

BEFORE THE NATIONAL GREEN TRIBUNAL
EASTERN ZONAL BENCH, KOLKATA, WEST BENGAL
FINANCE CENTRE, 3RD FLOOR, NEW TOWN
MEMORANDUM OF APPLICATION

[Under sections 14 & 15 of the National Green Tribunal Act, 2010]

Original Application No. 83 of 2026

Between:

Tapan Kumar Mandal

...Applicant

Versus

State Of West Bengal and Others

.....Respondent

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LIST OF DATES

	Original Application 97/2017/EZ	2017
	Original Application disposed off with directions by this Hon'ble Tribunal	23/05/22

-4-

	Unit of Private Respondent closed	May 2022
	Unit of Private Respondent opened	June 2025

Paushali Banerjee

Paushali Banerjee

Advocate

7A Kiron Shankar Roy Road

Kolkata-700001

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SYNOPSIS

The applicant above named begs to present the application against the inaction of the respondent authorities { inspite of the order of the Hon'ble Tribunal dated 23/05/22 in Original Application No.97/2017/EZ when this Hon'ble Tribunal was pleased to direct the authorities to cancel all

permissions till strict compliance of regulatory measures} and prevent, control Air and Sound pollution caused by the unit of private respondent exactly adjacent to the house of the respondent endangered the life and health of the Applicant and family members of the Applicant

Paushali Banerjee

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Advocate

7A Kiron Shankar Roy Road

Kolkata-700001

-7-

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MEMORANDUM OF APPLICATION

[sections 14 & 15 of the National Green Tribunal Act, 2010]

Original Application No.----- of 2026

Between:

Tapan Kumar Mandal, son of late Kalipada Mandal, Village-
Atberia, P.O. Harijhama, P.S. Panskura, Block-Panskura-I,
District-Purba Medinipur-721152

...Applicant

-And-

1. The West Bengal Pollution Control Board, through the
Member Secretary, Paribesh Bhawan, 10A, Block-LA, Sector-III,
Bidhannagar, Kolkata, Pin Code: 700 098. e.mail: [net.wbpcb-
wb@bangla.gov.in](mailto:net.wbpcb-wb@bangla.gov.in)

Bidhannagar, Kolkata, Pin Code: 700 098. e.mail: net.wbpcb-wb@bangla.gov.in

2. The Prodhan, Raghunathbari Gram Panchyat, Village & PO Raganathbari, Purba Medinipore-721134
3. **The Officer-in-charge, Panskura Police Station, Purba Medinipur-721134.panskura.ps@gmail.com**
4. **District Magistrate, District Purba Medinipore, Pin-721636.email- dmpurb@gmail.com**
5. **Biswajit Das son of Santosh Das, Village Bahagram, Ward no.10, Panskura Municipality, Panskura-721152, Panskura Municipality.**

. . . . Respondents

MOST RESPECTFULLY SHEWETH:

1. The applicant is a senior citizen distressed and effected by the pollution caused by Air pollution and sound pollution caused by the private respondent inspite of several complaints before the pollution

control board the address as stated above is for the purpose of service of notices pertaining to the instant application.

2. The addresses of the respondents are stated above for the purpose of service of notices pertaining to the instant application. All the acts, actions and inactions of the respondent authorities are amenable to the jurisdiction of this Hon'ble Tribunal.
3. The applicant above named begs to present the application against the inaction of the respondent authorities { in spite of the order of the Hon'ble Tribunal dated 23/05/22 in Original Application No.97/2017/EZ when this Hon'ble Tribunal was pleased to direct the authorities to cancel all permissions till strict compliance of regulatory measures} and prevent, control Air and Sound pollution caused by the unit of private respondent exactly adjacent to the house of the respondent endangered the life and health of the Applicant and family members of the Applicant on the grounds set-out hereunder:

4. FACTS IN BRIEF: -

(1) The applicant states that the Applicant filed an Original Application being OA 97 of 2017/EZ before this Hon'ble Tribunal praying inter alia as follows: "....."

(a) The Private Respondent no.5 be restrained from proceeding any further in the matter of installation of mineral water plant in block-Panskura-I, Mouza-Atberia, J.L.No. 336, R.S.Khatian No.383, L.R. Khatian No.467, Raghunathbari Gram Panchayat, L.R. Dag No.84, District-Purba Medinipore, adjacent to the plot of the applicant

(b) The respondent authorities be directed not to grant any consent to operate certificate and be further directed to inspect the premises and/or to take action against the private respondent

(c) And to pass such further order/orders as to this Hon'ble Tribunal may deem fit and proper for the ends of justice....."

(2) The Applicants states that the Original Application No. 97/2017/EZ Tapan Kumar Mondal vs State of WB &Ors was disposed off by this Hon'ble Tribunal with the following direction

“ In view of the above, all permissions granted to the PP have to be cancelled till strict compliance of regulatory measures is carried out by it. Compensation has to be recovered for the violations on ‘polluter pays principle’ to be spent on water recharge and restoration by statutory regulators. Joint Committee of CPCB, CGWA, State PCB and District Magistrate, East Mednipur may determine the final compensation on restoration principle, determination of loss to the environment and financial capacity of the unit. The State PCB will be the nodal agency for coordination and compliance....”

“.....If any grievance survives, it will be open to the concerned parties to take remedies in accordance with law.....” The copy of dated 23/05/22 in OA 97/17 is annexed herewith and marked as annexure A.

(3)The applicant states that the State Board in OA 97/17 filed its reply dated 7/10/20 wherein it was stated by the State Board that an inspection was held on 13/02/20 and it was directed by the State Board that the unit is directed to ensure that fumes generated from the unit are ventilated through a properly designed suction and exhaust to a stack of height minimum of 3.5 meter above roof. The

copy of the reply of the State Board dated 7/10/20 is annexed herewith and marked as annexure B.

- (4) The Applicant states that the area is a residential area and the unit of the private respondent was closed on May 2022 and again reopened on June 2025.
- (5) The Applicant states that the unit of the private respondent lacks properly designed suction and exhaust to a stack of height minimum of 3.5 meter above roof. The fumes released from the unit are entering through the window of the applicant that is exactly opposite to the unit with a gap of around four meters. The picture of the gap of the unit and the house of the Applicant and the unit loading plastic bottles in vehicles that show that the unit is operating are annexed herewith and marked as Annexure C.
- (6) The Applicant states that in the sanction Building plan the exhaust fan was sanctioned at the east side of the building whereas the unit have placed its exhaust fan at south side of the building exact adjacent to the window of the house of the Applicant. The Applicant have drawn the picture showing the

current situation in comparison to the situation if the building plan was properly executed both drawings are Annexed herewith and marked as Annexure D.

(7) The Applicant states that the unit also creates sound pollution through out the day. The Applicant have recorded the noise level through google applications and found that the noise exceeded 75 decibels during the day. Rule 4 of the noise pollution rules specifies that "The noise levels in any area/zone shall not exceed the ambient air quality standards in respect of noise as specified in the Schedule". In accordance with the rules even in Industrial area the noise limit must not exceed 75 decibels during day time, therefore it is evident that the unit is creating sound pollution. Copy of the picture of the noise reading in the google app is annexed herewith and marked as Annexure E.

(8) The applicant states that the applicant and the family members of the Applicant are suffering due to the air and sound pollution of the unit and the Applicant made written complaint dated 5/12/25 before the State Board but no action was taken by the

respondent authorities. Copy of the complaint dated 5/12/25 is annexed herewith and marked as annexure F.

- (9) The Applicant Fumes from Chimneys in plastic bottle manufacturing release a variety of toxic pollutants, including volatile organic compounds (VOCs), particulate matter, carbon monoxide, nitrogen oxides, sulfur dioxide, and potentially dioxins and heavy metals. The Applicant is a teacher and suffering from respiratory disorders for which the Applicant had to take leave from his workplace.
- (10) The Applicant states that there is no other alternative legal remedy and the remedy sought for herein would be adequate full and complete

5. Grounds:

- I. FOR THAT the respondent authorities have miserably failed to it appreciate that it was directed by the State Board that the unit is directed to ensure that fumes generated from the unit are

ventilated through a properly designed suction and exhaust to a stack of height minimum of 3.5 meter above;

- II. FOR THAT the respondent authorities failed to appreciate that the fumes are released from the unit and are entering the window of the applicant exactly opposite to the unit with a gap of around four meters is crating air pollution for which the Applicant and the family members of the applicant are suffering.
- III. FOR THAT the respondent authorities failed to implement the Noise pollution rules according to the rules even in Industrial area the noise limit must not exceed 75 decibels during day time and in residential area it is 60 decibel during day, whereas the sound have exceeded to 81 decibel in the Applicants house.
- IV. FOR THAT the respondent authorities failed to adhere its own directions and the complaint dated 5/12/25 of the Applicant , have, in effect, abated such illegality and have made themselves liable to be proceeded against for such blatant defiance of the

relevant provisions contemplated under the Environment (Protection) Act, 1986 , section 21 and 22 of Air (Prevention and Control of Pollution) Act, 1981 and the rules framed thereunder and The Noise Pollution (Regulation and Control) Rules, 2000 framed thereunder.

- V. FOR THAT the action of the respondent authorities in preferring to sit tight over the matter, despite commission of such illegal act and flouting environment rules and laws in complete dereliction of its duty;

6 . **LIMITATION:**

The applicant declares that the cause of action in the instant case, accrues and continues from day-to-day. Such cause of action is renewing on a day-to-day basis and as such the question of applicability of the limitation prescribed in Section 14 (3) of the National Green Tribunal Act, 2010 does not arise.

7. **Interim prayer:**

Pending final disposal of the application the applicant seeks issuance of the following interim orders:

- a) An interim order of injunction directing the respondents and/or their servants and/or their employees and/or their agents to take adequate measures for restraining respondent 5 from operating the unit, till the disposal of the instant application;
- b) Ad-interim order in terms of prayers (a) as above.

8. Prayer:

In view of the facts mentioned in paragraphs 4 & 5 above the applicant prays for the following reliefs:

- a) Mandatory order does issue commanding the respondents each one of them and their men, agents, assigns and subordinates to certify and transmit to this Hon'ble Tribunal all records forming the basis of their inaction regarding illegal

action of respondent no.5 so that conscionable justice may be rendered

- b) Mandatory order does issue commanding the respondents each one of them and their men, agents, assigns and subordinates to take appropriate steps to stop air pollution and sound pollution by the respondent no.5 that is effecting the health of the Applicant and direct the respondent no.5 to increase the minimum stack height of 3.5 meters above roof level ;
- c) Direct the Respondent no.5 to shift the exhaust fan of the unit from the south side exactly adjacent to the house of the Applicant to the eastern side of the unit in accordance with the lay out plan Annexure D.
- d) Any other appropriate direction/directions and/or order/orders as this Hon'ble Tribunal may deem fit and proper;
- e) Cost of and/or incidental to the instant application;

AFFIDAVIT

I, am, , Tapan Kumar Mandal, aged about 58 years, son of late kali Pada Mandal, residing at Village- Atberia, P.O. Harijhama, P.S.Paskura, Block-Panskura I, District-Purba Medinipur, Pin- 721152, do hereby solemnly affirm and say as follows:-

1. That I am the petitioner in this case and I am well acquainted with the facts and circumstances of this case and I am competent to swear this affidavit.
2. That the circumstances made in paragraphs 1 to 6 are true to my knowledge and the rest are my humble submissions before this Hon'ble Court.

Prepared in my Office

Pankaj Banerjee
Advocate

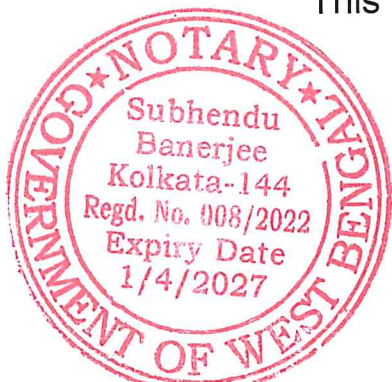
Tapan Kumar Mandal
The deponent is known to me,

Solemnly affirmed before me

This day of November, 2025,

Solemnly Affirmed and
Declared before me u/s
139 CPC and u/s 333BNS 2023

Banerjee
Notary
Govt. of West Bengal
12.11.2025



12 NOV 2025

SUBHENDU BANERJEE
Notary, Govt. of W.B.
Regd. No.-008/2022
Advocate High Court, Calcutta

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VERIFICATION

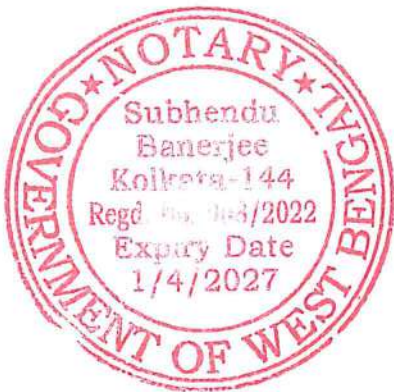
I, Tapan Kumar Mandal, aged about 58 years, son of late kali Pada Mandal, residing at Village- Atberia, P.O. Harijhama, P.S.Paskura, Block-Panskura I, District-Purba Medinipur, Pin-721152, do hereby verify that the contents of paras 2,3,34,5,76 are true to my personal knowledge and rest of the paragraphs are my humble submissions and that I have not suppressed any material fact;

Date: this 12th day of November, 2025,

Place:

Tapan Kumar Mandal.

Rasheer Banerjee
Scribe



12 NOV 2025

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Annexure - A

Item No.01

(Court No. 1)

**BEFORE THE NATIONAL GREEN TRIBUNAL
PRINCIPAL BENCH, NEW DELHI**

(By Video Conferencing)

Original Application No. 97/2017/NGT GREEN TRIBUNAL, New Delhi

Tapan Kumar Mondal

Versus

State of West Bengal & Ors.

Respondent(s)

Date of hearing: 23.05.2022

(i) Serial No. of the copy application... 77
 (ii) Name of the applicant... Lopamudra Moitra
 Applicant
 (iii) Date of presentation of application... 13.06.2022
 (iv) No. of Pages... 40
 (v) Copying fee charged General/Ordinary... 50+20
 (vi) Date of Preparation of copy... 13.06.2022
 (vii) Date on which copy is ready... 13.06.2022
 (viii) Date given for collection of copy... 13.06.2022
 (ix) Date of Delivery... 13.06.2022

For Registrar (NGT)
Shubay
13/06/2022

CORAM: HON'BLE MR. JUSTICE ADARSH KUMAR GOEL, CHAIRPERSON
 HON'BLE MR. JUSTICE SUDHIR AGARWAL, JUDICIAL MEMBER
 HON'BLE MR. JUSTICE B. AMIT STHALEKAR, JUDICIAL MEMBER
 HON'BLE MR. SAIBAL DASGUPTA, EXPERT MEMBER
 HON'BLE PROF. A. SENTHIL VEL, EXPERT MEMBER

Applicant: Mr. Lopamudra Moitra, Advocate along with Mr. Sudeep Sanya

"Certified that this is a true and correct copy of the document of order as in the case the (Application / Appeal No. 97/2017/NGT) and that all the matters appearing therein have been legibly and faithfully copied with no modification"

Mr. Sibojyoti Chakraborty, Advocate for Respondent No.1,
 Mr. Rajib Ray, Advocate for Respondent Nos.3&4,
 Ms. Sonal Sinha, Advocate for Respondent No.5,
 Mr. Debu Chowdhury, Advocate for R.6

TRUE COPY

For Registrar (NGT)
 Shubay
 Signature 13/6/2022

ORDER

1. Grievance in this application is against illegal extraction of ground water by Sri Biswajit Das, Son of Santosh Das, District Purba Mednipur, West Bengal, owner of 'Deep Aqua Industries Mineral Water Plant'. According to the applicant, the said respondent has set up a mineral water plant adjoining the applicant's residential house under the name and style of 'Deep Aqua Industries Mineral Water Plant'. In the said plant, bottling of water is done by use of machinery, resulting in unhygienic conditions. The project proponent (PP) has constructed water reservoir

and high power transformer. The statutory authorities were approached but they have failed to take any action.

2. The application was filed on 15.05.2017 and came up for hearing on 07.07.2017. The Tribunal issued notice to the respondents- the PP, State PCB, District Magistrate, East Mednipur and Water Resources Department of West Bengal and also directed the State PCB to ascertain factual position and file a report, who have filed their respective replies.

3. The stand of the State PCB is that inspection was carried out on 28.07.2017. Observations and remarks during inspection are as follows:-

“Observations:

- I. *The unit is located in a mixed area,*
- II. *The unit intends to produce package drinking water using bore well pump, RO Machine, filling machine etc.,*
- III. *The unit will also produce pet bottles with help of boiling machine and compressor machine,*
- IV. *The unit is yet to start its manufacturing activity*

Remarks:

- I. *The unit should take CFO of WBPCB from DIC before starting its activity.*
- II. *The unit should take adequate measure to minimize the probable noise impact at the complainant's residence which is about 4 ft. only*
- III. *The unit should plant tree between the unit & complainant residence.*
- IV. *There should be suitable time restriction for operation of the unit.”*

4. The stand of the PP is that it has taken permission for sinking a new well from Water Resources Department on 25.05.2016. It has permission to install transformer from the Electricity Department and it has applied to the State PCB for consent.

5. The State PCB in its affidavit filed on 07.10.2020, in response to order of this Tribunal dated 20.01.2020 submitted that closure of the

unit and disconnection of electricity were recommended as the unit was operating without consent to operate. Subsequently, closure was suspended and compensation of Rs. 5,000/- was assessed against the unit for violation.

6. The stand of the Water Resources Investigation and Development Department in its affidavit filed on 25.08.2021 in response to order of this Tribunal dated 23.06.2021 is that the unit was found non-compliant with the conditions subject to which drawal of ground water was permitted. Following are the non-compliances of conditions by R-5 are stated as follows:-

- “(a) Water Meter is installed but not in proper place. Water Meter should be installed at the outlet of the Tube Well discharge,*
- (b) Logbook maintained from 02.06.2021. No Logbook before 02.06.2021 has been shown,*
- (c) No proper RWH Structure has been constructed, and*
- (d) No Ground Water quality test report has been submitted.*

For non-compliance of the conditionalities by the Respondent No.5, the Geologist & Member Secretary, DLA, Purba Medinipore issued a notice of penalty to Deep Aqua Industries as per provision of Section 16(1) of the West Bengal Ground Water Resources (Management, Control and Regulation Act, 2005) vide Memo No. 84 dt. 08.07.2021.”

7. Further inspection was done on 12.08.2021 as follows:-

- “(a) Water Meter is installed at the outlet of the Tube Well discharge,*
- (b) Running hour could not be measured as the Tube Well is not operational as per NGT Order dt. 05.08.2021,*
- (c) RWH as specified by DLA has been constructed,*
- (d) Ground water quality test report has been submitted.”*

8. The stand of the State PCB in its affidavit dated 04.10.2021 requiring the State PCB to explain the basis of compensation of Rs. 5,000/- and the violation in not producing consent to operate is not clear.

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9. The stand of the PP in affidavit dated 23.09.2021 is that as per report of CGWB, the area in question is 'semi-critical' in terms of ground water. There is no ban on packaged water industry in such area.

Order of this Tribunal dated 14.03.2022

10. Upon review of the proceedings, the tribunal passed the following order on 14.03.2022:-

"1. xxx.....xxx.....xxx

2. *Mr. Sudeep Sanyal, learned Counsel submitted that the plant in question is still carrying on extraction of ground water and its current bottles are produced on 24.12.2021, 02.02.2022 and 17.02.2022 as per the dates printed on the bottles.*
3. *Ms. Sonal Sinha, learned Counsel submits that the ground water extraction plant of the Respondent No.5 has been closed on 12.08.2021 in support of which a photograph of meter with seal has also been filed. She also submits that the water bottle produced by the learned Counsel for the Applicant in Court is not the water extracted from Respondents plant. She also submits that the seal is not of the Respondent No.5 plant. She further submits that after the closure of plant the Respondent No.5 has given the operation of ground water extraction for mineral water to some other plant namely Aqua Raza but the bottled water is being sold in the market in the name of Deep Aqua Industries.*
4. *Mr. Sudeep Sanyal, learned Counsel also produced before us a set of six bottles which are mentioned as Litchi flavored drink and submits that it is being sold under the label of Deep Aqua Industries and address is also of the same plant, the labeled year mentioned in 2022. These bottles are kept on record.*
5. *Ms. Sonal Sinha, learned Counsel disputes that these six bottles allegedly containing Litchi juice are from the plant of Respondent No.5.*
6. *Mr. Biswajit Das, Proprietor of Respondent No.5 as informed by Ms. Sonal Sinha, learned Counsel is present in Court and when the question was put to him by Ms. Sonal Sinha as to whether these bottles were manufactured by his plant, he admitted that they were manufactured by his plant and he confirmed that the address on the bottles is same.*
7. *One more bottle of Deep Mango has been produced before us which carries the date of 15.02.2022 with the same name and same address of the Respondent No.5.*

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8. *In our opinion, this matter needs to be enquired by the West Bengal Pollution Control Board and State Water Investigation Directorate (SWID), Govt. of West Bengal*
9. *We, therefore, direct the Member Secretary, West Bengal Pollution Control Board to look into the matter personally and constitute a Committee of eminent Scientists from the West Bengal Pollution Control Board to examine the content of the bottles; whether these bottles and labels therein are from the same firm namely M/s Deep Aqua; whether extraction of ground water by M/s Deep Aqua is still continuing despite directions of the Tribunal vide order dated 05.08.2021. The team shall visit the site in question and also visit the second site namely the bottling plant of M/s Aqua Raza in Debra and enquire into the allegations raised by the Applicant which have been narrated in the preceding paragraphs. The Member Secretary is further directed to file her personal affidavit in this matter giving details of the enquiry conducted along with her recommendations and suggestions. Let the affidavit be filed within three weeks.*
10. *We also direct the State Water Investigation Directorate (SWID), Govt. of West Bengal to inspect both the plants independently within seven days. The State Water Investigation Directorate (SWID) is directed to enquire into the permission granted for extraction of ground water for both M/s Deep Aqua and M/s Aqua Raza and verify whether M/s Deep Aqua is still extracting ground water. Further, the SWID will verify whether M/s Aqua Raza is exceeding the permissible limit of extraction of ground water permitted as it is now engaged in bottling of water bottles for M/s Deep Aqua also which is narrated in paragraph 3 of our order hereinabove. The SWID is directed to submit its report on affidavit within three weeks."*

Response to above order by the authorities

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11. Affidavit of the Water Resource Investigation and Development Department is dated 05.05.2022 in compliance with the order of this Tribunal dated 14.03.2022 mentioning the status as on 01.04.2022 and 05.04.2022 as follows:-

"4.xxx.....xxx.....xxx

- i. *No production has been done as on date.*
- ii. *No groundwater has been extracted as per Water Meter reading since 12.08.2021.*
- iii. *Only marketing the water manufactured by 'Aquaraza Water Healthy Factory'.*
- iv. *'Aquaraza Water Healthy Factory' is located at Debra in Paschim Medinipur District which is not under the jurisdiction*

of the Geologist, Purba Medinipur at all. Therefore, No field inspection 86 verification of extracted groundwater as per Permit could be measured by the Geologist Purba Medinipur.

- v. As Reported by the Respondent, the juices and other flavored beverages are manufactured by M/s New Deep Aqua Industries from nearby supply water (Sajaldhara) as well as water obtained from 'Aquaraja Water Healthy Factory'. This could not be verified.

6.xxx.....xxx.....xxx

- i. One no of tube well permit was issued on 20.02.2015 in the name of M/S Aquaraja Healthy water Factory and the permissible daily discharge rate was 8 m³/ day. The factory is in running condition.
- ii. The submersible pump is covered by the cementing slave.
- iii. That no water meter has been installed at the outlet of the submersible pump as per the condition of permit and hence discharge rate of the tube well could not be measured.
- iv. No such rain water harvesting structure was constructed by the company.
- v. A penalty notice vide Memo No. 68 dated 05.04.2000, was issued for non compliance of the conditionality as per the resolution of 32nd District Level Authority meeting on 04.08.2021."

12. The latest affidavit of the State PCB filed on 07.05.2022 in response to order of this Tribunal dated 14.03.2022 after site visit on 21.04.2022 is as follows:-

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"05. That, during the inspection the committee examine the "Label" of packaged drinking water, where it is mentioned "Manufactured by M/s. Aquaraza Healthy Water Factory Vill - Belar, P.O Alokendra, Dist Paschim Mednipur W.B Pin- 721156 & Marketed by M/s. Deep Aqua Industries Vill- Athena, Pin- 721152.

06. That, the Committee made the following recommendations in their report on the basis of their inspection:-

"Inspection of all the three industries namely 1) M/s. Deep Aqua Industries, 2) M/s. New Deep Aqua Industries 3) M/s. Aquaraza Healthy Water Factory, reflected their violation of industry Rule & Regulation with respect to the following observations:-

- i. All the three industries are not maintaining the water meter reading for ground water extraction.
- ii. All the three industries should be asked to submit the GST registration and reported turnover for last two years for proper understanding of the production and sales.

- iii. *The electricity bill month wise, for the last two years should be submitted by all three industries for proper understanding of their production.*
- iv. *All the three industries should install the digital flow meter for online submission of data to State Water Investigation Directorate and West Bengal Pollution Control Board.*
- v. *M/s. New Deep Aqua Industries is having license for Mango and Litchi juice production. But the market survey by the committee found the product in the name of M/s. Deep Aqua Industries. Under such condition, the committee recommends the suitable action against the individual industry like immediate closure with disconnection of electricity, imposition of Bank guarantee till the time the aforesaid condition is not complied.*
- vi. *M/s. Aquaraza Healthy Water Factory submitted the Consent to Establish, however, they don't have any valid permission of the State Board to operate. The unit is yet to obtain the Consent to Operate from West Bengal Pollution Control Board. Immediate closure, disconnection of electricity, and imposition of Environmental compensation and/or Bank Guarantee as may deemed fit by Hon'ble Court, may be considered for imposition.*
- vii. *As there are discrepancies in the use of Labels and printing of wrong "fassi" number on all the labels used by both M/s. Deep Aqua Industries & M/s. New Deep Aqua Industries. The matter is required to be investigated by Enforcement Branch of West Bengal Police, Hon'ble NGT may also kindly consider to give necessary direction to Additional Director General, Enforcement Branch, West Bengal.
Copy of the report of the Committee is enclosed herewith and marked as Annexure -"R"."*

TRUE COPY

Further consideration and Final order

13. In view of earlier conflicting stands, we find it appropriate to go by the latest report of the State PCB. It shows that regulatory measures are not being followed by the units in question. Water is being marketed by Deep Aqua Industry. They are not maintaining water meter reading for the water extracted. They have not installed digital flow meter for submission of data to the concerned State Departments. The license is in the name of New Deep Aqua Industry but product is in the name of Deep Aqua Industry. M/s Aquaraza Healthy Water Factory whose label is used

does not have any valid permission or consent. The State PCB has suggested investigation by the Enforcement Branch of West Bengal Police.

14. As held in *M.C Mehta v. UoI & Ors. (1997) 11 SCC 312*, there is dire need to regulate extraction of ground water. Even according to PP, the area is 'semi-critical'. Regulation therefore is all the more necessary. The regulation implies that the quantity of water extracted should be clearly ascertainable, the quantum of restoration should also be clearly mentioned. In absence of such regulatory measures, extraction of ground water for commercial purposes is against the principle of 'Sustainable Development'.

15. In view of the above, all permissions granted to the PP have to be cancelled till strict compliance of regulatory measures is carried out by it. Compensation has to be recovered for the violations on 'polluter pays principle' to be spent on water recharge and restoration by statutory regulators. Joint Committee of CPCB, CGWA, State PCB and District Magistrate, East Mednipur may determine the final compensation on restoration principle, determination of loss to the environment and financial capacity of the unit. The State PCB will be the nodal agency for coordination and compliance. Compensation may be finalized within three months. This is without prejudice to referring the matter for investigation to any appropriate agency by the State PCB or the Applicant. Further, we proceed to determine interim compensation payable by the PP based on data available. We take the period of violation to be two years and compensation equal to 5% of the turnover for two years which is taken at Rs.30 crore.

TRUE COPY

16. Basis of calculation is documents on record. According to annexure- II annexed to the report of the State PCB, which is a document for granting consent to operate, the gross capital investment of the unit is Rs. 99,90,000 (about 1 Crore). As per consent letter, the permission to extract ground water is mentioned as 8KLD per hour for five hours per day. Thus, the extraction will be 40 KLD per day. One bottle of 1 ltr. is said to be sold for Rs. 10 which means the per day turnover will be Rs. 400,000/- which roughly amounts to Rs. 1, 20,00000/- per month and Rs. 15 Crores per year roughly and for two years Rs.30 crore.

17. The interim compensation shall be deposited within one month with the State PCB to be utilized for restoration of the recharge and water quality in the area in coordination with the Water Resources Investigation and Development Department of the State and the District Magistrate, Medinipur.

The Application is disposed of.

If any grievance survives, it will be open to the concerned parties to take remedies in accordance with law.

A copy of this order be forwarded to the CPCB, CGWA, State PCB and District Magistrate, East Mednipur by email for compliance.

A copy of this order be also forwarded to Enforcement Director (ED) to consider further action in the light of provisions of the Prevention of Money Laundering Act, 2002.

Sdt

Adarsh Kumar Goel, CP

-30-

sd/-

Sudhir Agarwal, JM

sd/-

B. Amit Sthalekar, JM

sd/-

Saibal Dasgupta, EM

sd/-

Prof. A. Senthil Vel, EM

May 23, 2022
Original Application No. 97/2017/EZ
AB

TRUE COPY

"Certified that this is a true and accurate copy
of the document of order as in the case
(Application / Appeal No. 97/2017/EZ)
that all the matters appearing therein
been legibly and faithfully copied without
modification"

For Registrar (NGT)

Signature
13.6/2022

Serial No. 70/2020
As per Register of Notary

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Annexure-B

BEFORE THE NATIONAL GREEN TRIBUNAL
EASTERN ZONE, KOLKATA

ORIGINAL APPLICATION NO. 97/2017/EZ

TAPAN KUMAR MANDAL.

..... APPLICANT(S)

VERSUS

THE STATE OF WEST BENGAL & ORS.

..... RESPONDENT(S)

AFFIDAVIT ON BEHALF OF THE RESPONDENT NO. 01, THE
WEST BENGAL POLLUTION CONTROL BOARD.

INDEX

Sl No	PARTICULARS	ANNEXURE	PAGE
1.	Affidavit	100	260- 262
2.	Copy of the Directions issued by the West Bengal Pollution Control Board.	"R1" 100-105	263-265

Filed by

SIBOJYOTI CHAKRABORTY

ADVOCATE

07 OCT 2020



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BEFORE THE NATIONAL GREEN TRIBUNAL
EASTERN ZONE BENCH, KOLKATA

ORIGINAL APPLICATION NO. 97/2017/EZ

TAPAN KUMAR MANDAL

..... APPLICANT(S)

VERSUS

THE STATE OF WEST BENGAL & ORS

..... RESPONDENT(S)

AFFIDAVIT ON BEHALF OF THE RESPONDENT NO. 01, THE
WEST BENGAL POLLUTION CONTROL BOARD.

Most Respectfully Sheweth

I, Sri Amar Nath Goswami, aged about 53 years, son of Shri Madan Mohan Goswami, by Religion - Hindu, by Occupation- Service, residing at L-111/2, G-13, Baishnabghata Patuli Township, Kolkata - 700 094, do hereby solemnly declare and say as follows:-

01. That, I am the Senior Law Officer, West Bengal Pollution Control Board (hereinafter will be referred to as the 'State Board') and look after this case and as such I am well acquainted with the facts and circumstances of the case. I have been duly authorized by the Respondent No. 01 to affirm this Affidavit on its behalf and as such, I am competent to do so.



07 OCT 2020

02. That, this affidavit is being affirmed in pursuance to the order dated 20.01.2020 of National Green Tribunal.

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03. That, the said unit, namely, M/s. Deep Aqua Industries was inspected by the state Board officials on 13.02.2020 and same was duly submitted in the form of an affidavit before the Hon'ble Tribunal. A hearing was thereafter called on 25.03.2020 but the same could not be held owing to prevailing restrictions due to Covid-19 pandemic in the country. The matter was again called for hearing on 30.09.2020.

04. That, considering the complaint, inspection report and the submissions of the said unit, that is, M/s. Deep Aqua Industries, it is directed to operate by strictly complying with the conditions as enumerated in the consent to operate certificate of the State Board and by obtaining all statutory licenses. The unit is further directed to take suitable and effective measures for control of noise pollution so that the people living in the neighborhood may not suffer due to its activities in anyway, whatsoever. The unit is also directed to ensure that fumes generated from the plastic moulding process are ventilated through a properly designed suction and exhaust system to stack of height minimum 3.5 m above roof level. The operational time of the unit is to be restricted from 8AM to 6PM only.

The Assistant Environmental Engineer & In Charge, Haldia Regional Office, is required to oversee the compliances of the abovementioned directions of the State Board.



20.01.2020

05. That considering the overall situation the hearing officers of the State Board issued recommended closure of M/s. New Deep Industries with disconnection of electricity for operating a fruit juice manufacturing unit without having valid consent to operate of the State Board.

The copy of the said record of proceedings of the said hearing is annexed hereto and marked with the letter 'R-1'.

06. It is therefore respectfully prayed that Hon'ble Tribunal may pass such order/orders as it deems fit and proper in the interest of justice.

[Handwritten Signature]

ABUUL HAMID MOLLA
NOTARY
Advocate, High Court, Calcutta
Regd. No. 9380 / 2011
Government of India
High Court, Calcutta
Gate No 'E'
M:- 9831104098

Amar Nath Gogna
DEPONENT

VERIFICATION

Verified at Kolkata by the deponent above named on this the day of October, 2020 and say that the contents of this affidavit made in paragraph nos. 1 is true to my knowledge and those made in paragraphs no. 2 to 5 are true to my information derived from records and rest are my respectful submission before this Hon'ble Tribunal.

[Handwritten Signature]
ABUUL HAMID MOLLA
NOTARY
Advocate, High Court, Calcutta
Regd. No. 9380 / 2011
Government of India
High Court, Calcutta
Gate No 'E'
M:- 9831104098

Amar Nath Gogna
DEPONENT

Identify the person's
who sign in my presence

[Handwritten Signature]
Advocate
Enrol. No.



-35-



WEST BENGAL POLLUTION CONTROL BOARD
(Department of Environment, Government of West Bengal)
Mani Square, Block/Space-8/IT
8th Floor, 164/1, Maniktala Main Road, Kolkata - 700 054
website: www.wbpcb.gov.in, e-mail: wbpccnet@cal3.vsnl.net.in

PUBLIC GRIEVANCE CELL

Complainant(s)	Respondent(s)
Tapan Kumar Mandal	New Deep Aqua Industries- Prop. Biswajit Das
Date : 30.09.2020	Time :02:30Hrs.

RECORD OF PROCEEDINGS.

Nobody appeared on behalf of the complainant. Sri Biswajit Das, proprietor of M/s New Deep Aqua Industries, appeared in person.

This is a complaint against a fruit juice and packaged drinking water manufacturing unit allegedly causing noise and air pollution. The matter is presently pending before the Hon'ble National Green Tribunal (O.A. 97/2017/EZ).

The unit, M/s New Deep Aqua Industries, was inspected by an official of the State Board on 13/02/2020. A hearing was thereafter called on 25/03/2020 but the same could not be held owing to prevailing restrictions due to Covid-19 pandemic in the country. The matter was again called for hearing on 30/09/2020.

Observations of the Inspection Report:

It is revealed from the above stated inspection report that there are two units in the same building, both of which are owned by Mr Biswajit Das.

1. In the *ground floor*, there exists a packaged drinking water & PET bottle manufacturing unit in the name & style of M/s Deep Aqua Industries. Plastic blow moulding and bottle filling machineries were observed in the ground floor of the building
2. In the *first floor*, M/s New Deep Aqua Industries makes fruit juice. LPG oven, bottle filling and sealing equipments were observed in the first floor. It was informed during inspection that fruit juice is manufactured on a small scale.
3. The complainant resides about 5 feet away from the unit(s).
4. As the complainants are residing very close to the unit premises and considering the type of activity of the machineries, there is a possibility of noise problem.



- 5. M/s Deep Aqua Industries has obtained consent to operate of the State Board through the District Industries Centre, Purba Medinipur under green category which is valid upto 31/08/2024.
- 6. M/s New Deep Aqua Industries has not obtained consent to operate of the State Board.

Submission of the respondent:

During the hearing, the respondent submitted copy of trade licence for M/s Deep Aqua Industries obtained from Raghunathbari Gram Panchayat for the trade of "producing drinking water through RO machine" for the previous year 2019-20 but failed to submit the current trade license(2020-21).

He informed that M/s New Deep Aqua Industries has obtained consent to establish of the State Board under orange category through the District Industries Centre, Purba Medinipur on 06/12/2019 but consent to operate is yet to be obtained. He also submitted that M/s New Deep Aqua Industries is yet to properly start operations.

Direction for M/s Deep Aqua Industries:

Considering the contents of the complaint, the inspection report and the submission of the respondent, M/s Deep Aqua Industries is hereby directed to operate by strictly complying with the conditions as enumerated in the Consent to Operate certificate of the State Board and by obtaining all statutory licenses. The unit is further directed to take suitable and effective measures for control of noise pollution so that the people living in the neighbourhood may not suffer due to its activities in any way, whatsoever. The unit is also directed to ensure that the fumes generated from the plastic moulding process are ventilated through a properly designed suction and exhaust system to a stack of height minimum 3.5 meter above roof level. The operational time of the unit is to be restricted from 8AM to 6 PM only.

The Asst. Environmental Engineer & In charge, Haldia Regional Office, is requested to oversee the compliance of the abovementioned directions of the State Board.

Direction for M/s New Deep Aqua Industries:

Considering the overall situation, we recommend closure of M/s New Deep Aqua Industries with disconnection of electricity for operating a fruit juice manufacturing unit without having valid consent to operate of the State Board.



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Sd/
(Dr. D. Chakraborty)
Sr. Scientist & Incharge, P.G.
Cell

Sd/
(B. Majumdar)
Environmental Engineer

Sd/
(D. Chattopadhyay)
Asst. Environmental
Engineer

Sd/
(M. Bandyopadhyay, WBHJS)
Dist. Judge (Retd.)

Sd/
(A.K. Bhunia, WBHJS)
Dist. Judge (Retd.)


No. 660(1-9)-5L/WPB-2020/N-1434

Dated: 05-10-2020.

Copy forwarded to :-

1. M/s New Deep Aqua Industries, Prop: Mr Biswajit Das, Vill: Atberia, PO: Harijhama, PS: Panskura, Purba Medinipur, Pin-721152
2. M/s Deep Aqua Industries, Prop: Mr Biswajit Das, Vill: Atberia, PO: Harijhama, PS: Panskura, Purba Medinipur, Pin-721152
3. Mr Tapan Kumar Mondal, Vill: Atberia, PO: Harijhama, PS: Panskura, Purba Medinipur, Pin-721152
4. Chief Engineer, O & E Cell, West Bengal Pollution Control Board.
5. The Officer in Charge, Panskura Police Station, Panskura Canal Road, Dakshin Gopalpur, West Bengal, Pin- 721139
6. The Joint Director (P & S), Directorate of Micro, Small & Medium Enterprises, New Secretariat Buildings, 9th Floor, A-Block, 1, Kiran Shankar Roy Road, Kolkata-700001. He is requested to circulate this Memo. through his good office to the concerned General Manager of the District Industries Centre, for taking necessary action, if any.
7. The Asst. Environmental Engineer & In charge, Haldia Regional Office, WBPCB.
8. The P.A. to the Member-Secretary, WBPCB.
9. Guard File.

Sl. No. 7 is requested to follow up the matter.


Environmental Engineer, P.G. Cell,
W. B. Pollution Control Board

o/c



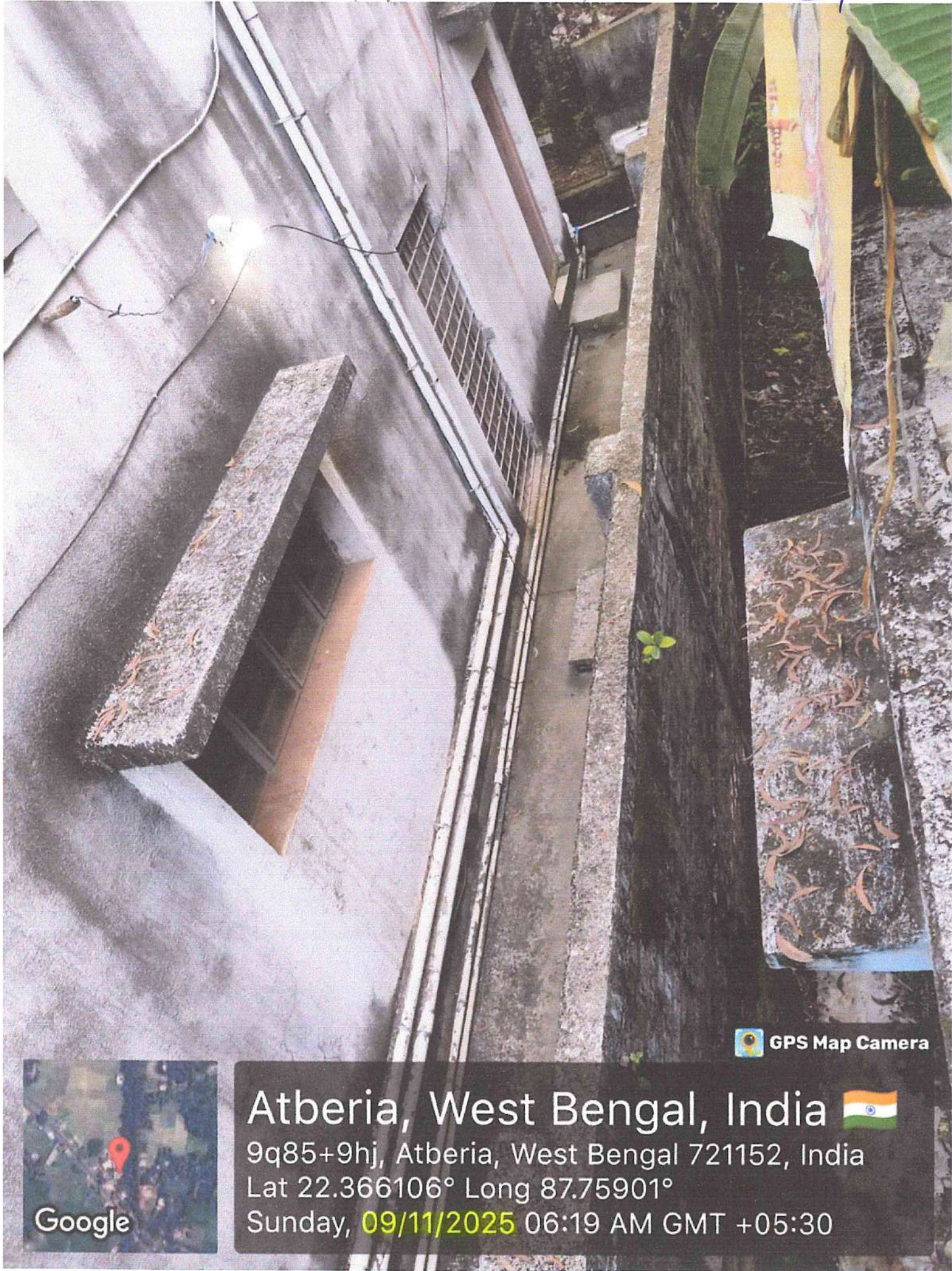


GPS Map Camera

Atberia, West Bengal, India
9q85+9hj, Atberia, West Bengal 721152, India
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04/09/2025 09:17 AM GMT +05:30




Gap Residence / 1st/2nd/3rd 39-



GPS Map Camera



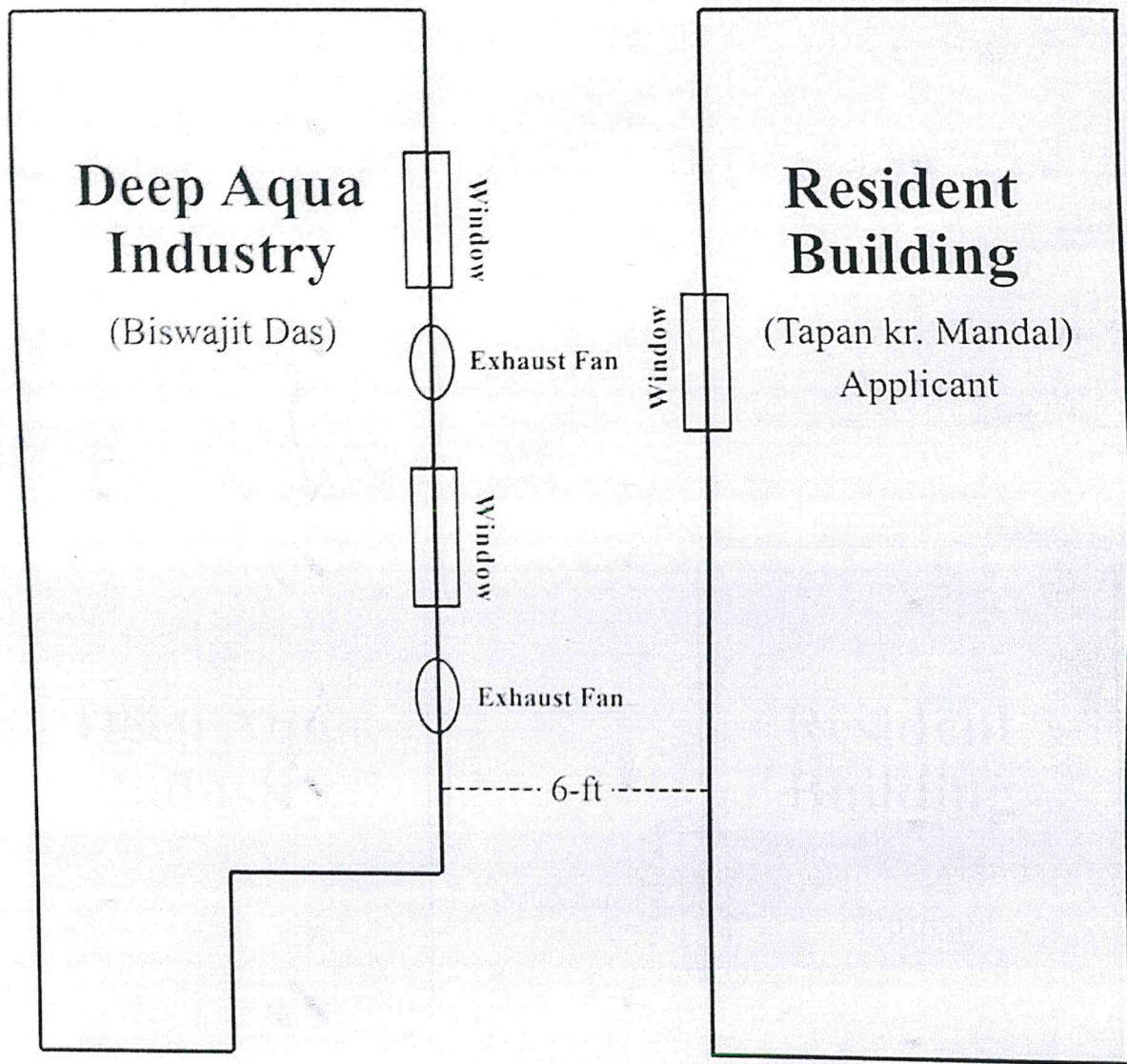
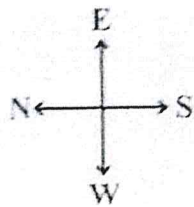
Google

Atberia, West Bengal, India 

9q85+9hj, Atberia, West Bengal 721152, India

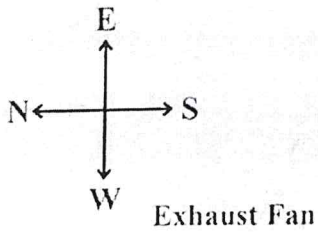
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Sunday, 09/11/2025 06:19 AM GMT +05:30

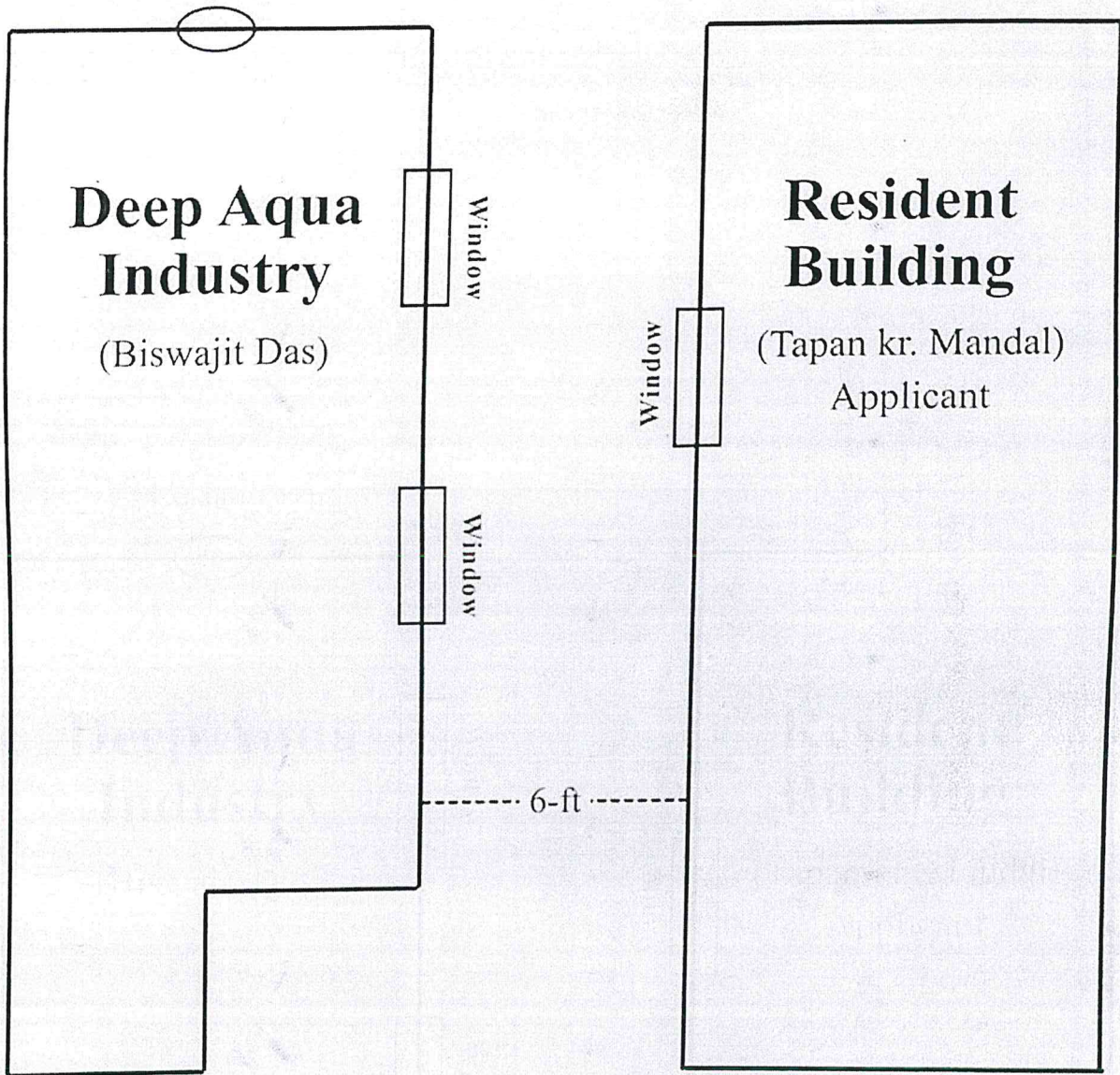


Current Condition

Tapan Kumar Mandal.

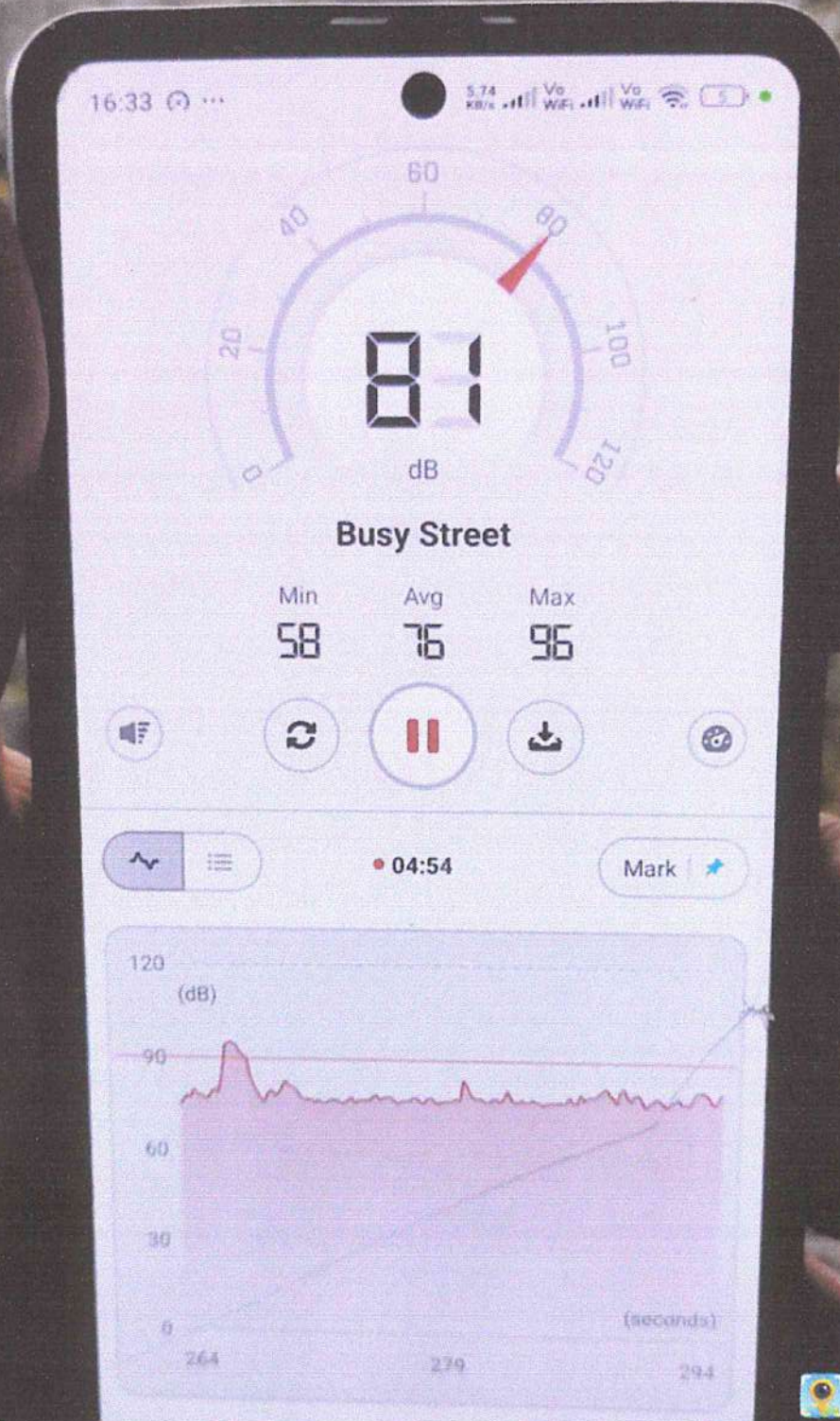


- 40A, -



**According to the building plan
permission**

Tapan Kumar Mandal



Atberia, West Bengal, India

9q85+9hj, Atberia, West Bengal 721152, India

Lat 22.366048° Long 87.759036°

Saturday, 08/11/2025 04:33 PM GMT +05:30

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Annexure - F

To,
The Member Secretary,
West Bengal Pollution Control Board
Salt Lake, Kolkata

date - 05-12-2025

RE: Pollution Caused by Plastic manufacturing Industry

Sir,

Please note that I am a senior citizen suffering from health issues, a plastic bottle making Industry Deep Aqua Industries have started operating from June 2025, The Industry was closed pertaining to directions issued by the Hon'ble National Green Tribunal in the matter of Original Application No. 97/2017/EZ Tapan Kumar Mondal vs State of WB &Ors " In view of the above, all permissions granted to the PP have to be cancelled till strict compliance of regulatory measures is carried out by it. Compensation has to be recovered for the violations on 'polluter pays principle' to be spent on water recharge and restoration by statutory regulators. Joint Committee of CPCB, CGWA, State PCB and District Magistrate, East Mednipur may determine the final compensation on restoration principle, determination of loss to the environment and financial capacity of the unit. The State PCB will be the nodal agency for coordination and compliance...."

The industry was closed till May 2022 and again reopened in June 2025. The industry which is around four meters from my house is again operating without Ventilated through a properly designed sanction (East side) Exhaust fan, not to stack on the real side (East side) according to the sanction building plan. The polluted air of the chimney is entering my house, causing severe health issues. Fumes from exhaust fans in plastic bottle manufacturing release a variety of toxic pollutants, including volatile organic compounds (VOCs), particulate matter, carbon monoxide, nitrogen oxides, sulfur dioxide, and potentially dioxins and heavy metals.

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Moreover, the fan of the industry is facing my window the hot and polluted air from the exhaust fan enter my home through the window which also creates air pollution. The industry do not have proper air suction device to mitigate air pollution, moreover the industry is not adhering to the minimum stack height of 3.5 meters above the roof level. Therefore, it is clear that the industry is not in compliance with the regulatory measures. The Industry is violating the order of Hon'ble NGT, the environmental laws and operating in broad daylight.

It is pertinent to mention here that the industry is operating continuously throughout the day and evening. I am a senior citizen, and my son is a student who is unable to concentrate on his studies due to this sound pollution.

I request you to take immediate action against the plastic bottle manufacturing unit for violating the directions issued by your good office.

your Faithfully
Tapan Kumar Mondal
vill - Atberua
P.O - Harikhama
P.S - Panskura
Dist - Purba Medinipur
Pin - 721152

INLAND SPEED POST DOCUMENT




EW091986254IN

Dely Office & Pincode: Bidhan Nagar IB Market SO(700106)

Booking Office: Panskura RMS BPC (721152)
Counter No. 1, 05-12-2025 15:37:56
GSTNo. 19AAAGT0433R1ZS BkgRefID: 3326002805122539679
ChargedWeight(gms): 25 Phy. Wt(gms): 25 Vol. Wt(gms): NA(L:NA B:NA H:NA)
AmountPaid: 55.00(BaseTariff: 47.00+Tax: 8.00)(CGST-3.99, SGST-3.99, IGST-0.00, LTGST-0.00)
ModeofPayment: CASH

Sender	Receiver
TAPAN KUMAR MONDAL Mobile No. 1234567890 HARIKHAMA	MEMBER SECRETARY Mobile No. 1234567890 WBPCB PARIBESH BHAWAN
MEDINIPUR EAST WEST BENGAL-721152	24 PARAGANAS NORTH WEST BENGAL-700106

Track on www.indiapost.gov.in OR Dial 18002556068 · IVR NO · 6987051386254
In case of any complaint, please visit <https://com.indiapost.gov.in/customer>
Go Green!!! Opt for eReceipts, ePCD
This is system generated document, no manual signature required
05-12-2025 15:38:01



Department of Posts
Government of India
Ministry of Communications

44-

Generated through Indiapost website on: 11/12/2025, 8:24:50 am

Consignment/MO Tracking Report

Consignment/MO Number: EW091986254IN

Article Number:

EW091986254IN

Article Type:

SP_INLAND_DOC

Booked At:

Panskura RMS BPC

Booked On:

05/12/2025, 15:37:56

Destination:

Bidhan Nagar IB Market SO

Origin Pincode:

721152

Delivered On:

09/12/2025, 17:42:35

Destination Pincode:

700106

Event	Date	Time	Office
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Item Bagged	06/12/2025	02:34:34	Panskura ICH
Item Dispatched	06/12/2025	03:22:24	Panskura ICH
Item Dispatched	06/12/2025	03:34:19	MA Panskura RMS TMO
Item Received	06/12/2025	11:03:08	Kolkata NSH
Item Bagged	06/12/2025	13:26:40	Kolkata NSH
Item Dispatched	06/12/2025	14:30:27	Kolkata NSH
Item Dispatched	08/12/2025	05:50:15	KOL AP TMO
Item Received	08/12/2025	11:45:16	Sech Bhawan IDC
Direct Deposit - Local Holiday	08/12/2025	18:28:06	Sech Bhawan IDC
Item Invoiced	09/12/2025	13:45:54	Sech Bhawan IDC
Item Delivered	09/12/2025	17:42:35	Sech Bhawan IDC

VAKALATNAMA

IN THE NATIONAL GREEN TRIBUNAL
EASTERN ZONE BENCH, KOLKATA

District: East Medinipur

OA/ MA / RA/ Contempt No.

of 20 26

Tapen Kumar Mandal

{Appellant
{Petitioners

- Versus -

The State of West Bengal

{Opps.
{Respondent
{Opposite Party

Vakalatnama on behalf of the Applicant

Know all men by these presents that by Vakalatnama, I/We appoint the Advocates noted below or any one of them my/our lawful Advocate or Advocates for filing the writs mandamus or orders or petition of nature appearance in the above matter for appearing conducting and arguing the same for depositing or withdrawing any money in connection therewith for moving the Court in any matter connected therewith, for preparing the paper book in the case and for putting in papers, petitions etc. On my/ our behalf for filing, taking back any documents for withdrawing suits or appeals or petitions with permission to institute fresh suit etc. For signing and filling petitions of compromise in connections with the said matter and for taking copies of paper from the Record and I / We further say that any act. Done by my / our said Advocate or Advocates or by any one of them after accepting this Vakalatnama, shall be considered as my/our own true and lawful act.

And I/We further hereby agree and undertake to pay the said Advocates his or their fees as settled and all others sums that may be necessary to carry out the requisition of the Court and otherwise to enable the said Advocates to conduct the case properly. Failing which the said Advocates after notice to me/us will be at liberty to withdraw from further conducting the case.

IN WITNESS WHERE OF I/WE sign and execute this Vakalatnama on this
the 12th day of November 2025

Paushali Banerjee
Name of Advocates

Ms. Paushali Banerjee,
High Court, Calcutta,
NPS Business Centre,
Ground Floor, Kolkata - 700001
M- 9433253274

Received & accepted
for appearance
Paushali Banerjee
Advocate
nlh/15

Tapen Kumar Mandal