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

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

Original Application No. 186 Of 2025/ EZ

BETWEEN

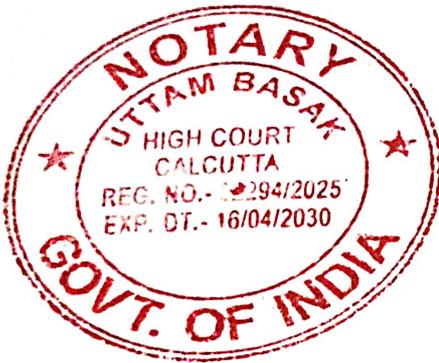
Adhir Maiti

....Applicant

-Vs-

The West Bengal Pollution Control
Board & Ors.

..... Respondents



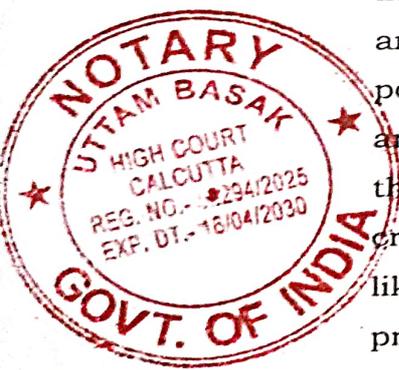
**SUPPLEMENTARY AFFIDAVIT FILED ON BEHALF OF THE
APPLICANT AS PER LEAVE GRANTED VIDEORDER DATED
15.01.2026 PASSED BY THE HON'BLE NATIONAL GREEN
TRIBUNAL, EASTERN ZONE BENCH, KOLKATA**

I, Adhir Maiti, son of Late Atul Maity, aged about- 57 years, by faith- Muslim, by occupation- Cultivation, residing at Village- Sukrasani, Post Office-Gobra, Police Station- Ramnagar, District- Purba Medinipur, PIN- 721441, do hereby solemnly declare and affirm as under:

1. That I am the Applicant in the instant application and as such I am acquainted with the facts and circumstances of the case and competent to affirm the affidavit.

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2. That being aggrieved and dissatisfied with the inaction by the concerned Respondent Authorities for redressing grievances of the applicant arose due to running of a peanut/almond grinding factory by the private respondent being Respondent No. 6 in the instant matter within the residential area by violating environmental rules/norms and also as per direction passed by the Hon'ble High Court at Calcutta vide Order dated 31.07.2025 in W.P.A. No.16534 of 2025 (Adhir Maiti vs. The State of West Bengal & Ors.), the Applicant herein has filed the instant Original Application before this Hon'ble Tribunal.
3. That the said peanut grinding factory/almond factory is being run by the Respondent No.6 herein, with the strength of 13 workers (3 male and 10 female) and 5 labours in total and the same is situated at the same plot of the residential premises of the Applicant herein just at a distance of 5 ft. approx. from his house and thus, for the operation and running of the said peanuts grinding factory/ almond factory by the private respondent being Respondent No. 6 herein, polluted smoke including dust and fine particles is emitting from the factory and those who are residing near the factory are inhaling such polluted smoke causing serious respiratory diseases to them and at the same time, due to running of machineries throughout the day noise and/or sound pollution is being created causing significant physical and mental health issues like severe sleep disturbances, chronic stress and high blood pressure to the people residing nearby besides lack of proper waste management causes stacking of solid waste produced during grinding or oil extraction process in the neighbourhood.



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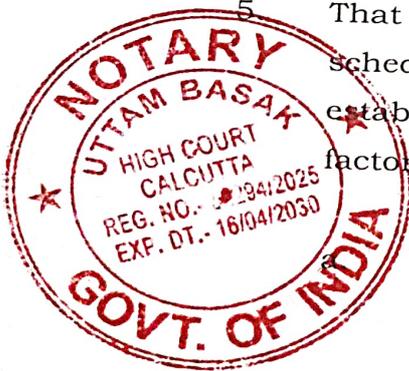
The relevant photographs in respect of the said peanut grinding factory/almond factory run by the Respondent No.6 have already been annexed with the Supplementary Affidavit dated 15.12.2025 filed by the Petitioner.

4. That the said peanut grinding factory/almond factory run by the Respondent No.6 must fall under the 'Green Category List' issued by the Central Pollution Control Board, as its activity involves pulverization of groundnuts but the said factory has been running illegally violating environmental protection rules/norms and without any regulatory approvals such as Consent to Establish(CTE) and Consent To Operate(CTO) from the State Pollution Control Board being Respondent No.1 herein, as it is required under the Water (Prevention and Control of Pollution) Act, 1974 and the Air (Prevention and Control of Pollution) Act, 1981 for ensuring compliance with pollution standards for discharge into water/land and emission into the atmosphere.

The 'Green Category List' of industries declared by the Central Pollution Control Board is annexed herewith and marked as 'Annexure A'.

5 That in the instant matter the following provisions of the scheduled environmental rules/norms have been violated due to establishment and running of the said peanut grinding factory/almond factory by the Respondent No.6:-

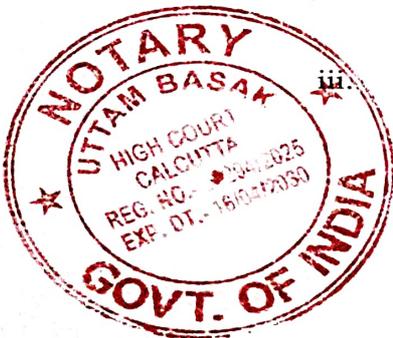
Under the Air (Prevention and Control of Pollution) Act, 1981-



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- i. Section 21(1) lays down that *"Subject to the provisions of this section, no person shall, without the previous consent of the State Board, establish or operate any industrial plant in an air pollution control area"*.
- ii. Section 22 of the Act casts prohibition upon any person operating any industrial plant, in any air pollution control area shall discharge or cause or permit to be discharged the emission of any air pollutant in excess of the standards laid down by the State Board under clause (g) of sub-section (1) of section 17.
- b. Under the Water (Prevention and Control of Pollution) Act, 1974-
- i. Section 24(1)(a) lays down that *"no person shall knowingly cause or permit any poisonous, noxious or polluting matter determined in accordance with such standards as may be laid down by the State Board to enter (whether directly or indirectly) into any stream or well or sewer or on land"*.



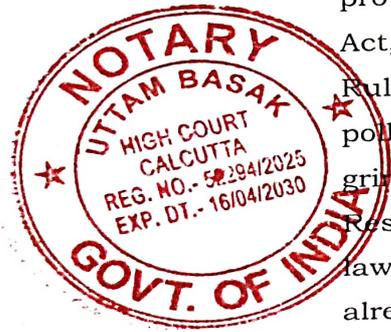
iii. Section 25 of the Act mandates taking prior permission of the State Board to establish or take any steps to establish any industry, operation or process, or any treatment and disposal system or any extension or addition thereto, which is likely to discharge sewage or trade effluent into a stream or well or sewer or on land (such discharge being

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hereafter in this section referred to as discharge of sewage.

6. That in addition to above, under Rule 31 of the West Bengal Gram Panchayat it is strictly impermissible to accord permission for establishing a factory or workshop in a predominantly residential area, whereas in the instant matter the said peanut/almond grinding factory has been running by the Respondent No.6 herein without any approval/site clearance from the local authorities and so also without any Consent to Establish(CTE) and Consent To Operate(CTO) from the State Pollution Control Board being Respondent No.1 herein as mandatory under the scheduled environmental rules/norms.
7. That the West Bengal Pollution Control Board being Respondent No.1 herein is mandated to implement the provisions of the Water (Prevention and Control of Pollution) Act, 1974, and the Environment (Protection) Act, 1986 and Rules made thereunder, for prevention and control of pollution in the state and although the said peanut/almond grinding factory has been unlawfully running by the Respondent No.6 clearly violating the above mentioned laws/rules and in this regard specific representation has already been submitted by the Applicant before the West Bengal Pollution Control Board being Respondent No.1 herein, no step has still been taken by the West Bengal Pollution Control Board in order to redress the grievances of the Applicant.



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8. That it is hereby submitted that for illegally carrying out of peanut/almond grinding factory without any approval/site clearance from the local authorities and so also without any Consent to Establish(CTE) and Consent To Operate(CTO) from the State Pollution Control Board being Respondent No.1 herein as mandatory under the law, the Respondent No.1 herein ought to take stringent action in terms of the provisions lying in the Water (Prevention and Control of Pollution) Act, 1974, the Air (Prevention and Control of Pollution) Act, 1981 and the Environment (Protection) Act, 1986 thereby directing closure of the said factory and imposing penalties and fines for contravening the environmental norms/rules.

That the instant supplementary affidavit be taken into consideration as the part and parcel of the main original application.

10. That the information given above are true to my knowledge and best of my belief.

Prepared in our Office.

Sudipa Sen Gupta
Advocate

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DEPONENT

Identified by me

Sudipa Sen Gupta
Advocate

Signature Attested on
Identification of Advocate

Uttam Basak

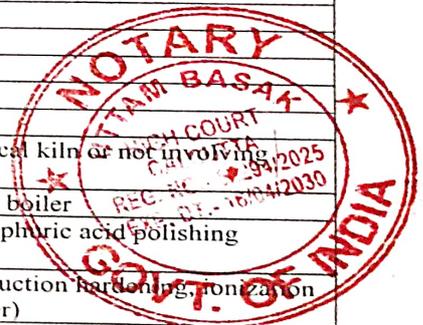
UTTAM BASAK
B.Com (H) L.L.M
Notary
High Court, Calcutta
Regd No. 52294/25
Exp. Date- 15.04.2025

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'Annexure A'

GREEN CATEGORY

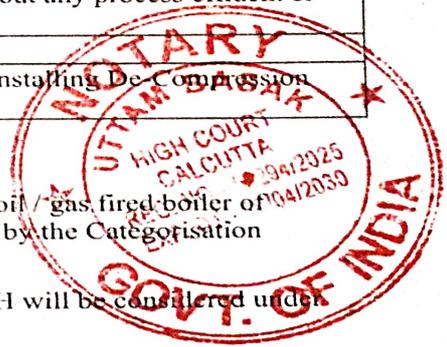
Sl.No.	Activity
1	Aluminum utensils from aluminium circles by pressing only (dry mechanical operation)
2	Ayurvedic and homeopathic medicines (without boiler)
3	Bakery / confectionery / sweets products (with production capacity <1tpd (with oil, gas or electrical oven)
4	Bi-axially oriented PP film along with metalizing operations [including adhesive coating, viscose / polyester coated brass, glass yarn]
5	Biomass briquettes (sun drying) without using toxic hazardous wastes
6	Blending of melamine resins & different powder, additives by physical mixing [including simple mixing and mould / coating compound by mixing, versatile master batch / polymer compound using talc, calcite, pigment, additives, polymer etc. as raw material]
7	Brass and bell metal utensils manufacturing from circles (dry mechanical operation without re-rolling facility)
8	Candy
9	Cardboard or corrugated box and paper products (excluding paper or pulp manufacturing and without using boilers)
10	Carpentry & wooden furniture manufacturing (excluding saw mill) with the help of electrical (motorized) machines such as electrical wood planner, steel saw cutting circular blade, etc. [including modular wooden furniture from particle board, MDF, sawn timber etc., ceiling tiles / partition board from saw dust, wood chips etc. and other agricultural waste using synthetic adhesive resin, wooden box making (without boiler)]
11	Cement products (without using asbestos / boiler / steam curing) like pipe, pillar, jafri, well ring, block / tiles etc. (should be done in closed covered shed to control fugitive emissions)
12	Ceramic colour manufacturing by mixing & blending only (not using boiler and wastewater recycling process)
13	Chilling plant, cold storage and ice making (including only chilling of fish)
14	Coke briquetting (sun drying)
15	Cotton spinning and weaving (small scale)
16	Dal Mills
17	Decoration of ceramic cups and plates by electric furnace
18	Digital printing on PVC Clothes
19	Facility of handling, storage and transportation of food grains in bulk
20	Flour mills (dry process)
21	Glass, ceramic, earthen potteries, tile and tile manufacturing using electrical kiln or not involving fossil fuel kiln (including activity not involving kiln)
22	Glue from starch (physical mixing) with gas / electrically operated oven / boiler
23	Gold and silver smithy (purification with acid, smelting operation and sulphuric acid polishing operation) (using ≤ 1 litre of sulphuric acid / nitric acid per month)
24	Heat treatment with any of the new technology like ultrasound probe, induction hardening, ionization beam, gas carburizing etc. (including heat treatment using electrical heater)
25	Insulation and other coated papers (excluding paper or pulp manufacturing)
26	Leather foot wear and leather products (excluding tanning and hide processing except cottage scale)
27	Lubricating oil, greases or petroleum based products (only blending at normal temperature)
28	Manufacturing of pasted veneers using gas fired boiler or thermic fluid heater and by sun drying
29	Oil mill ghani and extraction (no hydrogenation / refining)
30	Packing materials manufacturing from non-asbestos fibre, vegetable fibre yarn
31	Phenyl / toilet cleaner formulation and bottling
32	Polythene and plastic processed products manufacturing (virgin plastic)
33	Poultry, Hatchery and Piggery
34	Power looms (without dyeing and bleaching)
35	Puffed rice (muri) (using oil, gas or electrical heating system)
36	Pulverization of bamboo, scrap wood, rice husk, groundnut, soya waste, coconut shell
37	Ready mix cement concrete
38	Reprocessing of waste cotton including dhaniamill & cotton from scrap cloth
39	Rice mill (Rice hullers only)
40	Rolling mill (gas fired) and cold rolling mill



Sl.No.	Activity
41	Rubber goods industry (with oil / gas operated baby boiler \leq 2 TPH steam generation capacity)
42	Saw mills
43	Soap manufacturing (handmade without steam boiling / boiler)
44	Spice grinding (\leq 20 HP motor)
45	Spice grinding ($>$ 20 HP motor)
46	Steel furniture without spray painting
47	Steeping and processing of grains
48	Tyres and tube retreating (without boilers)
49	Ice making without using ammonia
50	CO ₂ recovery (including core CO ₂ manufacturing)
51	Distilled water (without boiler) with electricity as source of heat
52	Hotels (up to 20 rooms) without boilers or with electrical / gas fired boiler / heater / oven etc. having \leq 10 KLD waste water generation and only restaurants with capital investment on land, building, plant and machinery upto 30 lac
53	Manufacturing of optical lenses (using electrical furnace)
54	Mineralized water (including water softening and demineralization plant)
55	Tamarind powder manufacturing
56	Cutting, sizing and polishing of marble stone
57	Emery powder (fine dust of sand) manufacturing
58	Flyash export, transport & disposal facilities
59	Mineral stack yard / railway sidings
60	Oil and gas transportation pipeline
61	Seasoning of wood in steam heated chamber
62	Synthetic detergent formulation (excluding LABSA manufacturing)
63	Tea processing (without boiler)
64	Thermocol manufacturing (without boiler)
65	Industrial estates / parks / complexes / areas / export processing zones / SEZs / biotech parks / leather complex (Only for Green Category member industries)
66	Common Effluent Treatment Plant and effluent conveyance project (Only for Green Category member industries)
67	Any industry / industrial activity which is not covered in category lists, using oil / gas fired boiler of capacity $<$ 2 tph
68	* Railway Stations Waste Water Generation $<$ 10 KLD
69	* Gaushalas
70	* Compressed Bio-Gas (CBG) plants based on crop residue (paddy straw / wheat straw / corn sweet sorghum / napier grass, etc.) (discharge of waste water \leq 100 KLD)
71	* Compressed Bio-Gas (CBG) plants based on animal waste (dairy farms, poultry farms, and other animal waste) (discharge of waste water \leq 100 KLD)
72	Food and food processing including fruits and vegetable processing without any process effluent & boiler
73	Biodegradable / Compostable Plastic Manufacturing
74	Supply of Domestic Pipe Natural Gas (D-PNG) to housing societies by installing De-Compression Units (DCU)

Note:-

- Any industry / industrial activity which is not covered in category lists, using oil / gas fired boiler of capacity $<$ 2 TPH will be considered under Green category subject to approval by the Categorisation Committee of the Board.
- Any industry / industrial activity using oil / gas fired boiler of capacity $<$ 2 TPH will be considered under Green category.
- Capacity of boilers / furnace / kiln / oven / DG set etc. in any unit refers to the cumulative capacity of respective items.
- For activities attracting EIA notification, Environmental Clearance is mandatory followed by 'Consent to Establish' and 'Consent to Operate' of the Board.



c. Detailed information for selection of specific nature of activity under industry category is available in the WBOCMMS of the Board for facilitating project proponents.

* Newly categorized sectors by the Central Pollution Control Board.

