

Original Application (OA)

1

Title OA-117/2026/EZ

BEFORE THE NATIONAL GREEN TRIBUNAL

Eastern Zone Bench, Kolkata

Original Application under Sections 14 and 15 of the
National Green Tribunal Act, 2010
.....

In the matter of:

Applicant (Petitioner)

Subrata Das

57/1C, Naresh Mitra Sarani Kolkata-700 025

Email: Sdas740861@gmail.com

Versus

Respondents

1. West Bengal Pollution Control Board

Paribesh Bhawan, LA Block, Sector III

Salt Lake, Kolkata – 700106

Through its chairman

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

2. Kolkata Municipal Corporation

5 S. N. Banerjee Road, Kolkata – 700013

Through its Municipal Commissioner

Email: mc@kmcgov.in

3. Central Pollution Control Board

Regional Directorate (East)

1582 Rajdanga Main Road, Kolkata – 700107

Through its Regional Director

Email: Rdkolkata.cpcb@gov.in

4. Puffs & Bites Café

57/1C, Naresh Mitra Sarani , Kolkata-700025 (Ground+ 1st Floor)

Through its Proprietor/Operator (Name not known, operating in rented premises)

Email: NA / Not known (Contact No.: +916289175132)

APPLICATION

1. Facts of the case

The Applicant is a resident of the above address. A café operating on the ground floor of the same building is emitting smoke, burnt charcoal odour and cooking fumes which regularly enter the Applicant's residence.

The emissions appear to be discharged through openings in the building wall without proper exhaust ducting above roof height. The pollution occurs during evening and night hours and causes serious disturbance and health discomfort to the Applicant and family members.

The Applicant filed a complaint before the West Bengal Pollution Control Board (Annexure B) and subsequently approached the Central Pollution Control Board (Annexure C). The Central Pollution Control Board forwarded the matter to the State Board (Annexure D), and further communication was made by the West Bengal Pollution Control Board to the Kolkata Municipal Corporation (Annexure E).

2. Complaints made

The Applicant submitted complaints to:

- West Bengal Pollution Control Board
- Central Pollution Control Board
- Kolkata Municipal Corporation

The **Central Pollution Control Board** forwarded the complaint to the **West Bengal Pollution Control Board** on **23 February 2026** for investigation; however, no action has been taken and the pollution continues.

The Applicant has also documented the ongoing emission of smoke and fumes affecting the residence (Annexure F), along with a record of exposure maintained over time (Annexure G)

3. Grounds

The continued emission of smoke and charcoal fumes from the café is causing **air pollution affecting a residential premises.**

The operation appears to lack proper exhaust and pollution control measures and therefore violates environmental norms.

Despite repeated complaints to the concerned authorities, no effective action has been taken.

4. Limitation The cause of action is continuing in nature due to ongoing pollution and hence the present application is within limitation.

5. Relief sought

The Applicant respectfully prays that this Hon'ble Tribunal may be pleased to:

- Direct **West Bengal Pollution Control Board** to conduct inspection of the premises and take action against the air pollution.
- Direct **Kolkata Municipal Corporation** to verify compliance with building and licensing regulations.
- Direct the café operator to install proper exhaust ducting and pollution control measures.
- Pass any other order deemed appropriate in the interest of environmental protection.

Verification

I, Subrata Das, the Applicant above named, do hereby verify that the contents of this application are true to my knowledge and belief.

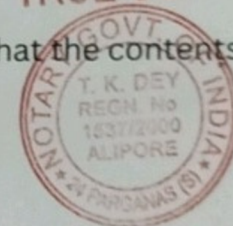
Place: Kolkata

Date: 27.03.2026

Signature:

Subrata Das

TRUE COPY



Attested by me

T. K. Dey, Notary
Govt. of India
ALIPORE POLICE COURT

22 APR 2026

INDEX OF ANNEXURES

Sl. No.	Annexure	Description	Page No.
1	Annexure A	Copy of complaint submitted to West Bengal Pollution Control Board dated 19 January 2026	4-6
2	Annexure B	Copy of email complaint sent to Central Pollution Control Board dated 9 February 2026	7-8
3	Annexure C	Copy of letter issued by Central Pollution Control Board forwarding the complaint to West Bengal Pollution Control Board dated 23 February 2026	9-10
4	Annexure D	Copy of PGC communication from West Bengal Pollution Control Board addressed to the Commissioner of Kolkata Municipal Corporation dated 26 February 2026	11-12
5	Annexure E	Photographs showing exhaust openings and ventilation holes below residential windows	13-14
6	Annexure F	Odour / Fume Exposure Log	15-17

Annexure A

**Copy of complaint submitted to
West Bengal Pollution Control
Board dated 19 January 2026**



To
Member secretary
West Bengal Pollution Control Board
Paribesh Bhawan

Subject: Complaint against Cafe Causing Air and sound Pollution

Dear Sir/Madam,

I, Subrata Das, would like to formally lodge a complaint against a café named 'Puff & Bites' for causing severe air and noise pollution in our locality.

The café has failed to install a proper exhaust or ventilation system in its kitchen, resulting in excessive smoke emissions that spread into the surrounding area. This has led to breathing difficulties and health-related discomfort. Smoke emissions are also observed from other sections of the premises, indicating poor emission control overall.

Additionally, the café causes continuous noise disturbance by playing high-bass music during both daytime and nighttime hours. It appears that adequate soundproofing or acoustic control measures are not in place, which is directly affecting our day-to-day life and mental well-being.

I respectfully request the Pollution Control Board to take immediate action to ensure the café's full compliance with air and noise pollution control norms. I also urge you to expedite this matter, as we have previously faced similar issues where prolonged delays caused significant hardship to residents.

Thank you for your attention and support in resolving this matter.

Sincerely,
Subrata Das

Name of the Industry: Hospitality, Housing

Name of the Complainant: Subrata Das (Ph. No. 9830016775)

Address of the Cafe: 57/1C, Naresh Mitra Sarani, Ground + 1st floor, kol- 700 025

Nature of Complaint: Excessive Smoke emission and high-bass sound.

Nature of the Pollution: Air and Noise Pollution

Adress of the Complainant: 57/1C, Naresh Mitra Sarani, Flat-2B, kol- 700 025

Postal Reference

Department Of Posts

Multiple Article Receipt

Office Name : Rash Behari Av-
enue SO

User ID : 10184840

Date & Time : 19/01/2026, 18:22:34

Mode of Payment : Cash

Booking Ref. ID : 3366027019012629520

Sl. No.	Article Number	Product Type	Weight (In gms)	Sender Name	Receiver Name	Base Tariff (Incl. VAS)	Remarks	Created By	Created On	Bulk Reference
1	EW413805312IN	SP_INLAND_DOC	25	SUBRATA DAS	MEMBER SECRETARY, WB POLLUTION CONTROL BOARD, 700106	19		10184840	19-01-2026 18:21:59	Counter

Sl.No.	Charge Details	Items Count	Amount
1	Base Tariff(Incl. VAS)	1	19.00
2	CGST	1	2.00
3	SGST	1	2.00
4	Total Tariff	1	23.00
5	Net Amount	1	23.00

Signature of
the Official

Annexure B

**Copy of email complaint sent to
Central Pollution Control Board
dated 9 February 2026**





Escalation: Recurring night-time air and noise nuisance from café/hookah activity affecting residential habitation, Kolkata

1 message

Deba Das <sdas740861@gmail.com>

Mon, 9 Feb 2026 at 15:19

To: rdkolkata.cpcb@gov.in, msch.cpcb@nic.in, ccb.cpcb@nic.in

Respected Sir/Madam,

I am constrained to escalate a matter of recurring air and noise pollution arising from a café/hookah-related activity operating under the name "Puff & Bites", located immediately below our residential dwelling in Ward 69, Borough VIII, Kolkata.

A detailed complaint regarding smoke and air nuisance was submitted to the West Bengal Pollution Control Board (WBPCB) on 19 January 2026, followed by a subsequent reminder. However, the nuisance continues unabated. The activity results in smoke emissions occurring during daytime and evening hours and intensifying late at night. In addition, high-bass music is played at odd hours, including late nights, causing significant noise disturbance and vibration transmitted through floors, seriously affecting sleep and basic living conditions of residents, including elderly persons.

In parallel, a Kolkata Municipal Corporation (KMC) nuisance/health complaint has been formally registered through the official complaint system (Complaint No. PGR-2026-02-07-021540, dated 07-02-2026) and is presently under follow-up.

This matter reflects a recurring pattern. A similar café-related pollution issue from the same area had earlier been taken up under CPCB File No. 14/1/2021-TECH-RD-KOLKATA-RD (Kolkata)/638, demonstrating persistence of such activities despite past interventions.





In view of the ongoing public-health impact and continued disturbance of residential life, I respectfully request CPCB's kind intervention and coordination with the State Board to facilitate effective inspection and enforcement.

Yours sincerely,

Subrata Das
Kolkata
Mobile Number: 9830016775

Attachments:

4 attachments

-  Annexure1_WBPCB_ComplainCopies_with_postalRef-dated 19.01.2026.pdf
4.8 MB
-  Annexure2_Record-Of-Proceeding_copy dated 31.12.2024.pdf
264 KB
-  Annexure3_CPCB_Complaint dated 26.08.2025.PDF
494 KB
-  Annexure4_RTI-Response_for_Previous Cafe_at Same Pemise_dated 11.11.2025.pdf
11.5 MB

Annexure C

**Copy of letter issued by Central
Pollution Control Board forwarding
the complaint to West Bengal
Pollution Control Board dated 23
February 2026**





केन्द्रीय प्रदूषण नियंत्रण बोर्ड
CENTRAL POLLUTION CONTROL BOARD
(पर्यावरण, वन एवं जलवायु परिवर्तन मंत्रालय, भारत सरकार)
(Ministry of Environment, Forest & Climate Change, Govt. of India)
क्षेत्रीय निदेशालय, कोलकाता
Regional Directorate, Kolkata



File No.: PI-14/1/2021-TECH-RD-KOLKATA-RD (Kolkata)/1450

दिनांक: 23.02.2026

सेवा में
सदस्य सचिव
पश्चिम बंगाल राज्य प्रदूषण नियंत्रण बोर्ड
परिबेश भवन, 10 ए ब्लॉक एलए
सैक्टर III, सॉल्ट लेक सिटी
कोलकाता- 700106 (प. बं)

विषय: पश्चिम बंगाल में प्रदूषण और अन्य मुद्दों से संबंधित शिकायतों पर जांच और की गई कार्रवाई रिपोर्ट के लिए अनुरोध - तत्संबंधी।

महोदय,

कृपया, सीपीसीबी, प्रधान कार्यालय दिल्ली के माध्यम से **Email** द्वारा पश्चिम बंगाल में प्रदूषण और अन्य मुद्दों से संबंधित इस कार्यालय में प्राप्त शिकायतों पर आपका ध्यानकर्षण हेतु निम्नलिखित शिकायतों की प्रतियाँ इस पत्र के साथ संलग्न है:-

क्र. सं.	शिकायत / विषय	प्राप्त दिनांक	प्राप्त (ई-मेल/हार्ड कॉपी)
01.	कोलकाता में कैफे/हुक्का गतिविधियों से उत्पन्न होने वाली रात के समय की वायु और शोर की समस्या आवासीय क्षेत्रों को प्रभावित कर रही है।	09/02/2026	E-Mail

अतः यह अनुरोध किया जाता है कि मामलों की जांच की जाए और की गई कार्रवाई रिपोर्ट (ATR) संबंधित शिकायतकर्ताओं को उपलब्ध कराई जाए।

धन्यवाद,

भवदीय,

(मृनाल कांति बिस्वास)
क्षेत्रीय निदेशक

संलग्न : उक्तानुसार

प्रतिलिपि: सुब्रता दास

sdas740861@gmail.com

मृ - कां. बिस्वास

(मृनाल कांति बिस्वास)

मुख्यालय / Head Office:
परिवेश भवन, Parvesh Bhawan,
पश्चिम अर्जुन नगर, West Arjun Nagar
दिल्ली/Delhi-110 032
दूरभाष /Tel: 011-4310 2030/2435
वेबसाइट /Website: www.cpcb.nic.in

क्षेत्रीय निदेशालय /Regional Directorate:
502, साउथेंड कॉन्क्लेव /502, Southend Conclave
1582, राजदंगा मेन रोड /1582, Rajdanga Main Road
कोलकाता /Kolkata- 700107
दूरभाष /Tel: 033-2441 4677/6634
ई-मेल /e-mail: rd/kolkata.cpcb@gov.in

Annexure D

Copy of PGC communication from West Bengal Pollution Control Board addressed to the Commissioner of Kolkata Municipal Corporation dated 26 February 2026





LIFE
Lifestyle For
Environment

WEST BENGAL POLLUTION CONTROL BOARD

(Department of Environment, Government of West Bengal)
PG Cell and ANA&T Cell, Mani Square, 8th floor
Block / Space-8IT on Western Side,
164/1, Maniktala Main Road, Kolkata-700054
Ph.: 033-2202 3130 Website: www.wbpcb.gov.in

Complain Docket No. PCB11283

Memo No. :

-PG/LD/03/2026

Dated: 26-02-2026

To
The Commissioner of the Municipal Corporation
Kolkata Municipal Corporation,
5,S.N.Banerjee Road,
Kolkata - 700013.

Sub: Complaint regarding creation of nuisance due to exhaust or ventilation system in kitchen of a cafe located at 57/1C, Naresh Mitra Sarani, Ground + 1st Floor, Dist- Kolkata, Pin -700025.

Sir/Madam,

Enclosed please find herewith a complaint received by the State Board from Mr. Subrata Das through letter by post against the respondent M/s. Puff & Bites located at 57/1C, Naresh Mitra Sarani, Ground + 1st Floor, Dist:Kolkata, Pin -700025.

I am directed to request your good office to look into the issue that needs to be duly addressed from your end as per the relevant Municipal Acts & Rules (Section 350 of the West Bengal Municipal Act, 1993 etc.) under intimation to the State Board and to the complainant.

Further, it is requested to kindly take necessary action through your good office at the earliest, if the complaint is found to be true and correct.

Yours faithfully,

Encl: As Stated

Sd/-
Senior Scientific Officer & In-Charge
Public Grievance Cell

Memo No. 213 (1) -PG/LD/03/2026

Dated:26-02-2026

Copy forwarded for information to: -

- ✓ 1. Mr. Subrata Das, <Email- sdas740861@gmail.com>, 57/1C, Naresh Mitra Sarani, Flat - 2B, Municipality - Kolkata Municipal Corp., Dist: Kolkata, Pin: 700025.
2. The Sr. Environmental Engineer & In- Charge, Kolkata Regional Office, Mani Square, Block No. 8IT, Western Side, 8th Floor, 164/1, Maniktala Main Road, Kolkata-700 054.


Senior Scientific Officer & In-Charge
Public Grievance Cell

Annexure E

Photographs showing exhaust openings and ventilation holes below residential windows





Annexure F

ODOUR / FUME EXPOSURE LOG



ODOUR / FUME EXPOSURE LOG

Location: 57/1C, Naresh Mitra Sarani, Ward No.69, Borough VIII, Kolkata

Nature of Issue: Continuous burnt charcoal/cooking fumes and foul odour entering residential premises from commercial activity operating below the residence.

Date: 18.02.2026

Around 6:30 PM burnt charcoal/cooking odour began entering the bedroom (which is directly above the kitchen exhaust openings below).

By 8:00–8:30 PM the intensity increased and spread to the hall despite doors and windows being kept closed.

Around 9:00–9:30 PM foul odour noticeable in the bathroom area.

Unable to comfortably remain in the bedroom after approximately 7:00 PM due to smell and irritation.

Odour persisted indoors through the night and cleared only after opening windows in the morning.

Date: 19.02.2026

Around 6:30 PM burnt charcoal/cooking fumes entered the bedroom area.

Intensity increased after 8:00 PM.

Bathroom foul odour noticeable after approximately 7:00 PM.

Sleeping discomfort; bedroom not comfortably usable after evening hours.

Odour remained trapped indoors until morning ventilation.

Date: 20.02.2026

Burnt charcoal smell noticeable from approximately 6:15–6:30 PM onwards.

Significant increase in intensity after 7:30–8:00 PM.

Bedroom became uncomfortable to occupy after 8:50 PM.

Smell persisted through late night and cleared only after morning ventilation.

Date: 21.02.2026

Similar pattern observed. Burnt cooking/charcoal fumes entered bedroom around 6:30–7:00 PM.

Intensity increased between 8:00–10:30 PM.

Bathroom odour noticeable after 9:00 PM.

Sleeping disturbance and inability to comfortably remain in bedroom after evening hours.

Odour remained indoors overnight.

Date: 22.02.2026

Burnt charcoal/cooking odour began around 5:30 PM.

Slow steady incremental odour entered throughout evening and late night

Bathroom foul odour noticeable around 9:15 PM.

Bedroom not comfortably usable after approximately 7:00 PM.

Smell persisted indoors until morning.

Date: 23.02.2026

Moderate fumes noticeable from approximately 8:30 PM onward.

Intensity increased progressively after 11:00 PM.

Light Bathroom odour noticeable after 9:30 PM.

Smell remained inside through night.

Date: 24.02.2026

Burnt charcoal odour began around 8:30-9:00 PM.

Increased intensity after 11:00 PM.

Bathroom foul smell noticeable after 10:00 PM.

Bedroom became uncomfortable for occupancy after 8:30 PM.

Odour persisted overnight.

Date: 25.02.2026

Burnt charcoal/cooking fumes entered bedroom around 6:30 PM.

Spread to hall area by approximately 8:00–8:30 PM.

Bathroom odour noticeable after 9:30 PM.

Sleeping discomfort and inability to remain comfortably in bedroom after 6:30 PM onwards.

Odour cleared only after morning ventilation.

The nuisance has continued beyond the above recorded dates and persists intermittently till date 27.03.2026.

Note: The Cafe stopped their activity significantly between 16.03.2026 to 23.03.2026 due to some other complaints lodged. Exact details of which are unknown, but police visit noted.

Late night / early morning

- Odour remains trapped indoors and clears only after windows opened in the morning

Additional affected areas: [] Bedroom

[] Hall/Living room

[] Bathroom

[] Staircase/common area

Health impact observed: [] Headache

[] Throat irritation/ Coughing

[] Breathing discomfort

[] Sleep disturbance

[] uneasiness

Declaration:

The above entries are true observations recorded by me during the stated period regarding continuous indoor smoke and odour ingress affecting residential health and living conditions.

Name: Subrata Das

Address: 57/1C, Naresh Mitra Sarani, Kolkata-700 025

Mobile No.: 9830016775

Date: 27.03.2026