution Control Board to issue and/or renew the Consent to Operate in favour of the Applicant on the basis of the application dated 3rd February, 2025;



- (c) 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;
- (d) Restrain the Respondent Authorities from taking any coercive measures against the Applicant in any manner whatsoever; and
- (e) 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

Date.



Bhakat Bhai Stone Crusher

Suresh Bhakat
By the applicant
Proprietor

Stevenwadiyprinet
Advocate

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 BHAKAT BHAI STONE CRUSHERAPPLICANT

VERSUS

THE STATE OF WEST BENGAL & OTHERSRESPONDENTS

VERIFICATION

I, Suresh Bhakat, aged about 49, son of Jay Narayan Bhakat, residing at Village Bharkata, Haridaspur, Post Office Bharkata, District Birbhum, 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 David Dip Bimal
Advocate

F/1959/1708/2019

Bhakat Bhai Stone Crusher

Suresh Bhakat
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 BHAKAT BHAI STONE CRUSHERAPPLICANT

VERSUS

THE STATE OF WEST BENGAL & OTHERSRESPONDENTS

AFFIDAVIT

I, Suresh Bhakat, aged about 49, son of Jay Narayan Bhakat, residing at Village Bharkata, Haridaspur, Post Office Bharkata, District Birbhum, 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 authorise and 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

Steve Sawadip Bhowal

Advocate

F/1959/1708/2019



Solemnly affirmed and declared
before me on identification

ASIS KUMAR SEN

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

24 NOV 2025

Bhakat Bhai Stone Crusher

Suresh Bhakat

Proprietor

Deponent



FORM 11

[See rule 58(2)]

Name Of District : **BIRBHUM**

Name Of Block : **MOHAMED-BAZAR**

Name Of Gram Panchayat : **BHARKATA**

Trade Registration No:- **322**

Trade Registration Date:-**20-Apr-2023**

Trade Registration Certificate issue No:- **1**

Issue Date:-**20-Apr-2023**

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

To **SURESH BHAKAT**

(Name of Prop/partner/Director)

Full Address :

VILLAGE - PANCHAMI

PARA - BHALLAVPUR DANGA

POLICE STATION - MD BAZAR

POST OFFICE - BHARKATA

MOUZA - 03

DAG - 222

PIN NO - 731216

Gram Sansad/ Part No. XIII

Description of Trade : **STONE CRUSHER**

Gram panchayat acknowledges a sum of **Rs. 150** (Rupees One Hundred and Fifty Only)

From **BHAKAT BHAI STONE CRUSHER**

(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. SSNOCYTVY35510253N

<https://wbprd.gov.in/>



03090293

ফর্ম-৪

রসিদ নং 984

[নিয়ম ৮ (২) এবং ৩১ (২) দেখুন]

ভাঁড়কাটা গ্রাম পঞ্চায়েত

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

- ১. নির্ধারিত নাম ও তিকানা : **Bhakt Bhai stone crusher** (যদি থাকে) :
- ২. প্রাপ্ত আর্থের খাত ও পরিমাণ : **Pan ehani - Bharkata - Ra bhum - Prop - Suresh - Bhakt**
- (ক) ইঞ্জিনিসক (বহর) সময়কালের জন্য জমি ও বাড়ির উপর কর : টাকা
- (খ) সময়কালের জন্য গাড়ির রেজিস্ট্রেশনের উপর ফি : টাকা
- (গ) সময়কালের জন্য যান্ত্রিক বিদ্যমান ব্যবস্থার উপর ফি : টাকা
- (ঘ) সময়কালের জন্য জলের অভিকর : টাকা
- (ঙ) সময়কালের জন্য আলোর অভিকর : টাকা
- (চ) সময়কালের জন্য সাফাই অভিকর : টাকা
- (ছ) **2025/2026** সময়কালের জন্য ব্যবসা-বাণিজ্য নিবন্ধীকরণের উপর ফি : **1500/-** টাকা
- (জ) সময়কালের জন্য গ্রাম পঞ্চায়েত কর্তৃক চালু বা পঞ্চায়েতের অধীনে পরিচালিত পরিবহন ব্যবস্থায় যাত্রী, যানবাহন, প্রাণী বা ফেরির উপর টোল বা পথকর : টাকা
- (ঝ) শাসনঘাট ব্যবহারের উপর ফি : টাকা
- (ঞ) সময়কালের জন্য শ্যালো বা ডিপ-টিউবওয়েলের নিবন্ধীকরণের উপর ফি : টাকা
- (ট) গ্রামে উৎপাদিত ও গ্রামের বাজারে বিক্রীত পণ্য সামগ্রীর উপর ফি : টাকা
- (ঠ) সময়কালের জন্য জনসমক্ষে প্রদর্শনের উে শ্যে রক্ষিত, প্রদর্শিত কোনও বিজ্ঞাপনের উপর ফি : টাকা
- (ড) ৪৭ নং ধারা বলে উপবিধিতে আদায়যোগ্য জরিসাম : টাকা
- (ঢ) অন্যান্য : টাকা

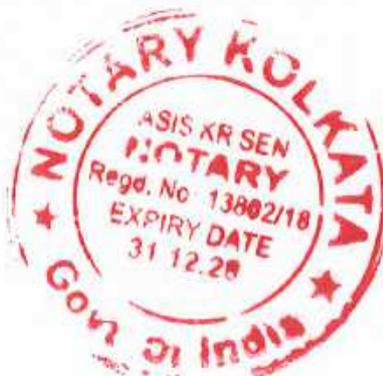


মোট **One thousand Five hundred** **Arkina SK**
(তারিখ সহ) **09/05/2025**

গ্রাম পঞ্চায়েতের সচিব/কর আদায়কারী

নোট : (১) পঞ্চায়েতের কোন সদস্যকে এই কাজের দায়িত্ব দেওয়া যাবে না।

(২) ড্রাফট বা চেকের কোনো পোস্ট করা হলে টাকার অংকের পাশে চেকের নম্বর ও তারিখ লিখে রাখতে হবে।



03090293

Form- 4

Receipt No. 984

Rule 8(2) and 31(2) Section
Bharkata 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: BHAKAT BHAI STONE CRUSHER
 2. Sector and amount or money received: PANCHAMI- BHARKATA , BIRBHUM
PROP : SURESH BHAKAT Holding No(if available) :
- A. Quarterly...../year) Tax on land and houses for a period :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. ...2025/2026..... Fees on business registration for the period :1,500/-.....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-
Tubewell 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 :1,500/-.....rupees

One Thousand Five Hundred Rupees Only

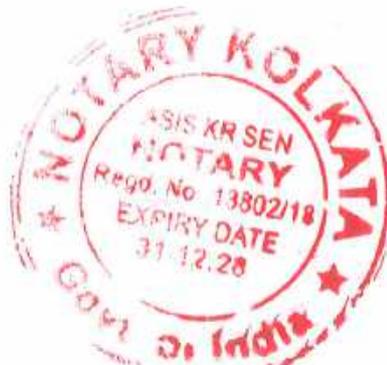
Sd/-

09.05.2025

(Signed with date)

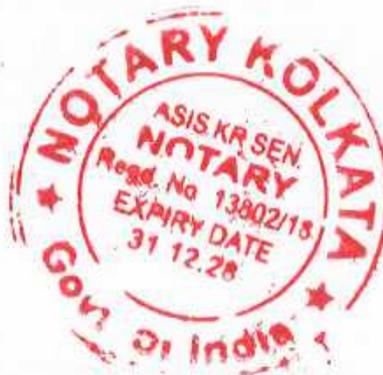
Gram Panchayat Secretary/Tax Collector

- 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.



BEFORE THE NATIONAL GREEN TRIBUNAL
EASTERN ZONE BENCH, KOLKATA

<u>Item No.</u>	<u>Application No.</u>	<u>Parties</u>
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 Moien 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 Baba 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 Mollah 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	



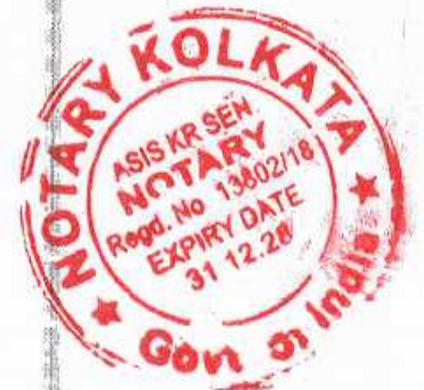
M.A. No. 56/2017/EZ In Original Application no. 44/2015/EZ	Board & Ors. M/s Pachami Granite (R.104) Vs. West Bengal Pollution Control Board & Ors.
M.A. No. 57/2017/EZ In Original Application no. 44/2015/EZ	M/s Bhai Bhai Stone Crusher (R.47) Vs. West Bengal Pollution Control Board & Ors.
M.A. No. 58/2017/EZ 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 Maa 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	West Bengal Pollution Control Board & Ors.
M.A. No. 68/2017/EZ	M/s Bhola Buba Stone Crusher (R.484)
In	Vs.
Original Application no. 44/2015/EZ	West Bengal Pollution Control Board & Ors.
M.A. No. 69/2017/EZ	M/s A.K. Industries (R.509)s
In	Vs.
Original Application no. 44/2015/EZ	West Bengal Pollution Control Board & Ors.
M.A. No. 70/2017/EZ	M/s N.S. Stone Crusher (R.500)
In	Vs.
Original Application no. 44/2015/EZ	West Bengal Pollution Control Board & Ors.
M.A. No. 71/2017/EZ	M/s Bhai Bhai Stone Crusher Unit-II (r.48)
In	Vs.
Original Application no. 44/2015/EZ	West Bengal Pollution Control Board & Ors.
M.A. No. 72/2017/EZ	M/s Rangamati Stone Crusher (R.119)
In	Vs.
Original Application no. 44/2015/EZ	West Bengal Pollution Control Board & Ors.
M.A. No. 73/2017/EZ	M/s Choudhury Stone Crusher (R.548)
In	Vs.
Original Application no. 44/2015/EZ	West Bengal Pollution Control Board & Ors.
M.A. No. 74/2017/EZ	M/s United Stone Crusher (R.140)
In	Vs.
Original Application no. 44/2015/EZ	West Bengal Pollution Control Board & Ors.
M.A. No. 75/2017/EZ	M/s Panchami Black Stone (R.542)
In	Vs.
Original Application no. 44/2015/EZ	West Bengal Pollution Control Board & Ors.
M.A. No. 76/2017/EZ	M/s Sairam Stone Crusher (R.126)
In	Vs.
Original Application no. 44/2015/EZ	West Bengal Pollution Control Board & Ors.
M.A. No. 77/2017/EZ	M/s Gour Hari Stone Crusher (R.505)
In	Vs.
Original Application no. 44/2015/EZ	West Bengal Pollution Control Board & Ors.
M.A. No. 78/2017/EZ	M/s Damrai Chandi Stone Crusher (R.540)
In	Vs.
Original Application no. 44/2015/EZ	West Bengal Pollution Control Board & Ors.



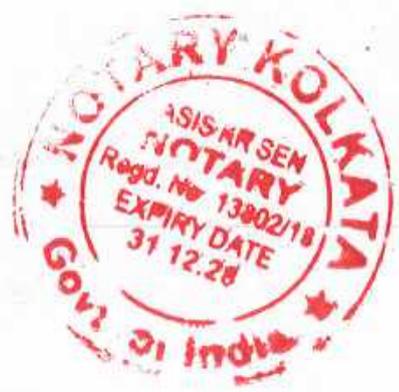
M.A. No. 79/2017/EZ In Original Application no. 44/2015/EZ	M/s Panchami Stone Quarry (R.543) Vs. West Bengal Pollution Control Board & Ors.
M.A. No. 80/2017/EZ In Original Application no. 44/2015/EZ	M/s New Lakshmi Mata Enterprise (R.95) Vs. West Bengal Pollution Control Board & Ors.
M.A. No. 81/2017/EZ 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 Syndictae (R.105) Vs. West Bengal Pollution Control Board & Ors.
M.A. No. 83/2017/EZ In Original Application no. 44/2015/EZ	M/s Maa 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 Robiul 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 Nathi 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 Maa 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 Santu 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)



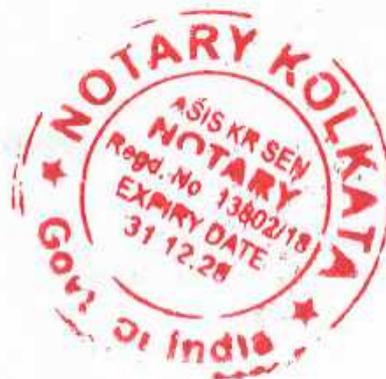
Original Application no. 44/2015/EZ	Vs. West Bengal Pollution Control Board & Ors.
M.A. No. 114/2017/EZ In	M/s Raghunath Enterprise (R.488)
Original Application no. 44/2015/EZ	Vs. West Bengal Pollution Control Board & Ors.
M.A. No. 115/2017/EZ In	M/s Bengal Stone Crusher (R.511)
Original Application 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 Comany (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 Rinki 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 Maa 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 Krishna 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 Mariam 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 Bubai 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 Sahana 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 Paresnath 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 Dewanganj Stone Company (R.570)



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

WEST BENGAL POLLUTION CONTROL BOARD



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

Consent Letter Number :

Memo Number : 2134/5

Date : 05-11-18

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. BHAKAT BHAI STONE CRUSHER
Prop - Suresh Bhakat

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

(hereinafter referred to as Applicant) for its unit located at Vill - Panchami, P.O. Bhaskata, P.S. -

Md. Bazar, Dist. Birbhum, Mouza - Panchami, J.L. No-3, Plot
No- 222, 232, 210 & 234/507.

(Detailed address of the manufacturing unit)

for a period from April '18 to May '22

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

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

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



For and on behalf of the State Board
(Member Secretary/Chief Engr. / Sr. Env. Engr. / Env. Engr.)

05/11/18
Sub-Divisional Officer
Asst. Env. Engr.
Sadar, Sun, Birbhum

(2)

ANNEXURE

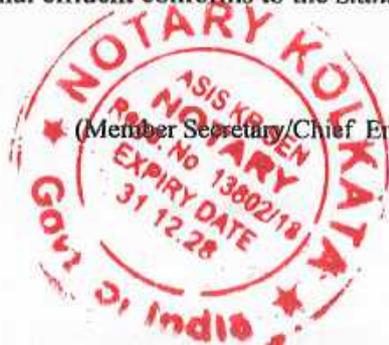
Consent to M/S. Bhakat Bhai Stone crusher
Pancham
for its unit at Vill- ~~pancham~~, P.O. Bharkata, P.S. Md. Bazar, Dist. Bixaman
Mouza-pancham, T.L. No-3, Plot No-222, 232, 210 & 234/507

Conditions :

01. This Consent is valid for the manufacture of :-

Sl. No.	Name of major products and by-products	Quantity manufactured per month
01	Stone chips	30,000 cft.
02		
03		
04		
05		
06		
07		
08		
09		
10		
11		
12		

- 02. The Applicant shall remain responsible for quantity and quality of liquid effluent and air emissions.
- 03. Daily discharge of industrial liquid effluent shall not exceed 0.5 KL
- 04. Daily discharge of domestic liquid effluent shall not exceed 0.3 KL
- 05. Daily discharge of mixed (industrial & domestic) liquid effluent shall not exceed KL
- 06. The Applicant shall discharge liquid effluent to Scarpit (place of discharge) through nos. outlets / outfalls.
- 07. To bring into any altered or new outlet/outfall or to change the place of discharge, the Applicant shall have to inform the Board and obtain prior permission of the Board in this effect.
- 08. The Applicant shall provide comprehensive facility for treatment of industrial liquid waste and domestic liquid waste (sewage, sullage and liquid effluent generated from canteen), and operate and maintain the same continuously so that the quality of final effluent conforms to the Standard as given in Table-I in page 03.



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

05/11/18
Sub-Divisional Officer
Sadar, Sun, Bixaman

Continued.....

(6)

ent to M/S. Bhakat Bhai Stone crusher
 s unit at Vill-panchami, P.O-Bhakkata, P.S.-Md. Bazar, Dist. Birahum
Mouza-panchami, J.L.No-3, Plot No-222, 232, 210 & 234/507.

The Applicant shall maintain a separate register showing consumption of chemicals used in pollution control systems.

The Applicant shall get the samples of hazardous wastes/leachates analysed at least once in from the laboratory recognised of the West Bengal Pollution Control Board and ensure that they conform to the limits stipulated. Test reports shall be sent to the Board.

The Applicant shall provide adequate and safe facility for collection of air, waste water and solid waste samples by the State Board's staff as well as State Board's authorised agencies.

The Applicant shall submit to the State Board by the 30th September of every year the Environmental Statement Report for the financial year ending 31st March of the current year in the prescribed form (Form -V) as required under the provisions of rule 14 of the Environment (Protection) [Second Amendment] rules, 1992.

The Applicant shall allow the Officers of the State Board to enter into the applicant's premises at any reasonable time to inspect the pollution control systems as well as monitoring and measuring devices in connection with prevention & control of pollution.

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

The Application 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.

The Applicant shall maintain adequate number of qualified and trained personnel among his staff for proper maintenance and operation of the effluent treatment and / or emission control devices and for overall environment management of the industry.

The Applicant shall have to make registration for the use of groundwater if any, with Central Ground Water Authority.

The Applicant shall intimate to the State Board immediately of any occurrence or apprehension of occurrence of discharge of any poisonous, noxious or pollutants in excess of quality as well as quality as mentioned earlier to any receiving water body/receiving system or to atmosphere owing to accident or other unforeseen incident/event including natural disaster. The Applicant Shall (i) take all steps adequate to prevent such accident discharge/release of poisonous, noxious or pollutants and to limit their consequences to persons and the environment, (ii) provide to the persons working on the site with the information, training and equipment including antidotes necessary to ensure their safety and mitigate the accidental release of poisonous noxious or pollutants to the environment.

1. The Applicant shall make an application to the State Board in the prescribed form for renewal of the consent at least 60 (sixty) days before the date of expiry of this Consent.

2. The Applicant shall not make any alternation/modification/expansion in the existing manufacturing process and equipment as well as the pollution control system without prior approval of the Board.

3. The Applicant shall comply with the conditions as laid down in the Manufacture, Storage and Import of hazardous Chemicals Rules, 1989 and Hazardous Wastes (Management & Handling) Rules, 1989.

Additional Conditions
 1. AIR QUALITY REPORT TO BE SUBMITTED
 4 (FOUR) MONTHS FROM THE DATE OF ISSUANCE
 OF THIS CONSENT LETTER AND THEREAFTER ON
 AN ANNUAL BASIS
 2. THE APPLICANT SHALL COMPLY WITH THE W.O.C.
 RULES AS APPLICABLE TO THE FACTORY.



(Signature)
 05/11/18
 Sub-Divisional Office
 Asst. Env. Engr.
 Sadar, Sun, Birahum

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

(4)

Consent to M/S. Bhakat Bhai Stone Crusher
 for its unit at Vill-panchami, P.O.-Bhaskata, P.S. Md. Bazar, Dist. Birbhum
Mouza-panchami, S.L.No-3, plot No-222, 232, 210 & 234/507

11. The Applicant 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.
12. All the stacks connected to various sources of emissions must be designated by numbers such as S-1, S-2, S-3, etc., and this must be painted/displayed to facilitate identification.
13. The Applicant shall install comprehensive control system consisting of pollution control equipment as is warranted with reference to generation of air emissions and operate and maintain the same continuously so as to achieve the level of pollutants of the Standard as given in Table-II below :

Table-II

Stack No.	Stack height from G.L., (in mts.)	Stack attached to (sources and control system, if any):	Volume Nm ³ /hr.	Velocity of gas emission m/sec	Concentrations of parameters not to exceed				Frequency of emission sampling
					SPM (mg/Nm ³)	CO (%v/v)			
S-1									
S-2									
S-3									
S-4									
S-5									
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(Member Secretary/Chief Engr./ Sr. Env. Engr. / Env. Engr. / Asst. Env. Engr. / Officer)
 Sadar, Suri, Birbhum

05/11/18
 [Signature]

Continued.....



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

No. 659/S

Date: 26/05/2023

✓ To,
The Secretary,
Panchami Mine Owner's Association,
Kapadanga, 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

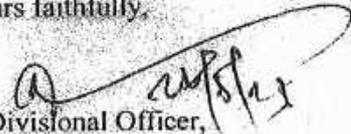
Sir,

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 some 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,

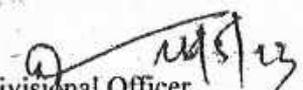

Sub- Divisional Officer,
Birbhum Sadar,

No. 659/12/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).


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 : 30.07.2023

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

ISSUED



o/c

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



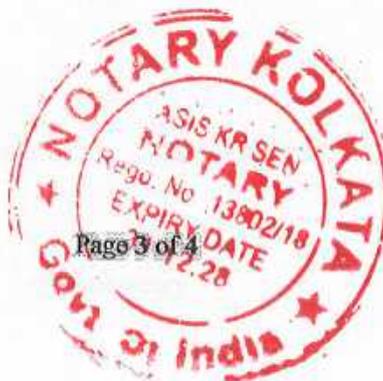
Applications.

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

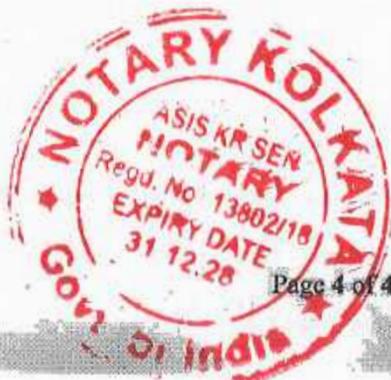


Memo No. 02(1-53)/4A-10/2012

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.

Enclo: 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.

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

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

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Applications.

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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

Caution from PNB: USE "FCMBR" MENU OPTION IN FINACLE INSTEAD OF "TM"
Institute Code- WBPCB | Collection Code- WBPCB
Cash can be deposited at any branch of Punjab National Bank



PCB

CHALLAN

WEST BENGAL POLLUTION CONTROL BOARD

"Paribesh Bhavan", 10A, LA Block
Sector-III, Salt Lake, Kolkata-106

(4th Copy)
(To be retained by the depositor)

PAY-IN-SLIP

PUNJAB NATIONAL BANK

Branch : SURE

Date : 6/4/22

Application No : **000000000731216**

Name & Address of the Company / Unit:

M/S. BHAKAT BHAI STONE CRUSHER
VILLAGE- PANCHAMI, POST-BHARKATA, P.S.- MD BAZAR,
BIRBHUM, 731216

Pollution Category : **RED/ORANGE/GREEN/BIOMEDICAL**

Please Credit: **A/C NO- 1096050101684**

IFSC: PUNB0109620

WEST BENGAL POLLUTION CONTROL BOARD

Code	Particulars	Remarks	Amount
R4D	Consent to Establish		
R4C	✓ Consent to Operate		13750.00
R4M	Analysis Charges		
R4N	HW Authorisation		
R4O	BMW Authorisation		
R4P	Import Clearance		
R4Q	Lab Charges*		
R4H	Other		
R4Z	Fine		
R4AR	Arrear fees		
R4AD	Advance fees		
Bank	Service Charge		40.00
TOTAL			13790.00

* Laboratory Recognition/Registration/renewal

APR 20 2022

ASIS

NOTARY KOL

Particulars of Cash/Cheque/Draft

REGD. No. 1228

EXPIRY DATE 31.12.28

RUPEES

THIRTEEN THOUSAND SEVEN HUNDRED AND NINETY RUPEES ONLY

Signature of Receiving Cashier

DEPOSITOR'S NAME & SIGNATURE

Particulars of Cash/Cheque/Draft

THIRTEEN THOUSAND SEVEN HUNDRED AND NINETY RUPEES ONLY



Memo No 97

BL&LRO/Md. Bazar/2025

Date: 13/01/2025

To,

Bhakat
M/S ~~Bhakat~~ *Bhai Stone Crusher*
Pachami
P.S. Md Bazar, Birbhum

Annexure - G

Whereas it has been found in the enquiry that a stone crushing unit is being run by you in Mouza- *Pachami* .. JL No *03* .. under P.S. - Md. Bazar and the said stone crushing unit is found to be operating:

And whereas, the relevant regulatory guidelines of the Pollution Control Board stipulate obtainment of requisite permissions/consents/license from the appropriate authority as well as adherence to the conditions laid down there-at.

And whereas, it prima facie appears that you are operating the said stone crushing unit in violation of the extant statutory provisions:

And whereas, in terms of the Order being No. M&M/96(5)/DL&LRO(B)/2025 dated 08/01/2025 issued by the District Magistrate, Birbhum and in view of the above, you are hereby directed to stop all sorts of operations in your stone crushing unit forthwith and to close it down completely, failing which appropriate legal action will be taken.

Md. T. S. Ghosh
Assistant Director and Assistant Dir
Block Land & Land Reforms Officer, Md. Bazar, Birbhum

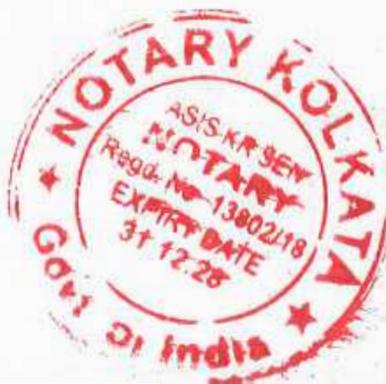
Memo No 97/1(6) /BL&LRO/Md. Bazar/2025

Date: 13/01/2025.

Copy forwarded for kind information and necessary action to:

1. The ADM and District Land & Land Reforms Officer, Birbhum.
2. The Sub-Divisional Officer, Suri Sadar, Birbhum.
3. The Sub-Divisional Land & Land Reforms Officer, Suri Sadar, Birbhum.
4. The Block Development Officer, Md. Bazar, Birbhum.
5. The Inspector-in-Charge, Md. Bazar P.S., Birbhum with request to take appropriate action so that no operation is continued in the above mentioned crushing unit.
6. C/A to the District Magistrate, Birbhum for kind appraisal of the authority.

Assistant Director and
Block Land & Land Reforms Officer
Md. Bazar, Birbhum



Government of West Bengal
Office of the Block & Land Reforms Officer
Md. Bazar Block, Birbhum

Memo No.97 BL & LRO/Md Bazar/2025

Dated 13.01.2025

To,
M/S Bhakat Bhai Stone Crusher
Pachami
P.S.- Md. Bazar, Birbhum

Whereas it has been found in the enquiry that a stone crushing unit is being run by you in Mouza- Paschim, J.L. No.03 under P.S.- Md. Bazar and the said stone crushing unit is found to be operating.

And whereas the relevant regulatory guidelines of the Pollution Control Board stipulated obtainment of requisite permissions/consents/license from the appropriate authority as well as adherence to the conditions laid down there-at.

And whereas it prima facie appears that you are operating the said stone crusting unit in variations of the extant statutory provisions.

And whereas in terms of the order being No.M&M/96(5)/DL&LRO (B)/2025 dated 08.01.2025 issued by the District Magistrate Birbhum and in view of the above you are hereby directed to stop all sorts of operations in your stone crushing unit forthwith and to close it down completely failing which appropriate legal action will be taken.

Assistant Director and
Block Land & Land Reforms
Md. Bazar, Birbhum

Memo No.97/1(6)/BL & LRO/Md Bazar/2025

Date 13.01.2025

Copy forwarded for kind information and necessary action to.

1. The ADM and District Land & Land Reforms Officer, Birbhum.
2. The Sub-Divisional Officer, Suri Sadar, Birbhum,
3. The Sub-Divisional Land & Land Reforms Officer, Suri Sadar, Birbhum.
4. The Block Development Officer Md. Bazar, Birbhum
5. The Inspector-in-Charge, Md. Bazar P.S. Birbhum with request to take appropriate action so that no operation is continued in the mentioned crushing unit.
6. C/A to the District Magistrate, Birbhum for kind appraisal of the authority.

Assistant Director and
Block Land & Land Reforms
Md. Bazar, Birbhum

(75)

-61-

Mob. : 9933373278

M/s. BHAKAT BHAI STONE CRUSHER

Prop. : Suresh Bhakat

VILL. - PANCHAMI, P.O. - BHARKATA, P.S. - MD. BAZAR

DIST. - BIRBHUM, PIN - 731216 (W.B.)

GST - 19APXPB3775R1ZQ

Annexure - H

Ref. No.

Date. 18.02.2025

To,
The Assistant Directors
Block Land & Land Reforms Officer
Office Of The Block Land & land Reforms Officer
Md , Bazar, Block Birbhum.

**Subject:- Reply to the purported notice dated 13th January , 2025
being Memo No. 97/BL&LRO/Md.Bazar /2025.**

Sir/Madam,

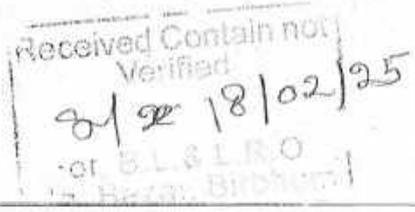
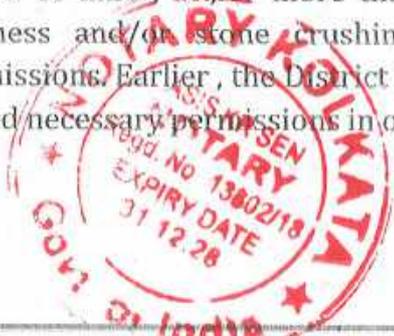
1. I am proprietor of a proprietorship Firm namely M/s Bhakat Bhai Stone Crusher and inter alia , engaged in the business of stone crushing at Panchami, P.o- Bharkata ,P.S Mohammad Bazar ,District Birbhum .Such crushing operation is carried on by adhering to all the Mining rules , pollution rules , Explosive rules , etc. and upon payment of all statutory fees .It is needless to mention that we are operating the said business by obtaining the necessary consent to operate from the concerned authorities.

2. I/We are in receipt of the captioned notice issued by your esteemed authority, whereby you have sought to and /or directed us to stop all sorts of operations in our stone crushing unit and further to close down the same completely .By the said notice , your esteemed authority has further threatened to take legal action against us in this context , please note as follows :

i. I/We highly shocked and surprised to note the contents of the said notice ,inasmuch as we have been operating the stone crushing unit in accordance with law .

ii. I/We have been duly operating our stone crushing unit in accordance with the Environmental Guidelines for Stone rushing units issued by the Central Pollution Control Board , Ministry of Environment . There has been no violation of the said guidelines ,and neither the same has been alleged in the notice under reference.

iii. Please also note that in the course of our business , we employ a large number of persons who are heavily dependent and earn their livelihood from our stone crushing unit . we are duty bound towards them. We have been running the business for a considerable period of time , i.e. for more than ~~16~~ years. I/We have always been conducting our business and/or stone crushing unit after obtaining the necessary licences and permissions. Earlier, the District Magistrate was the competent authority , who has always issued necessary permissions in our favour.



M/s. BHAKAT BHAJ STONE CRUSHER

Prop. : Suresh Bhakat

VILL. - PANCHAMI, P.O. - BHARKATA, P.S. - MD. BAZAR
DIST. - BIRBHUM, PIN - 731216 (W.B.)

GST - 19APXPB3775R1ZQ

Ref. No.....

Date..... 18.02.2025

iv. Furthermore , your esteemed authority has been relied upon a purported notification and /or order dated 8th january 2025 being Order no M&M/96 (5) /DL&LRO(B)/2025,issued by the Learned District magistrate .However , no copy of the said notification and /or order has been furnished to us . Hence , We request your esteemed authority to furnish such notification and /or order, or let us know where to obtain the same from so that an effective response can be issued by us . please note that if your esteemed authority proceeds to take any coercive step without furnishing us with a copy of the said order dated 8th January 2025,then the same would be violative of Article 14 and 21 of the constitution of India ,and also of the principles of natural justice .

3. In such circumstances ,we request you note to take any coercive steps against us ,as the same would not only be illegal, but would also prejudicially affect the larger public interest ,as a considerable number of people will be brought down to the streets.

Thanking You.

Enclosure: - Clouser Notice copy.

Yours faithfully.

BHAKAT BHAJ STONE CRUSHER

Suresh Bhakat.
Proprietor



Government of West Bengal
Office of the District Magistrate
Birbhum

Memo No. M&M/ 1630 (204) /DL&LRO(B)/2025

Date : 04 / 04 /2025.

To,

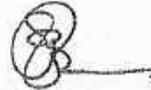
Name of Stone Crusher : M/S Bhakat Bhai Stone Crusher
Name of Proprietor/Owner : Sures Bhkat
Location of the Crusher : Panchami
Name of Mouza & JL No. : Pachami-03
P.S. & District : Md. Bazar, Birbhum.

NOTICE

Whereas the Hon'ble NGT, Eastern Bench, Kolkata, vide solemn order dated 21.03.2025 passed in Original Application 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, was please to observe that "...If these Stone Crushing units are carrying on operations in contravention of law meaning thereby that they are illegal, Environmental Compensation has to be determined against them..." and directed the State Respondents to file a further affidavit, inter alia, on action taken.

In view to comply with the aforesaid solemn order of the Hon'ble NGT, you are requested to submit copies of all Permissions/Consents/Licenses/all relevant Documents related to your stone crushing unit, in the office of the BL&LRO, Md. Bazar within two weeks from the date of receipt of this notice.

If you fail to submit these copies of documents within the aforesaid time period, determination of legality or illegality of your crushing unit shall be made on the basis of information/data/documents, as available in the concerned offices.


District Magistrate
Birbhum.



13/05/25

-64-

(7)

Annexure J

Mob. : 9933373278

M/s. BHAKAT BHAI STONE CRUSHER

Prop. : Suresh Bhakat

VILL. - PANCHAMI, P.O. - BHARKATA, P.S. - MD. BAZAR

DIST. - BIRBHUM, PIN - 731216 (W.B.)

GST - 19APXPB3775R1ZQ

Ref. No.

Date. 13-05-25

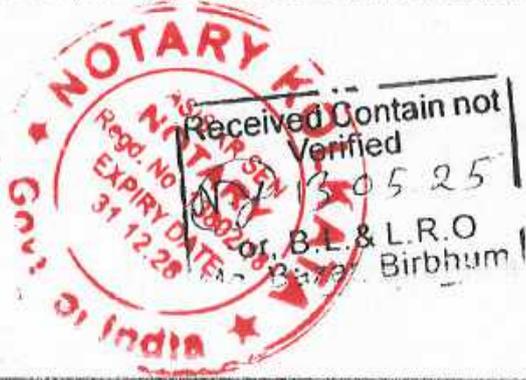
To
The Office of the Learned District Magistrate
Government of West Bengal, Birbhum
Administrative Building
Suri Main Road
Birbhum, West Bengal 731 101

Re: Reply to the Notice, being Memo No. M & M/1630 (204)/DL & LRO(B)/2025 dated 4th April, 2025.

Sir/Madam

We, M/s. Bhakat Bhai Stone Crusher are in receipt of the captioned notice under reference issued by your esteemed authority, whereby you have requested us to submit copies of all permissions/consents/licenses/all relevant documents related to our stone crushing unit within two weeks. In this context, we state and submit as follows:

1. We are highly shocked and surprised to note the contents of the said notice, inasmuch as we have been operating the stone crushing unit in accordance with law.
2. We have been duly operating our stone crushing unit in accordance with the Environmental Guidelines for Stone Crushing Units issued by the Central Pollution Control Board, Ministry of Environment, Forest and Climate Change, Parivesh Bhawan, East Arjun Nagar in July 2023. There has been no violation of the said guidelines, and neither the same has been alleged in the notice under reference.
3. Please also note that in the course of our business, we employ a large number of persons who are heavily dependent and earn their livelihood from our stone crushing unit. We are duty bound towards them. We have been running the business for a considerable period of time, i.e., for more than 16 years, after obtaining the necessary consent to establish/consent to operate. We have always been conducting our business and/or stone crushing unit after obtaining the necessary licences and permissions. Earlier, your esteemed authority was the competent authority, who has always issued necessary permissions in our favour.
4. Furthermore, earlier also, a letter was issued by Assistant Director & BL & LRO, Md. Bazar, Birbhum, wherein reliance was placed upon a purported notification and/or order dated 8th January 2025. We had responded to the said letter requesting for a copy of such notification. However, no copy of the said notification and/or order has been furnished to us.



M/s. BHAKAT BHAJ STONE CRUSHER

Prop. : Suresh Bhakal

VILL. - PANCHAMI, P.O. - BHARKATA, P.S. - MD. BAZAR

DIST. - BIRBHUM, PIN - 731216 (W.B.)

GST - 19APXPB3775R1ZQ

Ref. No.....

Date.....

5. We have also perused the order dated 21st March, 2025, passed by the Learned National Green Tribunal, Eastern Zone in Original Application No. 154/2024/EZ. A perusal of the said order reveals that by the said order, a direction was passed to the appropriate authority to file an affidavit with respect to averments made in paragraph nos. 4 and 5, therein. We are not aware of any averments made in paragraph nos. 4 and 5, as no copy of such application was ever served upon us. However, without prejudice thereto, we reasonably believe that any allegation made against us in the said proceedings are false, untrue and incorrect.
6. This is because we had applied for consent to operate before the concerned Durgapur Regional Office, of the West Bengal Pollution Control Board and all other necessary permissions before your esteemed authority. However, we had not received any response in regard to such applications, for the reason best known to the concerned authorities. We had sent repeated reminders requesting for appropriate steps to be taken in connection with such applications. However, no steps have taken yet to such application, and had intentionally kept it pending. As such, since we had discharged our obligation to apply for necessary permission, we cannot be held liable in connection with any consequence arising out of non-grant of any permission. The non-grant of any permission, if any, is attributable to your esteemed authority and/or any other person responsible for the same. In this connection, all necessary correspondence including the trade license as issued by the concerned Panchayat along with the application and reminders are annexed hereto and marked with the letter "A".
7. In any event, the aforesaid order was passed without our presence and without serving any notice on us. The same violates the principles of natural justice and is thus violative of Article 14 and 21 of the Constitution of India. Please note that we have not been able to effectively respond to your notice under reference, in view of the fact that complete documents relied upon by your esteemed authority and all other authorities have not been made over to us.
8. We have always operated and/or operating our stone crushing unit by obtaining the necessary consent to operate from the West Bengal Pollution Control Board and/or from your esteemed office and have further applied for the same, which was kept pending by the concerned authorities without any valid reason. We have all along made the requisite payments for obtaining the consent to operate certificate.



M/s. BHAKAT BHAI STONE CRUSHER

Prop. : Suresh Bhakat

VILL. - PANCHAMI, P.O. - BHARKATA, P.S. - MD. BAZAR

DIST. - BIRBHUM, PIN - 731216 (W.B.)

GST - 19APXPB3775R1ZQ

Ref. No.....

Date.....

9. As aforesaid, in spite of submitting the necessary application, the concerned authorities have failed and/or neglected to issue fresh and/or renew the necessary certificate for consent to operate within the specified time, for the reason best known to them.
10. In such circumstances, we request you not to take any coercive steps against us, as the same would not only be illegal, but would also prejudicially affect the larger public interest, as a considerable number of people will be brought down to the streets. As aforesaid, we are operating our stone crushing units by maintaining all environmental norms and strictly in accordance with the conditions as stipulated in the Environmental Guidelines for Stone Crushing Units issued by Central Pollution Control Board (July, 2023).

Enclose-

1. Trade Licence Xerox Copy.
2. Panchayet Tax Xerox Copy.
3. W.B.P.C.B Renewal Application Copy.

Copy to:-

The B.L & L.R.O (Md. Bazar .Birbhum)

Your Faithfully.

BHAKAT BHAI STONE CRUSHER

Suresh Bhakat

Proprietor





WEST BENGAL POLLUTION CONTROL BOARD

Paribesh Bhawan, 10A, Block LA, Sector III, Salt Lake

Kolkata 700 098,INDIA; Ph 335 9088,& Fax : (0091) (33) 335 8073

Application for Consent to Operate for Red & Orange Category Industries

Application for Consent to Operate for discharge of effluent, under Section 25 and Section 26 of Water (Prevention and Control of Pollution) Act, 1974 and emission/continuation of emission under Section 21 of the Air (Prevention and Control of Pollution) Act, 1981.

Application No. : 6346435

Date of Submission : 03/02/2025

Category : ORANGE

Industry Type : Stone crushers

From : BHAKAT BHAI STONE CRUSHER ,

DAG-210,222,232,234/507,JL NO-03,MOUZA+VILL-PANCHAMI,P.O-BHARKATA,P.S-MD BAZAR,DIST.-BIRBHUM-731216

(Name and Address of the Unit)

To : The Environmental Engineer, WPCB,
Sahid Khudiram Sanami, City Centre,
Dumgaon - 16

Sir,

1. I/We hereby apply in the application form for both Consent to Operate (Fresh/Renewal) (i) under sub-section (2) of Section 25 and Section 26 of Water (Prevention and Control of Pollution) Act, 1974 to make discharge from land premises and (ii) under sub-section (2) of Section 21 of the Air (Prevention and Control of pollution) Act, 1981 to make emission from a proposed industrial plant owned by Suresh Bhakat for a period upto 03/02/2025
2. The Annexure, Appendices, other particulars and plans are attached .
3. I/We further declare that the information furnished in the application form, Annexure/Appendices and plans is correct the best of my/our knowledge.
4. I/We hereby submit that in case of a change either or a point or the quantity of discharge or the quantity of emission, a fresh application for consent shall be made and until such consent is granted, no change shall be made.
5. I/We hereby agree to submit to the board, application for renewal of consent two months in advance of the date of expiry of the consented period, if to be continued there after.
6. I/We undertake to furnish any other information within seven days of its being called for by the State Board.
7. I/We enclose herewith Challan of Rs. deposited at Branch on in favour of West Bengal Pollution Control Board being the 'Consent to Operate application fee'.

Date:.....



(Signature) Suresh Bhakat

Seal: Bhakat Bhai Stone Crusher, Birbhum

Name of the applicant : Suresh Bhakat
Signature : Proprietor
Application on behalf of : BHAKAT BHAI STONE CRUSHER
Address of applicant : VILL-PANCHAMI,P.O-BHARKATA,P.S-MD BAZAR,DIST.-BIRBHUM-731216

PART - A : (GENERAL INFORMATION)

Full address of the factory (mentioning Post Office, :
AG-210,222,232,234/507,JL NO-03,MOUZA+VILL-PANCHAMI,P.O-BHARKATA,P.S-MD BAZAR,DIST.-
RBHUM-731216 Police Station, local body with Ward No. etc.)
Telephone : -6295743737 Fax : -
Police Station : MD Bazar P. O. & Pin Code : Bharkata 731216
LocalBody : Bharkata GP Ward No : III
J.L. No : 03 Plot No. & Dag No. : 210,222,232 ,234/507

Full address of the Registered Office-City Office : VILL-PANCHAMI,P.O-BHARKATA,P.S-MD
BAZAR,DIST.-BIRBHUM-731216

Telephone : -6295743737 Fax : -
E-mail : goswami.666666@gmail.com Website :

a) Size of industry (Large / Small[] : Small
b) Power Supply Agency at the factory premises
[viz, C.E.S.C/W.B.S.E.B/Others /specify] : WBSEDCL

Year of commissioning of the industry : November/2018

(i) Number of persons engaged by the factory : 15
a) Workers/Labour (including contract engagements : 10,
b) Management Staff : 3
c) Others(Night watchman etc.) : 2
(ii) a) No. of working hour per day : 8
b) No. of working day per year : 325,No

Population residing in the Quarters / Colony, if applicable :

Gross capital investment on land, building, plant & machinery Lakhs.2500000
excluding capital investment on pollution control system the unit till the date if application

(To be supported an undertaking affidavit, annual report or certificate from a Chartered Accountant).

Give the list of raw materials (including fuel) with consumption per month
*(if the space provided below is for inadequate, please attach
separate sheet giving information using the same format).*



SL. NO.	Name of Raw Materials(including fuel)	Quantity per Month
1	Big size Stone / boulder	850 Metric Tonnes/Month

9. List of products and by-products manufactured :

(i) the space provided below is for inadequate, please attach separate sheet giving information using the same format).

Name	Production Capacity (Per Month)	Average Production (Per Month)
Stone Chips	750 Metric Tonnes/Month	750 Metric Tonnes/Month

PART - B : INFORMATION REQUIRED IN CONNECTION WITH PERVENTION AND CONTROL OF WATER POLLUTION

10. Water consumption for different uses

Type of Use	Sources of supply (Strike out which if/are not applicable)	Quantity (M3/day)
Borewell	Domestic purpose	2 KLD
Borewell Industrial	Others	5 KLD

11. Information regarding liquid waste discharged.

Do not give information on storm water discharged.

Sources (Place of generation)	Quantity(M3/day)	Place of discharge)
BATHROOM, KITCHEN & WASHING FOR EMPLOYEE	1.6	To panchyet Drain Via Septic Tank

(If the space provided above inadequate, please attach separate sheet giving information the same format).

(Note: Please attach a diagram showing liquid waste flow from its place of generation upto the of final discharge.)

12. Whether facilities available for liquid waste treatment : Yes/No

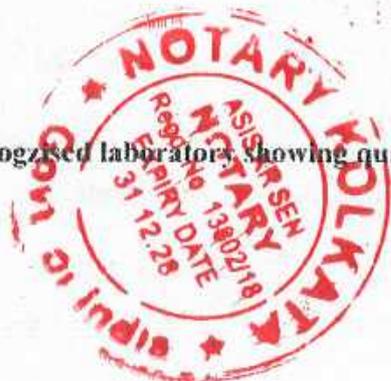
if yes.

(a) Quantity of Liquid waste reted :

(b) Describe the facility along with a diagram :

(Please attach separate sheet)

13. Attach latest 'analysis report' of the Board or Board's recognised laboratory showing quality of liquid waste discharge (before and after treatment) :



- 4. Whether water meter at water intake points installed : No,
- 5. Whether energy meter of E.T.P. installed :
- 6. Whether waste water flow measuring device installed : No.

PART - C : INFORMATION REQUIRED IN CONNECTION WITH PERVENTION AND CONTROL OF Air POLLUTION

7. Details of source of emission—

A) (From manufacturing process) :.....

Name the unit operation causing emission of pollutants
(Please attach additional sheet if required) :

Type	Details/Capacity/Unit/NA
------	--------------------------

B) (From Furnaces, Heaters, Kiln etc.)

Type of Furnace/Heaters/Kiln	No. of Units	Capacity of each unit	Fuel used (nature & quantity) in individual Furnace

C) (From Boilers)

Number of boilers	Capacity of each boiler	Fuel used (nature & quantity) in individual boilers

D) (From Diesel Generator Sets)

No. of DG sets	Capacity of each DG sets	Height of the stack above DG sets	Height of the DG room

.. (Noise pollution control measures)

Acoustic enclosure/acoustic treatment of DG room	Exhaust mufflet

7. Emission Details.

Emission Type	Stack Attach To	Height of the Stack	Stack Diame ter	Fuel Consumption	Quantity	Gas Quantity (m ³ /hr))	Fuel	SMF	Plant Capacity	Consp- Unit	Stack Draft Type	Remarks	Pollution Control Equip ments

the space provided above is inadequate, please attach separate sheet giving information in the same format Attach latest 'analysis report' of the Board's recognised laboratory)



PART - D : OTHER INFORMATION

Give details regarding solid waste

Type of Waste	Description of waste (Lump/Paste/Dust, etc.)	Quantity per month	unit	Method of disposal
Stone Dust	Non Hazardious	100	Metric Tonnes/Month	Low land filling

- 20. Attach a separate sheet (not applicable to small scale unit) :
Providing a brief write-up and schematic flow sheet of the manufacturing process clearly showing sources of generation of solid (hazardous and, non-hazardous) liquid and gaseous wastes
- 21. Attach layout plan showing the different outlets for liquid waste discharge :
- 22. Other relevant information, if any :
(Please attach separate sheet if required)

Seal
Bhakat Bhai Stone Crusher
 Birbhum

Signature of Applicant *Suresh Bhakat*
Bhakat Bhai Stone Crusher
 Birbhum

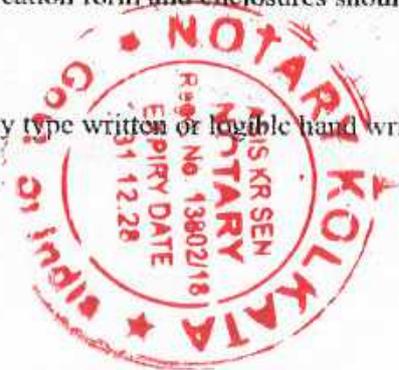
Check-list of accompaniments: [Please put tick mark (-) as applicable]

- The THIRD PART of the challan (in original) as proof of deposition of consent application fee
- Undertaking/Affidavit/Andull Report/certificate from a Chartered Accountant (Item No.07)
- Additional sheet against Item No.08
- Additional sheet against Item No.09
- Additional sheet against Item No.11 (b)
- Additional sheet against Item No.13
- Additional sheet against Item No.17 (A)
- Additional sheet against Item No.18
- Additional sheet against Item No.20
- Additional sheet against Item No.21
- Additional sheet against Item No.22

Notes : => All enclosures, documents and analysis reports of Board's recognised laboratories must be signed counted-signed by the applicant with official seat.

=> All subsequent connection in the application form and enclosures should be signed by the applicant or any person authorised by the applicant..

=> The form is to be filled preferably in by type written or legible hand writing





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

Memo No. M&M/4142(186)/DL&LRO(B)/2025

Date: 07.08.2025

To,

Name of Stone Crushing Unit : M/S Bhakat Bhai Stone Crusher
Name of Proprietor/Owner : Sures Bhkat
Address : Panchami, PS-Md.Bazar, Dist.-Birbhum
Mouza where crushing unit is located : Pachami-03

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 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 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;

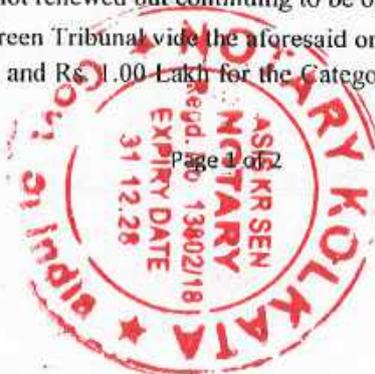
And whereas, after scrutiny of the said documents, as submitted by the appearing stone crushing units before the BL&LRO, Md. Bazar Block, it appears that your stone crushing unit is being operated/run by you without valid subsisting Consent/Permission/Clearance from the appropriate authority from the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

And whereas, 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.

Memo No. M&M/4142(186)/1(9)/DL&LRO(B)/2025

Date: 07.08.2025

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.



"VAKALATNAMA"

In the at
Before Ld NATIONAL GREEN TRIBUNAL Judge Signature
Suit/Case No. EASTERN ZONE BENCH, KOLKATA 21-201
ORIGINAL APPLICATION No. ~~11/1959~~

M/S. BHAKAT BHAI STONE CRUSHER Plaintiff
Applicant
Appellant

-VS-

THE STATE OF WEST BENGAL AND OTHERS 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 SOURODIP 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 filling 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 title fresh suit, sending properties released from attachment, filling 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 it done by me / us to all intents and purposes.

Date 12.01.....2026

ADVOCATES—

STEVEN SOURODIP BISWAS,
ADVOCATE,

HIGH COURT AT CALCUTTA,

5, PARK LANE, KOLKATA - 700016

email ID: biswas.steven@gmail.com

Phone: 700345384(M)

F/1959/1708/2019

Proprietor

EMMANUEL B. BERNARD

EMMANUEL B. BERNARD

Received this Valuation
from the executor direct.
Satisfied and accepted the same.
Steven S. Brown
Advocate