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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. **71/2026** OF ~~2025~~

IN THE MATTER OF:

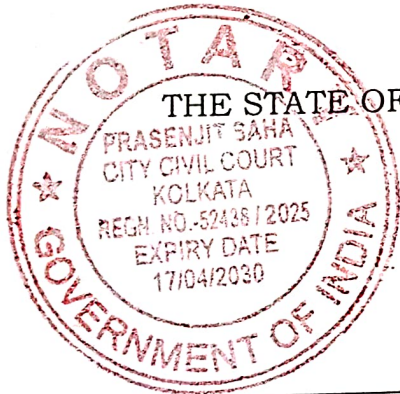
NISCHINTAPUR STONE CRUSHER

.....APPLICANT

VERSUS

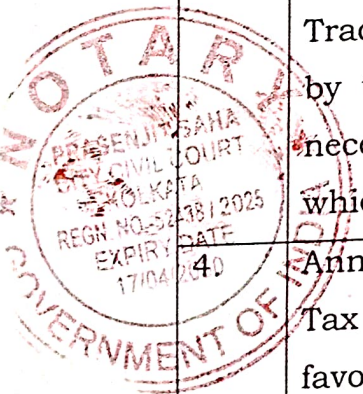
THE STATE OF WEST BENGAL & OTHERS

.....RESPONDENTS



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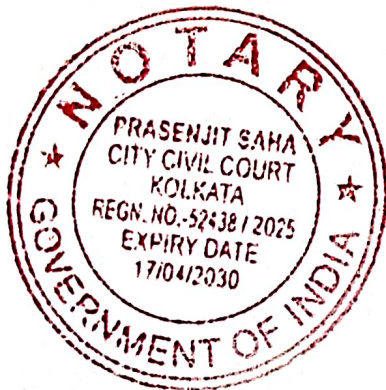
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Date: 24.02.2026

Place: Kolkata

Filed by:

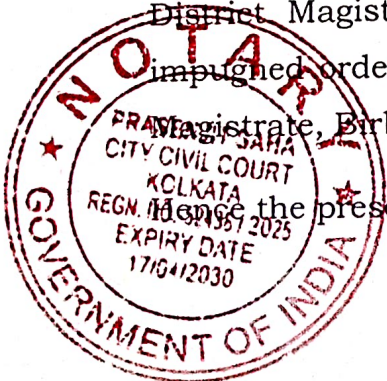
Sheela Banerjee
Advocate



SYNOPSIS

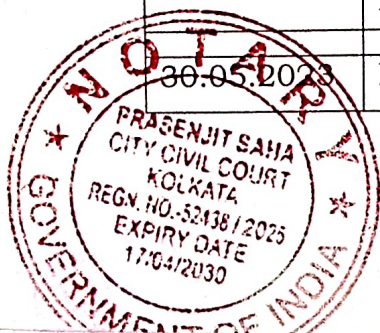
Applicant have filed the present Application, *interalia*, challenging the impugned Notice/Order dated 7th August 2025 passed and/or issued by the Office of the District Magistrate, Birbhum, thereby directed the Applicant to discontinue the operation of their stone crushing unit and further imposed a 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 has 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.

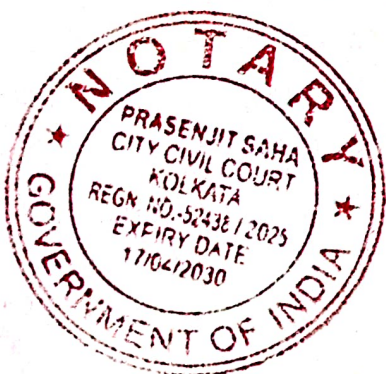


LIST OF DATES AND EVENTS

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 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, by numerous similarly situated stone crusher units.
11.10.2017	By an Order dated 11 th October 2017, all the MA as filed by the Applicant along with the Original Application No. 44/2015/EZ were disposed of, by directing the Office of the District Magistrate to consider the representation of the Applicant for issuance or renewal of the Consent to Operate.
10.09.2015	Consent to Operate was issued by the West Bengal Pollution Control Board in favour of the Applicant, validating the legality of the business of the Applicant.
30.01.2023	Order passed by the West Bengal Pollution Control Board thereby the authority earlier delegated to the Office of the District Magistrate for grant and / or renewal of Consent to Operate stood expressly withdrawn, thereby centralizing the power back with the West Bengal Pollution Control Board.
26.05.2023	By a letter dated 26 th May 2023, the Association of Mine Owners was apprised of an Order dated 30 th January 2023 passed by the West Bengal Pollution Control Board.
30.05.2023	From 30 th May 2023, the West Bengal Pollution Control Board



	became the sole and competent authority obliged to issue and / or renews the Consent to Operate in favour of the Applicant.
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 were directed to discontinue all business operations at their stone crushing unit forthwith without any reason mentioned therein.
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.
25.08.2025	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

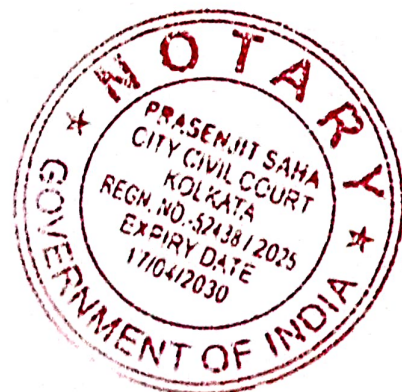
IN THE MATTER OF:

M/s Nischintapur Stone Enterprise, a
Proprietorship firm, represented by its
proprietor, namely Md Maniruddin,
having its place of business at Mouza
Nischintapur, Village Talbandh, Post
Office N. Jagatpur, Police Station Md
Bazar, District Birbhum, Pin 731 132.

.....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: mccb.cpcb@nic.in

3. Department of Environment, Government of West Bengal, service through its Additional Chief Secretary, having its office at PRANISAMPAD BHAWAN, Block (5th Floor), LB-II, Salt Lake, Sector-III, Bidhannagar, Kolkata 700 106.

Email: psecy.env-wb@gov.in

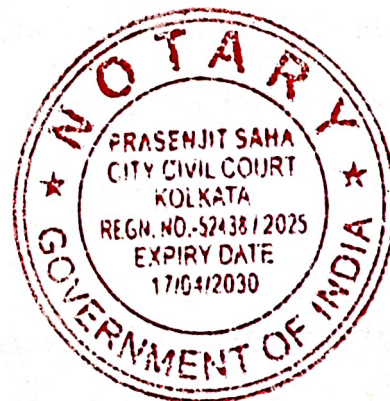
4. West Bengal Pollution Control Board, service through its Member Secretary, having its office at PARIVESH BHAWAN, 10A, Block LA, Sector III, Salt Lake City, Kolkata 700 106.

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

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

Email: dm-bir@nic.in

6. Block Development Officer, Md. Bazar Development Block, having its office



at Block Development Office, Post
Office and Police Station Md. Bazar,
District Birbhum, West Bengal 731
101.

Email: bdomdbazar@gmail.com

.....RESPONDENTS

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

2010

To

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

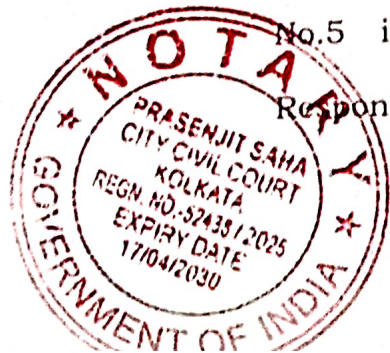
The humble application on behalf of
the Applicant abovenamed most
respectfully

SHEWETH:

1. The present Application is being filed under Sections 18(1) and 18(2),
read with Sections 14 and 15 of the National Green Tribunal Act, 2010
("NGT Act"), against the Order dated 07.08.2025 passed by Respondent

No.5 i.e. District Magistrate, Birbhum, West Bengal, whereby

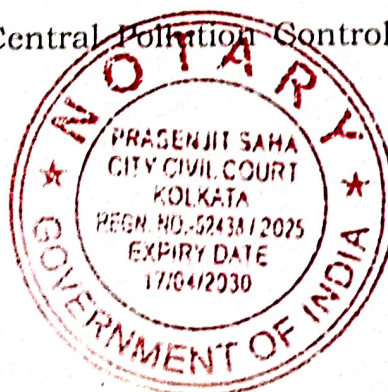
Respondent No.5 has, *inter alia*, directed the Applicant to not to



continue the operations in respect of Applicant' business of stone crushing and has also imposed a penalty of Rs. 1,50,000/- upon it ("**Impugned Order**"). The Impugned Order has been passed in a wholly arbitrary and high-handed manner, without affording any opportunity of hearing to the Applicant which is in complete violation of the principles of natural justice. While violating the principles of natural justice, the Respondent No.5 has impinged upon Applicant' Fundamental Right enshrined under Article 19(1)(g) of the Constitution of India as it has snatched its right to carry on its business. A bare perusal of the aforesaid Impugned Order makes it evident that the same is *ex facie* bogus since it *inter alia* wrongly puts Applicant under Category-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 Nischintapur, Village Talbandh, Post Office N. Jagatpur, Police Station Md Bazar, District Birbhum, Pin 731 132. The applicant is represented by its proprietor, namely Md Maniruddin.
- b. Respondent No.1 is State of West Bengal, through the Chief Secretary, Government of West Bengal.
- c. Respondent No.2 is Central Pollution Control Board, through its Member Secretary.



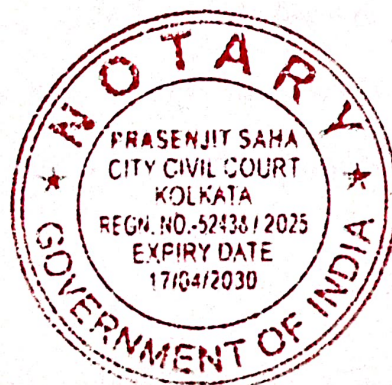
- d. Respondent No.3 is Department of Environment, Government of West Bengal, through its Additional Chief Secretary.
- e. Respondent No.4 is West Bengal Pollution Control Board, service through its Member Secretary.
- f. Respondent No.5 is the District Magistrate, Birbhum, West Bengal.
- g. Respondent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

3. BRIEF FACTS:

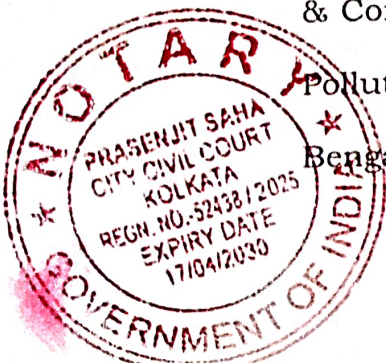
The brief facts leading to the filing of the captioned Application are as hereunder:

- a. The Applicant is carrying on business under the name and style of *M/s. Nischintapur Stone Enterprise*, and is engaged in the activity of stone crushing from their unit situated at Mouza Nischintapur, Village Talbandh, Post Office N. Jagatpur, Police Station Md Bazar, District Birbhum. The Applicant have been continuously engaged in the said business for the past thirty years and have at all times duly complied with and adhered to the rules, regulations, and statutory requirements governing such business activities. Copy of the Registration Certificate necessary for conducting business of stone crushing, which is valid till 2028 is annexed hereto as

ANNEXURE A.

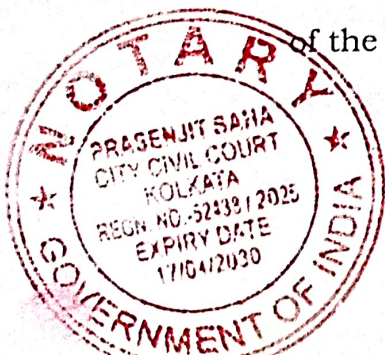


- b. Furthermore, the Applicant has been depositing necessary and appropriate tax and the same have been collected by the local Gram Panchayat from time to time. In this regard, a Copy of one of such receipt issued by the local Gram Panchayat is annexed hereto as **ANNEXURE B**.
- c. The business of the Applicant has at all material times, been conducted in a fair, transparent, and *bona fide* manner, strictly in compliance with the laws for the time being in force. It is respectfully submitted that no competent authority has ever raised any dispute, objection or adverse remark with respect to either the establishment or the continuation of the Applicant' business. On the contrary, the Applicant have consistently ensured lawful operation of their business by securing and maintaining, from time to time, all requisite permissions, licenses, approvals, and sanctions from the appropriate statutory and regulatory authorities. In this regard, copies of the receipts/pay in slip evidencing payment of requisite fees to the West Bengal Pollution Control Board for renewal and/or issuance of fresh Consent to Operate are collectively annexed hereto as **ANNEXURE C**.
- d. 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 10th September 2015 in favour



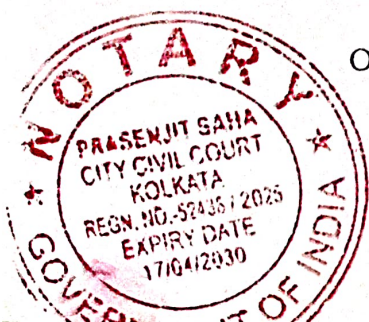
of the Applicant, validating the legality of the business of the Applicant. A copy of the Certificate and/or Consent to Operate dated 10th September 2015 is annexed hereto as **ANNEXURE D**.

- e. 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 August 2015 and continued until August 2018, thereby fortifying the Applicant's compliance with all regulatory requirements during the relevant period.
- f. Upon expiry of the aforesaid Consent to Operate, 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.



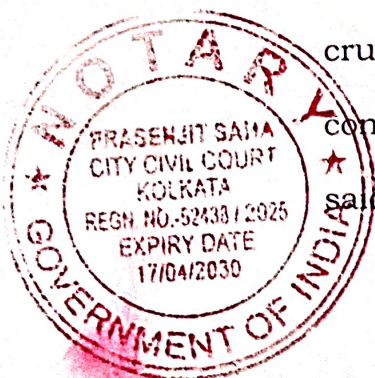
g. Previously, the Applicant was required to submit applications for grant and / or renewal of permission to operate and / or continue their business before the Office of the District Magistrate, Birbhum i.e. Respondent No.5 herein. The said Office of the District Magistrate functioned as the delegated 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.

h. 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. The applicant was not served with such notice.

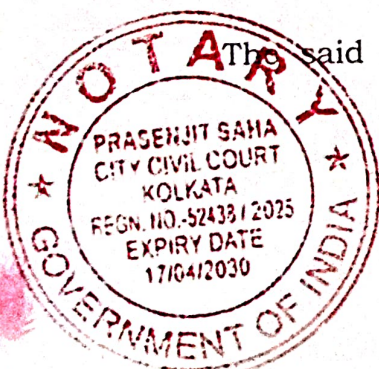
- i. Pursuant thereto, the said stone crusher units were directed to deposit a fine of Rs. 1,50,000/-. It is respectfully submitted that the aforesaid demand was raised without affording such stone crusher units any prior opportunity of hearing, and merely on the basis of reliance placed upon the said order, notwithstanding the fact that such stone crusher units were not party to the proceedings in O.A. No. 44/2015/EZ.
- j. 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 crave leave from this Hon'ble Tribunal to produce and rely on one of such Miscellaneous Application at the time of hearing, if necessary.

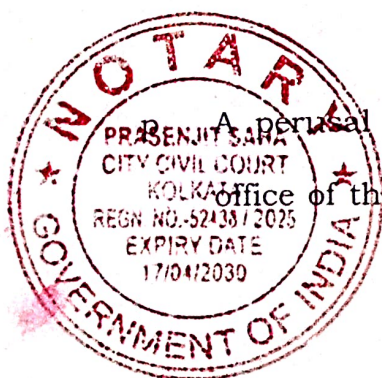
- k. In the said MA, such stone crusher units had prayed for modification of the Order dated 15th November 2016, insofar as the such stone crusher units were concerned. They have further prayed for a declaration that the Order for payment of fine is not applicable on such stone crusher units for the reason mentioned therein.
- l. In the said MA, such stone crusher units had prayed for modification of the Order dated 15th November 2016, insofar as the 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.
- m. 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.

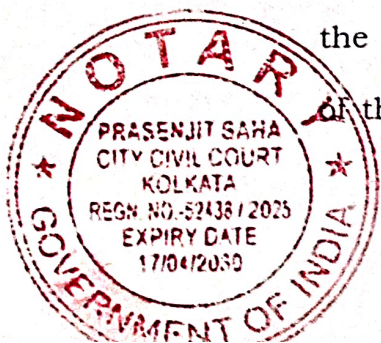
- n. Pursuant thereto, *vide* an Order dated 11th October 2017, the said MA along with the Original Application No. 44/2015/EZ were disposed of, by directing the Office of the District Magistrate to consider the representation of such stone crusher units for issuance or renewal of the Consent to Operate. A copy of the said Order dated 11th October 2017 is annexed hereto as **ANNEXURE E**.
- o. Subsequently, by a letter dated 26th May 2023, the Association of Mine Owners was apprised of an Order dated 30th January 2023 passed by the West Bengal Pollution Control Board. A perusal of the said Order revealed that the authority earlier delegated to the Office of the District Magistrate for grant and / or renewal of Consent to Operate stood expressly withdrawn, thereby centralizing the power back with the West Bengal Pollution Control Board. This development clearly substantiates that the earlier impasse was due to inter-departmental uncertainty and not on account of any lapse, omission, or default on the part of the Applicant. A copy of the said order along with the covering letter is annexed hereto as **ANNEXURE F**.



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.

- q. After the aforesaid Order was communicated *vide* the letter dated 26th May 2023, the Applicant immediately deposited and / or paid the requisite fees to the West Bengal Pollution Control Board for renewal and / or extension of the Consent to Operate.
- r. 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

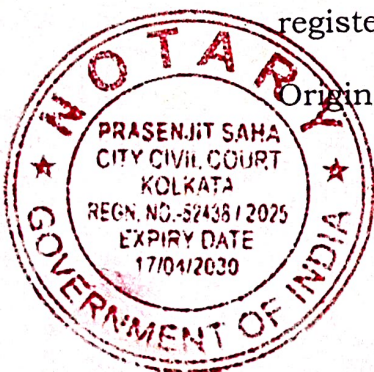


legitimate expectation in favour of the Applicant that the renewal would be granted in due course, and accordingly, no prejudice ought to be caused to them on account of administrative delay or omission.

- s. 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.

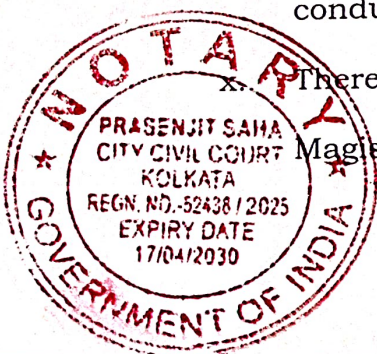
- t. In view of the aforesaid, the Hon'ble NGT, New Delhi Bench, registered a *suomotu* case on the basis of the said Article bearing

Original Application No.722/2024/PB.



- u. 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.
- v. 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.
- w. 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.

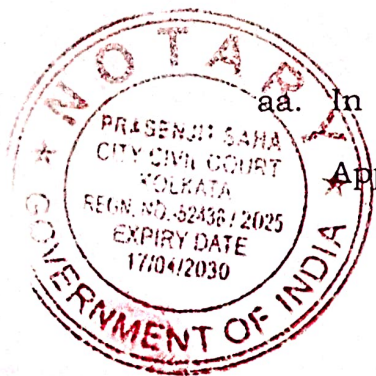
Thereafter, another Notice was issued by the Office of the District Magistrate on 4th April 2025, whereby the Applicant were called



upon to submit copies of all permissions / consents / licenses and relevant documents related to their stone crushing unit within a stipulated time.

- y. In response to the aforesaid Notice dated 4th April 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.
- z. Without prejudice to the aforesaid, 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 25th August, 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 G**.

- 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 25th August, 2025.

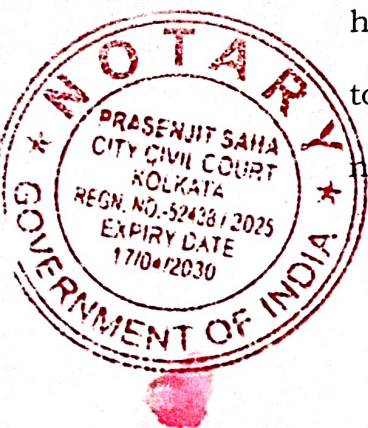
bb. *Vide* the Impugned Order, the Office of the District Magistrate, Birbhum directed the Applicant to discontinue the operation of their stone crushing unit and further imposed a penalty of Rs. 1,50,000/-. A copy of the said Order dated 7th August 2025 issued by the Office of the District Magistrate is annexed hereto as **ANNEXURE H.**

cc. Hence, the captioned Application.

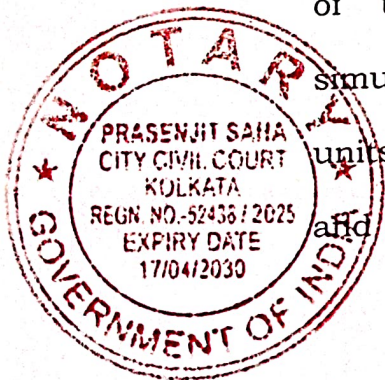
4. **GROUNDS:**

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

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



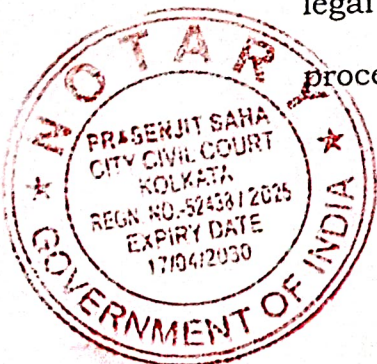
- B. While violating the principles of natural justice, the Respondent No.5 has impinged upon Applicant's Fundamental Right enshrined under Article 19(1)(g) of the Constitution of India as it has snatched its right to carry on its business.
- C. A bare perusal of the aforesaid Impugned Order makes it evident that the same is *ex facie* bogus since it *inter alia* wrongly puts Applicant 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's 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 submits that any action taken pursuant to the Impugned Order is consequently without legal effect and liable to be set aside to prevent manifest injustice.

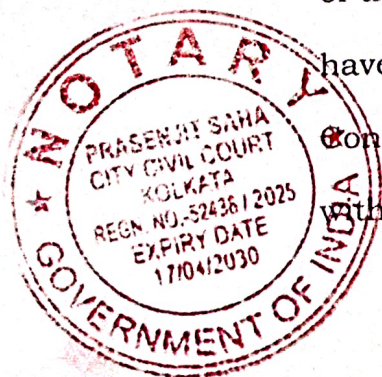
G. It is respectfully submitted that the Impugned Order fails to cite or refer to any specific statutory provision or legal authority under which the directions for payment of fine and closure of the Applicant' units were purportedly issued. The absence of any such legal foundation renders the Impugned 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

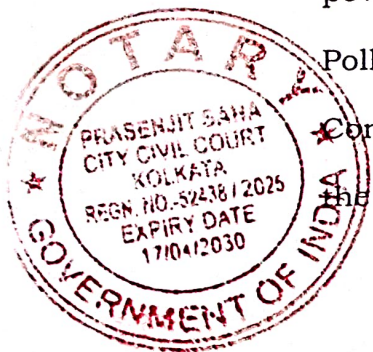


reprobation, which is impermissible in law. The Impugned Order being vitiated by such arbitrary and contradictory conduct is therefore liable to be quashed and set aside.

K. The Applicant has 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 has 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,

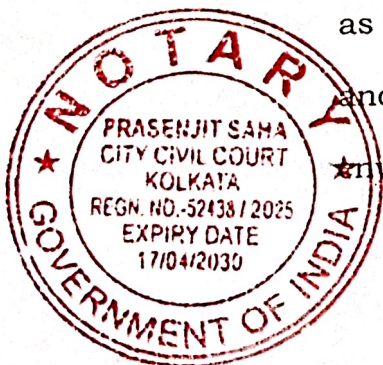


illegal, and violative of the settled law that "*where there is no fault, there can be no penalty*".

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.

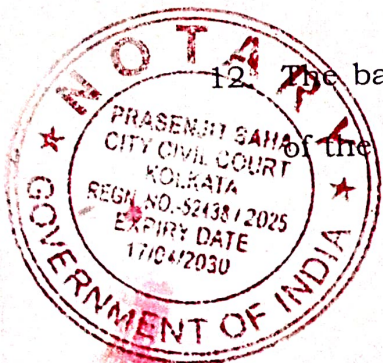


- S. The Respondent Authorities, especially the West Bengal Pollution Control Board, are required to be directed to issue or renew the Consent to Operate in favour of the Applicant, till such time as this Hon'ble Tribunal shall deem fit and proper. Till such time such certificate and/or consent is issued, 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 have not preferred any other application on the self-same cause of action before any other Court.
6. The Impugned Order was passed on 7th August 2025 and hence the cause of action for filing the present Application arose on 7th August 2025. Thus, the instant application is being filed within the period of limitation as prescribed under Section 14 of the National Green Tribunal Act, 2010.
7. This Hon'ble Tribunal also has the power and jurisdiction to receive, try and determine the instant application, as the same falls within the subject matter prescribed under the said Act.



8. There is no other alternative or efficacious remedy available to the Applicant and the reliefs, as prayed for herein, if granted, shall do complete justice to the Applicant.
9. The records of the present case are lying at the offices of the Respondent Authorities situated within this Hon'ble Tribunal's jurisdiction. Hence, this Hon'ble Tribunal has the territorial jurisdiction to receive, try and determine the instant Application.
10. There is extreme urgency in the matter as by the Impugned Order dated 7th August 2025, the Office of the District Magistrate has directed the Applicant to discontinue operation in the units, failing which it has been threatened that legal action shall be taken against the Applicant. Thus, in the event immediate Interim Orders are not passed, the Respondent Authorities shall take coercive measures against the Applicant, and in such an event, the Applicant shall suffer irreparable loss, injury and prejudice.
11. The Impugned Order by which the Applicant have been directed to apply for necessary consents / permission is completely misplaced, as the Applicant have already applied for renewal and / or issuance of Consent to Operate, and the same is pending at the Office of the West Bengal Pollution Control Board.

12. The balance of convenience and/or inconvenience is entirely in favour of the Applicant herein as no prejudice whatsoever would be caused to



the Respondents if reliefs prayed for herein are granted, whereas grave prejudice and irreparable loss would be caused to the Applicant on account of huge losses if reliefs prayed for herein are not so granted.

13. The instant application is being made *bona fide* and in the interests of justice.

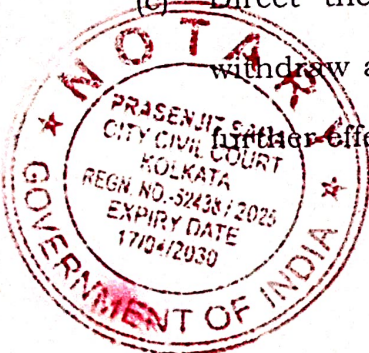
LIMITATION

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

PRAYERS

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

- (a) Set aside the Order dated 7th August 2025 passed by the Office of the District Magistrate, Birbhum;
- (b) Direct the 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 25th August, 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.

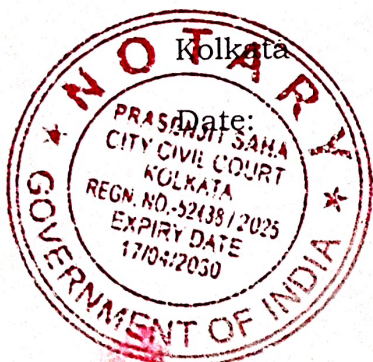
M/S. Nischintapur Stone Enterprise

M D Maniruddin
Attorney

By the applicant

Sheerajuddin Bhowmik

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:

NISCHINTAPUR STONE CRUSHER.....APPLICANT

VERSUS

THE STATE OF WEST BENGAL & OTHERS

.....RESPONDENTS

VERIFICATION

I, Md Maniruddin, aged about 58, son of Late Sk Khajanur, residing at Village Nischintapur, Post Office Nischintapur, Police Station Md Bazar, 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.

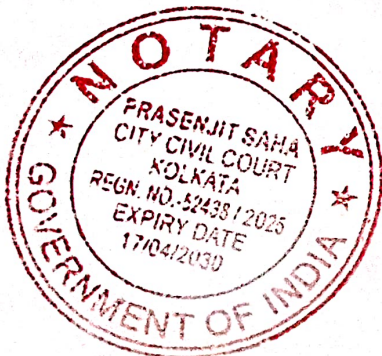
Identified by

Steven...
Advocate

MS. Nischintapur Stone Enterprise

Md Maniruddin
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:

NISCHINTAPUR STONE CRUSHER

.....APPLICANT

VERSUS

THE STATE OF WEST BENGAL & OTHERS

.....RESPONDENTS

AFFIDAVIT

I, Md Maniruddin, aged about 58, son of Late Sk Khajanur, residing at
Village Nischintapur, Post Office Nischintapur, Police Station Md Bazar,
District Birbhum, do hereby solemnly affirm and state as follows:

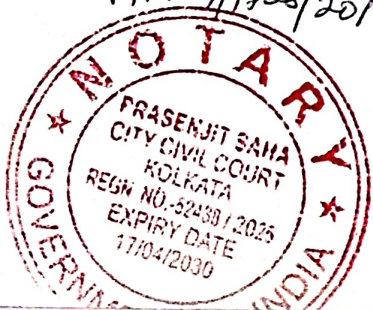
1. That I am the applicant herein and as such I am well acquainted with
the facts of the case and I am competent to affirm this affidavit.
2. That the facts stated in the instant Original Application are all true to
the best of my knowledge,

Identified by

Steven...

Advocate

8/19/59/1708/2019



Solemnly affirmed and declared
Before me on Identification

Babs

PRASENJIT SAHA
Notary, Kolkata, Govt. of India
Regn. No.-52438 / 2025

27 NOV 2025

MS. Nischintapur Stone Enterprise

Md Maniruddin
Proprietor

Deponent



FORM 11**[See rule 58(2)]**Name Of District : **BIRBHUM**Name Of Block : **MOHAMED-BAZAR**Name Of Gram Panchayat : **HINGLOW**Trade Registration No:- **823**Trade Registration Date:-**08-May-2025**Trade Registration Certificate issue No:- **1**Issue Date:-**08-May-2025**Trade Registration Certificate issued for the period of: **2025-2026,2026-2027,2027-2028**To **MD MANIRUDDIN**

(Name of Prop/partner/Director)

Full Address :

VILLAGE - TALBANDH

PARA - TALBANDH

POLICE STATION - MD BAZAR

POST OFFICE - N JAGATPUR

MOUZA - NISCHINTAPUR-37

DAG - 647, 672 & 675

PIN NO - 731132

Gram Sansad/ Part No. VI

Description of Trade : **STONE CRUSHER**Gram panchayat acknowledges a sum of **Rs. 1500** (Rupees One Thousand Five Hundred Only)From **M/S NISCHINTAPUR STONE ENTERPRISE**

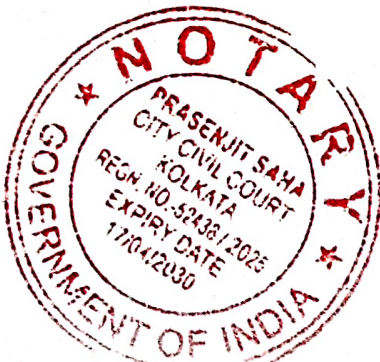
(Name of Trade)

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

This Certificate Is Electronically Generated

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

Ref. Application Docket No. SSNOCZETZ91076425N

<https://prdeodb.wb.gov.in/>

Form- 4
Rule 8(2) and 31(2) Section
Hinglo Gram Panchayat

03090763
TALBANDH
BIRBHUM

Receipt No. 1812

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: M/S NISCHINTAPUR STONE ENTERPRISES
2. Sector and amount or money received: PRO- MD MANIRUDDIN

Holding No(if available) :

- A. Quarterly...../year) Tax on land and houses for a period :6,084/-.....rupees
- B. 2025-26..... Fee on vehicle registration for the period :rupees
- C.Fee on health care services for the period :rupees
- D.Water agent for the period :rupees
- E.Light agent for the period :rupees
- F.Cleaning agent for the period :rupees
- G.Fees on business registration for the period :rupees
- H.Toll or road tax on passengers, vehicles,
animals or cargo in the transport system operated by the Gram
Panchayat or under the Panchayat for a period:rupees
- I. Fees on use of crematorium :rupees
- J.Fee on registration of a Shallow or Deep-
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 :6,084/-.....rupees
Six Thousand Eighty Four Only

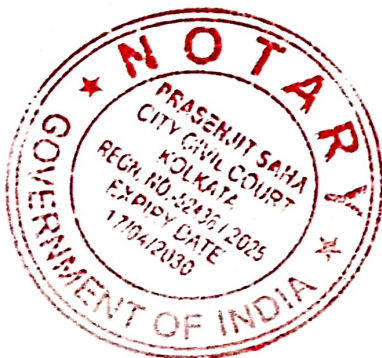
Sd/-

02.09.2025

.....
(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.



Continue 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

Annexure - C

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 : SURDate 23/8/22Application No : 000000000731132

Name & Address of the Company / Unit:

M/S. NISCHINTAPUR STONE ENTERPRISE
VILL - TALBANDH, POST - N JAGATPUR, P.S. - MD BAZAR,
BIRBHUM, PIN- 731132

Pollution Category : RED/ORANGE/GREEN/BIOMEDICAL

Please Credit: A/C NO- 1096050101684

IFSC: PUNB0109620

WEST BENGAL POLLUTION CONTROL BOARD

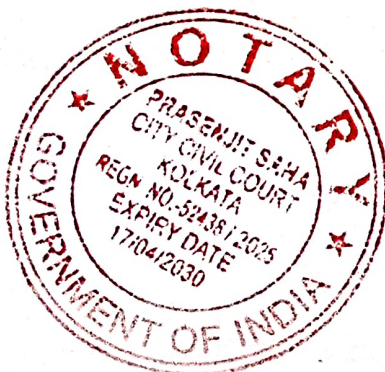
Code	Particulars	Remarks	Amount
R4D	Consent to Establish		
R4C	✓ Consent to Operate		11000.00
R4M	Analysis Charges		
R4N	HW Authorisation		
R4O	BMW Authorisation		
R4P	Import Clearance		
R4Q	Lab Charges*		
R4H	Other		
R4Z	Fine		
R4AR	Arrear fees		
R4AD	Advance fees		
Bank	Service Charge	-	40.00
TOTAL			11040.00

* Laboratory Recognition/Registration/renewal

AUG 2018 TO JUL 2022

Depositor's Name & Signature A. C.Particulars of Cash/Cheque/Draft 11040Rupees (in words) 23 AUG 2022

Rupees Eleven Thousand Fourty Only

Signature of Receiving Cashier M. P. S. S.

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 : 1164/S

Date: 10.09.2015

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:

Ms. Nischintapur Stone Enterprize

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

(hereinafter referred to as Applicant) for its unit located at Talbandh, Mouza - Nischintapur
J.L No. 37, Plot No. 647, 672 & 675, P.O - N. Jagatpur,
P.S - Md. Bazar, Dist - Birbhum

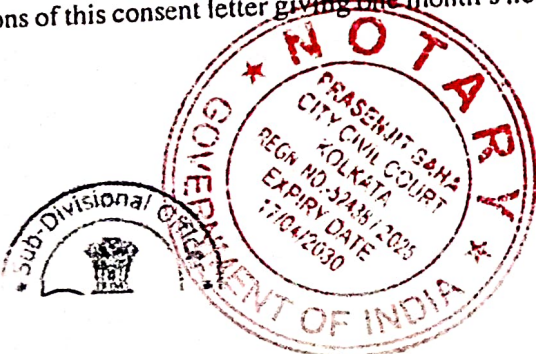
(Detailed address of the manufacturing unit)

for a period from 27.08.2015 to 26.08.2018

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.

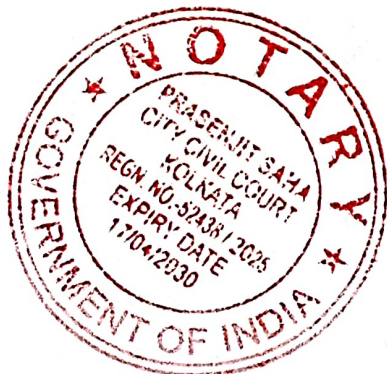
The State Board reserve the right to revoke, withdraw or make any reasonable variation / change / alter the conditions of this consent letter giving one month's notice to the applicant.



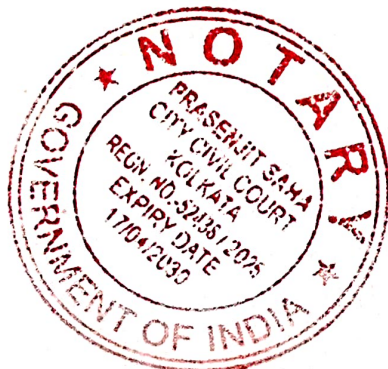
For and on behalf of the State Board
[Signature]
Sub-Divisional Officer
Birbhum

BEFORE THE NATIONAL GREEN TRIBUNAL
EASTERN ZONE BENCH, KOLKATA

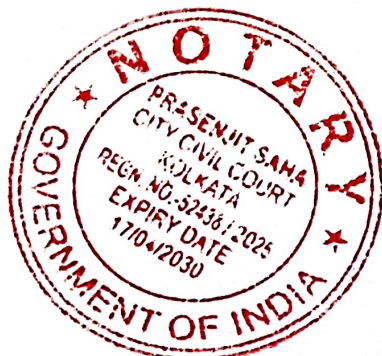
<u>Item No.</u>	<u>Application No.</u>	<u>Parties</u>
2. Original Application O.A 44/2015/EZ	Joydeep Mukherjee	
	Vs.	
M.A. No. 47/2017/EZ In Original Application no. 44/2015/EZ	Pollution Control Board, West Bengal & Ors. M/s Moien Stone Crusher (R.555) Vs. West Bengal Pollution Control Board & Ors.	
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	



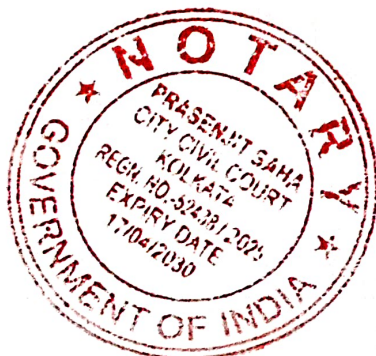
M.A. No. 56/2017/EZ In Original Application no. 44/2015/EZ	Board & Ors. M/s Pachami Granite (R.104) Vs. West Bengal Pollution Control Board & Ors.
M.A. No. 57/2017/EZ In Original Application no. 44/2015/EZ	M/s Bhai Bhai Stone Crusher (R.47) Vs. West Bengal Pollution Control Board & Ors.
M.A. No. 58/2017/EZ 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.



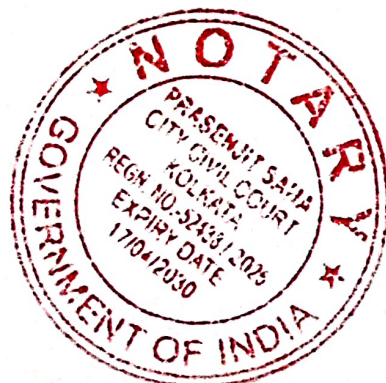
- 44/2015/EZ
M.A. No. 68/2017/EZ
In
Original Application no.
44/2015/EZ
West Bengal Pollution Control
Board & Ors.
M/s Bhola Baba Stone Crusher
(R.484)
Vs.
West Bengal Pollution Control
Board & Ors.
M/s A.K. Industries (R.509)s
Vs.
West Bengal Pollution Control
Board & Ors.
M/s N.S. Stone Crusher (R.500)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



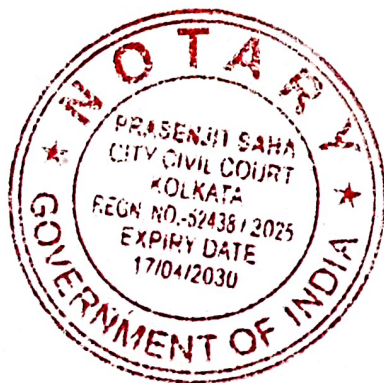
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M.A. No. 80/2017/EZ In Original Application no. 44/2015/EZ	M/s New Lakshmi Mata Enterprise (R.95) Vs. West Bengal Pollution Control Board & Ors.
M.A. No. 81/2017/EZ In Original Application no. 44/2015/EZ	M/s N. Hossain Stone Com (R.547) Vs. West Bengal 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 Nath Stone Crusher (R.533) Vs. West Bengal Pollution Control Board & Ors.
M.A. No. 87/2017/EZ In Original Application no. 44/2015/EZ	M/s J.B. Industries (R.532) Vs. West Bengal Pollution Control Board & Ors.
M.A. No. 88/2017/EZ In Original Application no. 44/2015/EZ	M/s Mondal Stone Product (R.482) Vs. West Bengal Pollution Control Board & Ors.
M.A. No. 100/2017/EZ In Original Application no. 44/2015/EZ	M/s Beacon Stone Product (R.44) Vs. West Bengal Pollution Control Board & Ors.
M.A. No. 101/2017/EZ	M/s Black Stone Crusher (R.49)



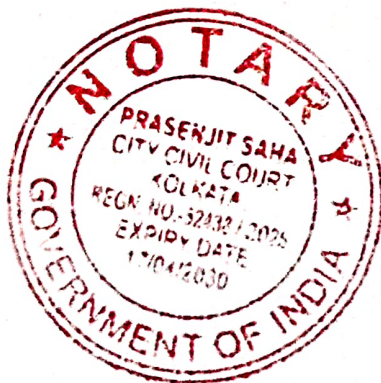
In	Vs.
Original Application no. 44/2015/EZ	West Bengal Pollution Control Board & Ors.
M.A. No. 102/2017/EZ	M/s Jeet Stone Crusher (R.57)
In	Vs.
Original Application no. 44/2015/EZ	West Bengal Pollution Control Board & Ors.
M.A. No. 103/2017/EZ	M/s L.G. Enterprise (R.66)
In	Vs.
Original Application no.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



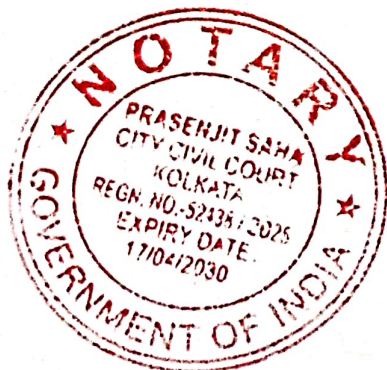
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Original Application no. 44/2015/EZ	Vs. West Bengal Pollution Control Board & Ors.
M.A. No. 115/2017/EZ In	M/s Bengal Stone Crusher (R.511)
Original Application no. 44/2015/EZ	Vs. West Bengal Pollution Control Board & Ors.
M.A. No. 116/2017/EZ In	M/s 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)



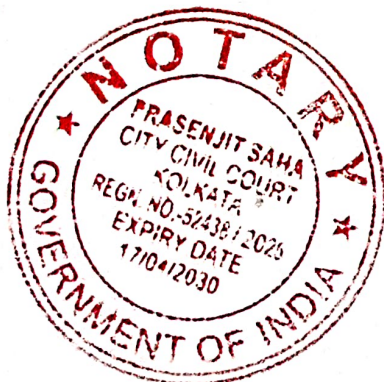
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M.A. No. 137/2017/EZ In	M/s Chanda Stone Crusher (R.515)
Original Application no. 44/2015/EZ	Vs. West Bengal Pollution Control Board & Ors.
M.A. No. 138/2017/EZ In	M/s Netaji Stone Crusher (R.518)
Original Application no. 44/2015/EZ	Vs. West Bengal 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.



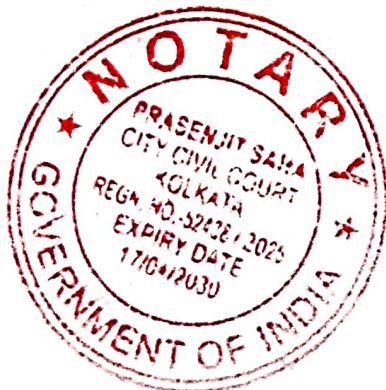
44/2015/EZ	West Bengal Pollution Control Board & Ors.
M.A. No. 162/2017/EZ	M/s Ghosh Enterprise (R.362)
In	Vs.
Original Application no. 44/2015/EZ	West Bengal Pollution Control Board & Ors.
M.A. No. 163/2017/EZ	M/s Associated Enterprise (R.41)
In	Vs.
Original Application no. 44/2015/EZ	West Bengal Pollution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



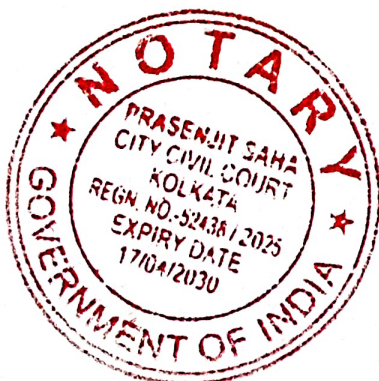
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 M.A. No. 175/2017/EZ In M/s New Panchami Stone Crusher (R.573)
 Original Application no. 44/2015/EZ Vs. West Bengal Pollution Control Board & Ors.
 M.A. No. 176/2017/EZ In M/s Jugal Kishori Stone Product (R.61)
 Original Application no. 44/2015/EZ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

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.

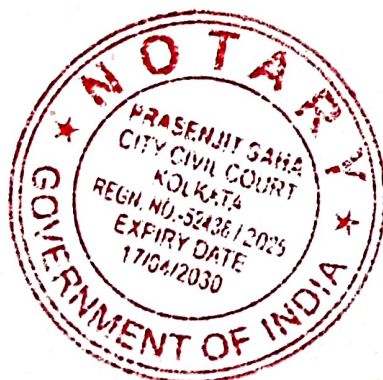
O.A. 44/2015/EZ :

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



49

Annexure - F



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

Date: 26/05/2023

No. 659/15

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

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

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

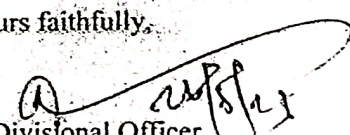
Sir,

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

You are requested to take necessary steps accordingly.

Encl: As stated.

Yours faithfully,

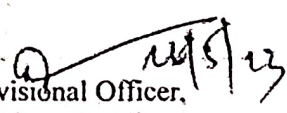

Sub-Divisional Officer,
Birbhum Sadar,

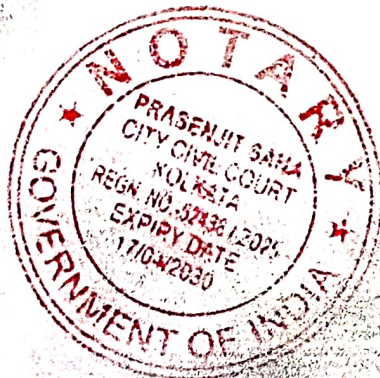
Date: 26/05/2023

No. 659/1(2)/15

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



49A

Typed Copy

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

Annexure - F

Date 26/05/2023

No. 659/S
To
The Secretary,
Panchami Mine Owner's Association,
Kapasdanga, Bharkata, Birbhum.

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

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

Sir,

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

You are requested to take necessary steps accordingly.

Encl: As stated..

Yours faithfully

Sd/- Illegible
Sub Divisional Officer,
Birbhum Sadar
Date 26/05/2023

No. 659/1(2)/1/S
Copy forwarded for information to:
1) The CA to the District Magistrate, Birbhum

Sd/- Illegible
26/05/23
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. 02/14A-10/2012

Dated : 30.01.2023

ORDER

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

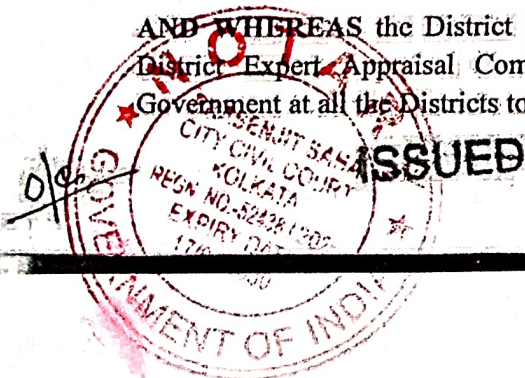
AND WHEREAS the West Bengal Pollution Control Board (hereinafter will be referred to as the State Board) is executing the provisions of the Water (Prevention and Control of Pollution) Act, 1974, the Air (Prevention and Control of Pollution) Act, 1981, and the Environment (Protection) Act, 1986 and Rules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

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

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

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

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



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".

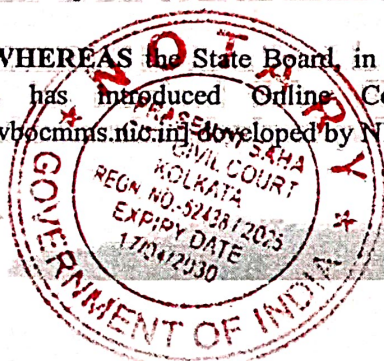
AND WHEREAS the Hon'ble National Green Tribunal, Principal Bench, in Original Application No. 479 of 2016, vide its order on 19/07/2017 directed that the Stone Crusher units to obtain the Environmental Clearance (EC) from the competent authority.

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




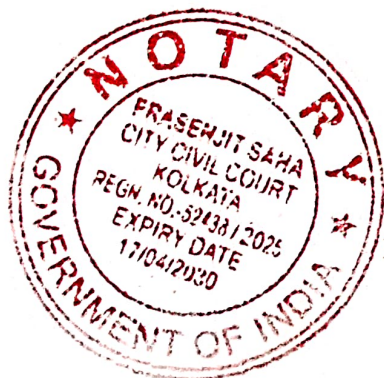
Applications.

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

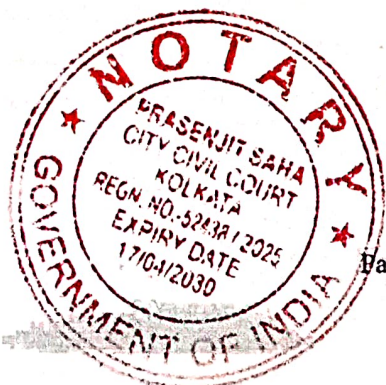


Memo No. 02(1-53)/4A-10/2012

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



Dm/w
30/1/2023

Chief Engineer (Planning)
West Bengal Pollution Control Board

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Annexure - G



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. : 7392049

Date of Submission : 25/08/2025

Category : ORANGE

Industry Type : Stone crushers

From : M/S NISCHINTAPUR STONE ENTERPRISE,

VILLAGE- TALBANDH, POST- N. JAGATPUR, PS.- MD BAZAR, DIST.- BIRBHUM, 731132

(Name and Address of the Unit)

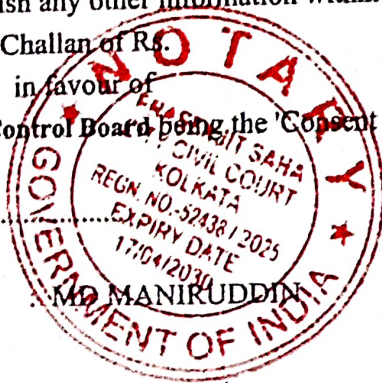
To : The *Environmental Engineer*
S.P.O Durgapur
Durgapur 16

Sir,

- 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 MD MANIRUDDIN for a period upto 26/08/2018
- The Annexure, Appendices, other particulars and plans are attached.
- I/We further declare that the information furnished in the application form, Annexure/Appendices and plans is correct the best of my/our knowledge.
- 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.
- 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.
- I/We undertake to furnish any other information within seven days of its being called for by the State Board.
- 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:.....

Name of the applicant



WS. Nischintapur Stone Enterprises
(Signature: *MD Maniruddin*)

Seal.....Proprietor.....

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Annexure - H



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

Memo No. M&M/4142(105)/DL&LRO(B)/2025

Date: 07.08.2025

To,

Name of Stone Crushing Unit : Nischintapur stone Crusher
 Name of Proprietor/Owner : Sk Moniurddin
 Address : Talabandh, PS-Md.Bazar, Dist.-Birbhum
 Mouza where crushing unit is located : Nischintapur-37
 P.S. & District : Md. Bazar, Birbhum.

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

Whereas, in terms of the solemn order dated 21.03.2025 by the Hon'ble National Green Tribunal, Eastern Zone Bench passed in O.A. No. 154/2024/EZ (Earlier O.A. No.722/2024/PB) in the matter of Re: News item titled "Birbhum- a proposed Coal mine in West Bengal and the related health hazards" appearing in "The Hindu" dated 12.05.2024 as regards determination of Environmental Compensation against the Stone Crushing 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;

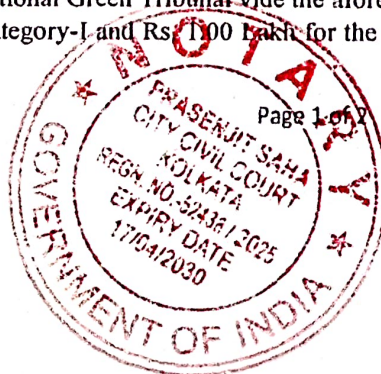
And whereas, after scrutiny of the said documents, as submitted by the appearing stone crushing units before the BL&LRO, Md. Bazar Block, it appears that your stone crushing unit is being operated/run by you without valid subsisting Consent/Permission/Clearance from the appropriate authority from the period from 27-Aug-18 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. 100 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- II and therefore, you are liable to pay a fine of Rs. 1,00,000 (Rs. One Lakh 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. 1,00,000 (Rs. One Lakh 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.

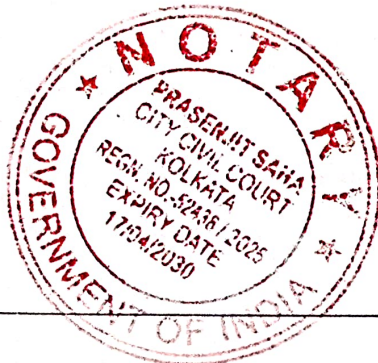
Memo No. M&M/4142(105)/1(9)/DL&LRO(B)/2025

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.



MS. Nischintapur Stone Enterprise
MD Maitradip Biswas
Proprietor

"VAKALATNAMA"

In the Hon'ble National Green Tribunal
Eastern Zone Bench, Kolkata at
Before Ld _____ Judge
Sult/Case No. _____ at 201
Nischintapur Stone Crusher

Signature

Plaintiff
Applicant
Appellant

-VS-

The State of West Bengal & 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 Souradip Biswas 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 appear, 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... 21.02.2026

ADVOCATES-

Steven Souradip Biswas

Advocate

High Court at Calcutta

5 Park Lane, Kolkata 700 016

Mob: 7003415384

Email: biswas.steven@gmail.com

F/1959/1708/2019