

BEFORE THE NATIONAL GREEN TRIBUNAL
(EASTERN ZONE BENCH, KOLKATA)

O.A. NO. ¹⁵⁵ of 2026/EZB

ORIGINAL APPLICATION

under Section 14 & 15 of the National Green Tribunal Act' 2010 and Rules
framed there under

In the matter of:

Subhas Datta

.....Applicant

-Versus-

State of West Bengal and Others

.....Respondents

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Applicant

Subhas Datta

SUBHAS DATTA

Office: 25/1, Guitendal Lane, Howrah-711 101'

Residence: 55/2, Panchanantala Road,

P.O.+P.S.+Dist. - Howrah-711 101(for both)

Telephone : 033 -2638 3526,

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19 JUN 2026

SYNOPSIS OF THE CASE

The Battery Waste Management Rules notified in 2022 by Ministry Of Environment Forest & Climate Change to govern the eco-friendly disposal, collection, and recycling of all battery types in the country. The Rules mandate that battery producers, manufacturers and importers assume Extended Producer Responsibility (EPR) making them that they are legally responsible for collecting and processing waste batteries of Electric Vehicles also.

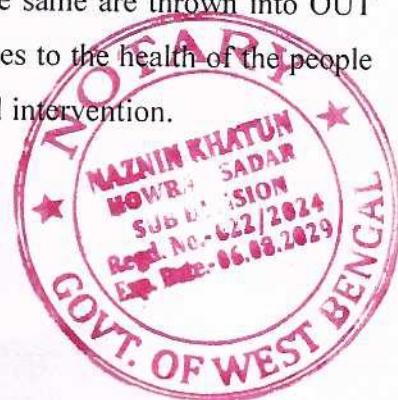
Disposing of waste batteries in landfills is strictly prohibited. Burning battery waste is entirely banned. Consumers must segregate battery waste from domestic mixed waste streams and deposit it only with the authorized collection centers. They are also required to register with the State Pollution Control Board and file quarterly returns.

Unfortunately West Bengal Pollution Control Board does not publish any standalone annual report exclusively for battery waste. Instead battery waste statistics and compliance data are consolidated in the voluminous WBPCB Annual Report. Under the Battery Waste Management Rules 2022, producers, bulk consumers and recyclers are mandated to submit their Annual Report detailing sales, buy-backs and recycling volumes directly to SPCB by June 30th of every year.

Surprisingly there is no designated dumping ground for battery waste in West Bengal which is strictly illegal to dispose of waste in landfills, mixed with municipal solid waste streams, or in open grounds.

EPR collection targets are fixed year-over-year based on the type of battery and historical sales volumes. Electronic Vehicles Mandates by the target FY 2026-27 milestone enforce a strict 90% minimum material recovery rate. It has been observed that these environment friendly practices have been put into oblivion and the same are thrown into OUT OF SYLLABUS in West Bengal since its inception causing damages to the health of the people at large. Hence this application has been filed for immediate judicial intervention.

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B

LIST OF DATES

Sl No.	Dates	Particulars
1.	1995	The applicant had moved a petition before the Supreme Court of the Country.
2.	2000	Research work done on applicants environmental activities.
3.	2007-2013	The applicant had been recognised by leading media of the Country.
4.	22.08.2022	Battery Waste Management Rules had been framed by Ministry of Environment Forest & Climate Change.
5.	08.06.2026	The applicant had sent memorandum to the Chief Minister of Bengal.



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-Versus-

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.....Respondents

IN THE MATTER OF:

1. Subhas Datta

Son of Late Baneswar Datta,

25/1, Guitendal Lane,

P.O. + P.S. + District – Howrah

Pin code – 711101, West Bengal

..... Applicant

1. STATE OF WEST BENGAL,

(Notice through the Chief Secretary),

19 JUN 2026



Nabanna, 325, Sarat Chatterjee Road,

Shibpur, Howrah - 711102

Tel -033-22535130

cs-westbengal@nic.in

2. DEPARTMENT OF ENVIRONMENT,

(Notice through the Principal Secretary),

Govt. of West Bengal,

Environment Department,

5th Floor, Pranisampad Bhawan,

Block LB-II, Slat Lake, Sec-III,

Bidhannagar, Kolkata - 700 106

Tel-033-2335-2742

psecy.env-wb@gov.in

3. DEPARTMENT OF HEALTH & FAMILY WELFARE,

(Notice through the Principal Secretary),

Govt. of West Bengal,

Swasthya Bhavan, GN 29, Sector V,

Salt Lake, Calcutta – 700091

Tel – 033-23330403

prin.secy.wbhealth@gmail.com

4. WEST BENGAL POLLUTION CONTROL BOARD

(Notice through the Member Secretary),

Paribesh Bhawan, 10A Block L.A, Sec-III,



19 JUN 2026

Salt Lake, Bidhannagar, Kolkata - 700106

Tel-0332335-8213

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

5. CENTRAL POLLUTION CONTROL BOARD,

(Notice through the Member Secretary),

Parivesh Bhawan, East Arjun Nagar,

Delhi – 110032

Tel -011-22303655

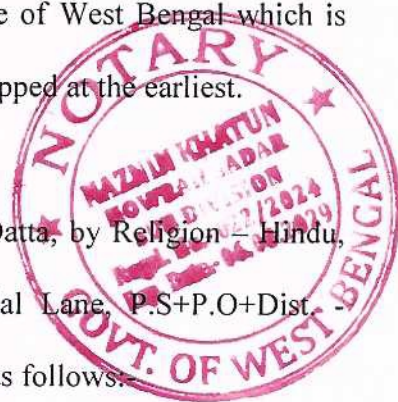
mccb.cpcb@nic.in

..... Respondents

- A. The address of the Applicant as given above is for the service of notices of this application and that of their representatives.
- B. The addresses and e-mail details of the respondents as given above are for service of notices of this application and that of their representatives.
- C. The Applicant named above begs to present this application on the inappropriate collection, recycling and disposal of E-Rickshaw battery waste not done as prescribed by Central Pollution Control Board and West Bengal Pollution Control Board for handling, treatment, reverse and disposal of waste generated in the State of West Bengal which is creating environmental hazards. This wrong practice is to be stopped at the earliest.

Most Respectfully Sheweth

I, Subhas Datta, aged about 77 years, son of Late Banerwar Datta, by Religion – Hindu, occupation Chartered Accountant, residing at 25/1, Guitendal Lane, P.S+P.O+Dist. - Howrah, Pincode-711101, do hereby solemnly declare and say as follows.



FACTS IN BRIEF:

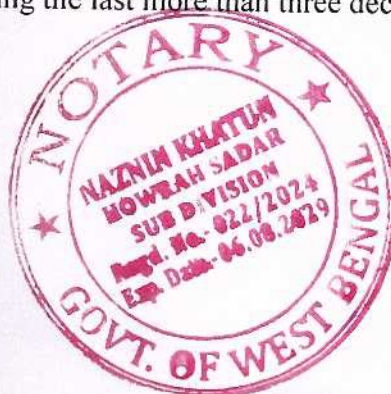
1. That the applicant is the environmental activist and public spirited person. He is engaged in different social, environmental and philanthropic activities since 1977. The applicant is second to none in the fields of ventilating the grievances of the common people. There is hardly any major public issue in the State of West Bengal on which the applicant has not tried to project the peoples' demands before different appropriate authorities.
2. That the applicant has organized series of movements on ecology, environment and on different social aspects of the State of West Bengal. Some of such activities had to face police atrocities, arrests and institution of false and fabricated criminal proceedings against the applicant. On the basis of the Writ Petition (No. 380 of 1995) filed by the applicant in April 1995 before the Hon'ble Supreme Court of India the first Environment Bench, which is popularly called as the Green Bench, had been constituted in the High Court at Calcutta in June 1996.
3. That various activities of the applicant have been recognized by several media giants during the past few decades, brief of which is as follows: -
 - a) Times of India, the leading English daily had projected the applicant as the "Hero of the Country" in the year 2007.
 - b) India Today, the prestigious English Weekly had recognized the applicant as one of the "fifty pioneers of the country" and published a special edition on 7th July 2008, detailing the activities undertaken by him.
 - c) Hindusthan Times, the leading English daily had recognized the applicant in 2012 as one of the "25 change makers of the country" and given felicitation.

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- d) Times of India, the English daily, had nominated the applicant as “Hero of Calcutta – 2013.”
- e) The Telegraph, one leading English daily published from Calcutta and National Insurance Company had given “True Legends Award 2018” to the applicant.
4. That several other forms of recognitions have been given to the applicant from time to time, the brief of some of which is as follows:
- a) Research work had been carried out by one German Scholar covering the applicant’s activities in 2000, which was afterwards published as book titled “Taking the State to Court” by the Oxford University Press, London.
- b) European Green Party leaders had invited the applicant in 2009 to Brussels, Belgium to discuss the possibility of forming Green Party in India. Meeting had been held with U. K. Green Party leader in London in 2009.
- c) In order to adopt the same practices for Ganga cleaning the applicant had participated in Thames River cleaning operation in London, organized by Thames 21, in 2005.
- d) Several weeklies in different languages have published articles on the applicant’s activities during the last few decades.
- e) He had visited London/Glasgow in 2013 and met the respective port authorities to ascertain the methodology of dredging by saving the marine bio-diversity for adopting the same process by the Calcutta Port Trust.
- f) There are about fifteen thousand newspaper clippings on various news covering the activities of the applicant carried out during the last more than three decades.

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5. That during the past forty years the applicant has been continuously fighting hard to save and protect the environment and ecology of the State of West Bengal and some of the Eastern and North Eastern States of the country. The applicant has brought about one hundred and fifty environmental matters and also various matters of public interest before the Hon'ble Apex Court of the Country, Environment Bench (Green Bench) and Public Interest Litigation Bench of the High Court at Calcutta, National Green Tribunal and also have been interacting on various related issues and assisting/assisted the Hon'ble Courts (High Court and NGT) as Amicus Curiae in some matters.
6. That few of the moves of the applicant have been recognized otherwise by and or before the Judicial forum, the brief of which is as follows:-
- a) On the basis of the pleadings/petition before the High Court at Calcutta The West Bengal Trees (Protection and Conservation in Non-Forest Areas) Act 2006 was enacted.
 - b) Based on his petition before the High Court, Calcutta, compensation under The Public Liability Insurance Act 1994 had been awarded to the victims of air pollution caused by a reputed industrial house for the first time in the country.
 - c) Six Supreme Court Judges from Thailand came to Calcutta and had interactive sessions with the applicant where the Consulate General of US had also been present. The Hon'ble Judges had visited the High Court at Calcutta to view/hear proceedings and the arguments made by him before the Public Interest Litigation Bench of the High Court at Calcutta.
7. That the applicant has been working since long on the bio-medical waste issues. Even before the Bio- Medical Rules was framed, the applicant had been appointed as Amicus

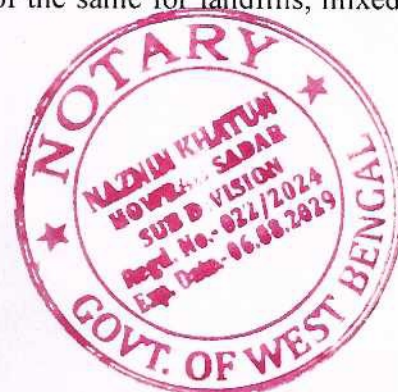
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Curiae in W.P. No. 5803(w) of 1998, sou motu taken-up by the Hon'ble High Court, Calcutta on hazards being caused through the unplanned and unscientific process of disposal of clinical waste at Calcutta and Howrah.

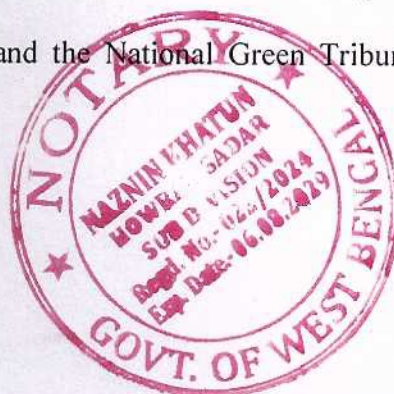
8. That the Battery Waste Management Rules had been notified in 2022 by the Ministry Of Environment Forest & Climate Change to govern the eco-friendly disposal, collection, and recycling of all battery types in the country. The Rules mandate that all the battery producers, manufacturers and importers assume Extended Producer Responsibility (EPR) making them legally responsible for collecting and processing waste batteries of Electric Vehicles also.
9. That disposing of waste batteries in landfills is totally prohibited. Burning battery waste is entirely banned. Consumers are required to segregate battery waste from domestic waste and deposit it only with the authorized collection centers. They are also supposed to register with the State Pollution Control Board and file quarterly returns with the required details.
10. That unfortunately State (West Bengal) Pollution Control Board does not publish any standalone Annual Report exclusively for battery waste. Instead of the same battery waste statistics and compliance data are consolidated in the voluminous WBPCB Annual Report. Under the Battery Waste Management Rules 2022 producers, bulk consumers and recyclers are mandated to submit their Annual Report detailing sales, buy-backs and recycling volumes directly to State Pollution Control Board by June 30th of every year.
11. That for appropriate handling of such waste there is no designated dumping ground for battery waste in West Bengal. It is illegal to dispose of the same for landfills, mixed with municipal solid waste or dumped in open grounds.

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12. That the EPR collection targets are fixed year-over-year based on the type of battery and historical sales volumes thereof Electronic Vehicles Mandates by the target FY 2026-27 milestone enforce a strict 90% minimum material recovery rate. It has been surprisingly observed that these environment friendly practices are put into oblivion and the same are treated as OUT OF SYLLABUS in West Bengal since the inception of this Rules causing damages to the health of the people at large.
13. That presently lakhs of toto (e-rickshaw) vehicles are operating illegally across the State. There is no official record anywhere to show how many such vehicles are playing now. In Kolkata, Howrah and other cities/towns the entire transport system has become chaotic. According to one World Bank Report, roads constitute only about 5% in Kolkata's total area. Although exact figures for Howrah and other cities/towns are unavailable, roads there are also very scanty for various reasons. During the course of one High Court case, the State informed the Hon'ble Court through the affidavit of Chief Secretary that toto vehicles are meant for "Last Mile Connectivity"- that is, to help people travel comfortably from main roads to their homes or workplaces. Therefore, these vehicles should operate only on smaller roads/lanes/bye-lanes etc.
14. That owing to lobbying and pressures from various groups these vehicles are freely operating on major roads (National Highways and State Highways) even though almost all of them have no legal registration at all. Under pressure from political leaders, these vehicles have been allowed to run privately. This wrong practice should be stopped immediately.
15. That it is pertinent to mention that the batteries used in these vehicles generate hazardous wastes, Pollution Control Board (CPCB) and the National Green Tribunal (NGT) have

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issued regulations from time to time on this matter. However, these battery wastes are not reaching the designated disposal facility centres. Instead, they are being informally or illegally sent to scrap dealers at Muradabad and in many cases they are not even reaching authorised scrap yards at all. The State Pollution Control Board, Environment Department and Transport Department of West Bengal have completely failed to perform their responsibilities in this regard. As a result, this hazardous waste has spread throughout the state. For environmental protection, it is essential that this illegal practice should be stopped immediately.

16. That this is the high time that Battery Waste Management Rules should be implemented without any further delay for protecting the environment and health of the people at large. That without the judicial intervention the lackadaisical approaches of the concerned Respondents cannot be arrested which necessitates the filing of this Petition before the Hon'ble Tribunal for appropriate adjudication. The copy of the memorandum sent to Chief Minister of West Bengal dated 08.06.2026 is annexed as P/1 along with the English translation thereof and postal receipt thereon.
17. That being aggrieved by and dissatisfied because of inaction and silent role on such serious issues, the applicant prefers to move this application on the following amongst other:-

GROUND

- i. For that it is the bounden duty of the Respondent concerned to ensure proper collection and disposal of battery wastes generated from E-rickshaws (Toto).



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- ii. For that the concerned Respondents have failed to take steps as per the guidelines prescribed by the Central Pollution Control Board on handling, treatment and disposal of battery from E-rickshaws wastes.
- iii. For that the Respondents have failed to discharge their statutory duties to arrest all hazards that are arising out of improper and unscientific disposal of battery wastes.
- iv. For that the Respondents should have taken urgent measures for the proper disposal of battery wastes arising out of all totos and e-rickshaws operating in the State.
- v. For that the Respondents concerned have failed to take steps to protect the environment and health of the people of the State of West Bengal.
- vi. For that the Respondents should have taken steps on proper collection and disposal of battery wastes that are generated in all the health centres of the State of West Bengal.
- vii. For that the Respondents concerned have failed to take step as envisaged under The Battery Wastes Management Rules 2022 and the amendments thereafter.
- viii. For that the Respondents have failed to take steps under The Environment (Protection) Act 1986.

LIMITATION

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18. The the inaction and wrong action of the Respondents are continuing since inception of the Battery Waste Management Rules framed in 2022. This is a continuous process going on. The applicant has sent a memorandum to the Chief Minister of West Bengal in this regard on 08.06.2026. The respondents have not take steps raised in the memorandum sent by speed post on 8th June 2026. Therefore, the application is filed within the period of limitation.

PRAYERS

This application is made bonafied and for the ends of justice.

Your applicant therefore humbly prays Your Honour for the following orders:-

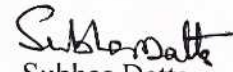
- i) To direct the concerned Respondents to immediately take all steps and measures for proper implementation of the guidelines for handling, treatment and disposal of E-Rickshaw battery wastes generated within the State of West Bengal;
- ii) To direct the Respondent concerned to take steps as envisaged under the Battery Waste Management Rules 2022;
- iii) To direct the concerned Respondents to take step so that the Battery Wastes are sent to the designated spots created for the same waste generated and finally disposed in the State;
- iv) To direct the Respondents concerned to initiate the process of submission of the details of



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Battery Wastes generated in the State to the appropriate authority;

- v) To direct the concerned Respondents to take steps as envisaged in The Environmental (Protection) Act 1986;
- vi) Such other and/or further order or orders be made and/or direction or directions be given as Hon'ble Tribunal may deem fit and proper.


Subhas Datta



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VERIFICATION

I, Sri Subhas Datta, son of Late Baneswar Datta, aged about 77 years, by occupation Chartered Accountant, by religion Hinduism, residing at 25/1, Guitendal Lane, Post Office, Police Station and District - Howrah, Pin code - 711101, do hereby declare and state that the contents of the paragraph nos.....1 to 10, 12 & 18..... are true to the best of knowledge and the contents of the paragraph nos.....11, 13 & 14..... are my information derived from the relevant records which I verily believe to be true and the rests are my respectful submissions before the Hon'ble Tribunal.

Prepared by me in my office

Subhas Datta
(Subhas Datta)

Applicant-in-person

Date : 19.06.2026

Place: Howrah.

Subhas Datta
DEPONENT

Subhas Datta
25/1 Guitendal Lane,
Post Office - Howrah,
Pin code - 711101

Adv. Naznin Khatun
Adv.
19/6/2026



ON IDENTIFICATION OF THE
ADVOCATE SIGNATURE/ATTI
ATTESTED

Naznin Khatun
NAZNIN KHATUN
Notary, Govt. of W.B.
Regd. No.-022/2024

মাননীয় মুখ্যমন্ত্রী,
পশ্চিমবঙ্গ সরকার,
নবান্ন, হাওড়া

০৮.০৬.২০২৬

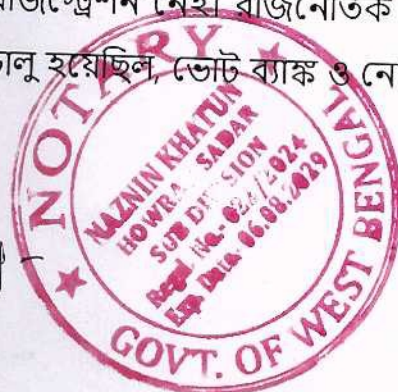
শ্রদ্ধাস্পদেষু

বিষয়ঃ- রাজ্যে চলাচলকারি ই-রিক্সা/ টোটোর নিয়ন্ত্রণ

নতুন রাজ্য সরকারের নির্বাচনে ও সরকারের বেশ কয়েকটি উপযোগী সিদ্ধান্তে আশান্বিত হয়ে আপনাকে নিম্নলিখিত বিষয়ে এই স্মারকলিপিটি প্রদান করছিঃ-

১। এই মুহূর্তে রাজ্যে কয়েক লক্ষ টোটো বেআইনিভাবে চলাচল করছে। কোলকাতা, হাওড়া এবং বিভিন্ন এলাকার শহরতলীতে পুরো পরিবহন ব্যবস্থাটাই তারফলে বিপন্ন হয়ে পড়েছে। ওয়ার্ল্ড ব্যাঙ্কের রিপোর্ট অনুযায়ী কোলকাতা শহরে মোট রাস্তার পরিমাণ মাত্র ৫ শতাংশ। হাওড়া ও অন্য শহরের মোট পরিসংখ্যান জানা নেই। এই রাস্তাগুলোও বিভিন্ন কারণে জবরদখল হয়েছিল। এই বিষয়ে রাজ্য সরকার কিছু পদক্ষেপ করেছে। হাইকোর্টে আমার দায়ের করা মামলাতে চিফ সেক্রেটারি আদালতে হলফনামা দিয়ে জানিয়েছিল যে টোটো হচ্ছে Last Mile Connectivity র জন্য, অর্থাৎ বড় রাস্তা থেকে জনগন যাতে তার বাসস্থান/কর্মস্থানে টোটো চেপে পৌঁছাতে পারেন - তাই এই যান ছোটো রাস্তাতেই কেবলমাত্র চলাচল করবে।

২। তোলাবাজি ও দলবাজির কারণে বড় রাস্তার (National High Way ও State High Way) এই যানের অবাধ যাতায়াত - অথচ এর কোন আইনি রেজিস্ট্রেশন নেই। রাজনৈতিক নেতাদের মদতেই বেসরকারিভাবে এই যান চলাচলের ব্যবস্থা চালু হয়েছিল, ভোট ব্যাঙ্ক ও নোট ব্যাঙ্কের তাগিদেই। এটা বন্ধ হওয়া জরুরী।

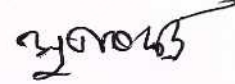


৩। আরও একটি গুরুত্বপূর্ণ পরিবেশগত বিষয় আপনার নজরে আনতে আমি আগ্রহী। যে ব্যাটারিতে এই টোটো চলচল করে বিষাক্ত বর্জ্য যাতে ছড়িয়ে না পরে সেই কারণে কেন্দ্রীয় দূষণ নিয়ন্ত্রণ পর্ষদ (CPCB) ও পরিবেশ আদালত (NGT) এই বিষয়ে বিধান দিয়েছে। সেটি অমান্য করেই এই battery waste যথাযথ স্থানে না পৌঁছে বেসরকারিভাবে/বেআইনিভাবে তা মুরাদাবাদে পৌঁছে যাচ্ছে এবং scrap yard এ সেটি পৌঁছাচ্ছে না। রাজ্য দূষণ নিয়ন্ত্রণ পর্ষদ, পরিবেশ ও পরিবহন দপ্তর একেবারে নিরব দর্শকের ভূমিকা পালন করছে, ফলে এই বিষাক্ত বর্জ্য সমাজে ছড়িয়ে পড়ছে। পরিবেশের কারণে এই বেআইনি ব্যবস্থা অবিলম্বে বন্ধ হওয়া জরুরী। আমি আশাবাদি এই কারণে যে এই বিষয়ে বর্তমান সরকার যথাযথ ব্যবস্থা গ্রহণ করবে – এবং Battery Waste Rules 2022 রাজ্যে বলবৎ হবে।

আপনি নমস্কার জানবেন।

ইতি,

বিনীত,



(সুভাষ দত্ত)



English translation of
Memorandum

**To: Honourable
Chief Minister,
Government of West Bengal,
Nabanna, Howrah**

Date: 08.06.2026

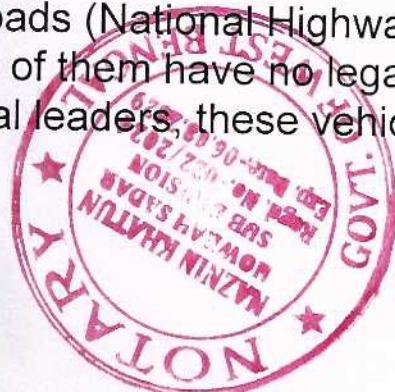
**Subject: Control of illegal e-rickshaws (totos) in the
state**

Respected Sir,

On the occasion of the formation of the new state government and its people-oriented decisions, I would like to submit the following memorandum for your consideration:

1. At present, lakhs of toto (e-rickshaw) vehicles are operating illegally across the state. In Kolkata, Howrah, and other cities, the entire transport system has become chaotic. According to a World Bank report, roads constitute only about 5% of Kolkata's total area. Although exact figures for Howrah and other cities are unavailable, roads there are also in a poor condition for various reasons. The state government has taken some steps on this issue. During a High Court case, the state informed the court through Chief Secretary that toto vehicles are meant for "Last Mile Connectivity"—that is, to help people travel from main roads to their homes or workplaces. Therefore, these vehicles should operate only on smaller roads.

2. Due to lobbying and pressure from various groups, these vehicles are freely operating on major roads (National Highways and State Highways) even though many of them have no legal registration. Under pressure from political leaders, these vehicles



have been allowed to run privately, and votes are being sought from toto owners and drivers. This practice should be stopped.

3. I would like to draw your attention to another important environmental aspect. The batteries used in these vehicles generate hazardous waste. To ensure that this waste does not spread into the environment, the Central Pollution Control Board (CPCB) and the National Green Tribunal (NGT) have issued regulations on this matter. However, these battery wastes are not reaching designated disposal facilities. Instead, they are being informally or illegally sent to scrap dealers at Muradabad, and in many cases they are not reaching authorized scrap yards at all. The State Pollution Control Board, Environment Department, and Transport Department have completely failed to perform their responsibilities in this regard. As a result, this hazardous waste has spread throughout society. For environmental protection, it is essential that this illegal practice be stopped immediately. Therefore, we request the present government to take appropriate action on this matter and ensure the strict implementation of the Battery Waste Rules, 2022 in the state.

With respectful regards,

Yours faithfully,

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