



Government of West Bengal
Office of the District Magistrate & Collector, Purba Bardhaman
(District Planning Section)
Address: - New Administrative Building, Kachari Road, Near Court Compound,
P.O.- Bardhaman, Dist.- Purba Bardhaman, PIN- 713101
Phone No.- (0342)-2662428 / E_mail- dm-burd@nic.in

Memo No.: 246 / DP

Date: 02 / 02 / 2026

To

Mr. Sudip Kumar Dutta,
 The Ld. State Advodate
 For the instant case

Sub: Compliance Report.
Ref No: O.A. No-107/2023/Eastern Zone.

Sir,

The undersigned is directed to inform you that the order, dated- 19.11.2025 passed in Original Application No-107/2023/EZ arising in the matter of Soumen Chakraborty Vs The Principal Secretary, Environment Department, Govt. of West Bengal & Ors. has been duly received by the office of the undersigned and hereby acknowledged.

In compliance of the Order, dated- 19.11.2025, the KM Agro Tech Private Limited was directed to stop their fly ash brick manufacturing unit with immediate effect vide this office Memo No -63/DP, dated 09.01.2026.

It is to be mentioned here that an action taken report has been filed by the Block Development Officer, Ausgram-I Development Block vide his Memo No-217/Aus-I, dated 16.01.2026 mentioning that a joint inspection was conducted along with Inspector-in-Charge, Ausgram Police Station to that fly ash brick factory to ensure compliance. In this regard, the KM Agro Tech Private Limited had also given an undertaking in respect of closer of such factory.

Hence, you are requested to apprise the Hon'ble National Green Tribunal regarding the compliance of the solemn order, dated 19.11.2025.

The above referred letter and communications are attached herewith as your ready reference.


Addl. District Magistrate (Edu),
Purba Bardhaman

Government of West Bengal
Office of the Block Development Officer
Ausgram- I Development Block
Post.- Guskara, Dist.- Purba Bardhaman
PIN – 713 128

Memo No. 217/Aus-1

Date: 16/01/2026

To,
The Addl. District Magistrate, (Edu)
District Planning Section,
Court Compound
Dist. Purba Bardhaman
PIN 713 101

Sub: Action Taken Report.
Ref: your memo no. 63/1(5)/DP dt. 09/01/2026.

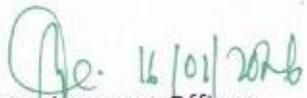
Sir,

In reference to your memo noted above a joint inspection with the inspector-in-Charge, Ausgram Police Station, has made and instructed to close the Fly Ash Bricks factory. In this regard KM Agrotech Pvt. Limited had given an undertaking after close the said Factory.

This is for your kind information and taking necessary action.

Yours faithfully

Encl: Undertaking enclosed


Block Development Officer
Ausgram- I Development Block
Block Dev. Officer
Aus.-I Dev. Block

KM Agrotech Pvt. Limited

709

Mob.: 9475266482, 9475346128, 7063064225
E-mail : kmagrotechpvtlimited2012@gmail.com

Admin & Factory : Vill.: Gopinathbati, P.O.: Gonna Dariapur,
Dist.: Purba Bardhaman, Pin - 713128

GISTIN : 19AACCK9961B1ZD / CIN : U15135WB2006PTC112199

Ref. No.

Date: 02/01/2026

To
The BDO Ausgram – I Block
Purba Bardhaman

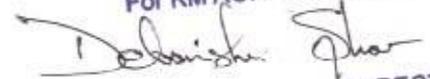
Sub – Close Bricks factory.

This is to inform you that I am Debanshu Shaw, S/o – Dilip Shaw, Director of KM Agrotech Pvt Ltd, Gopinathbati, Gonna Dwariapur, Ausgram, Purba Bardhaman, declare that we will remain close our Fly ash bricks factory till further order by the honorable high court, after the hearing scheduled on 03.02.2026.

Thanking You

Yours Faithfully

For KM AGROTECH PVT. LTD.


DIRECTOR

Copy to -

1. IC Ausgram PS.



Government of West Bengal
Office of the District Magistrate & Collector, Purba Bardhaman
(District Planning Section)
Address: - New Administrative Building, Kachari Road, Near Court Compound,
P.O.- Bardhaman, Dist.- Purba Bardhaman, PIN- 713101
Phone No.- (0342)-2662428 / E_mail- dm-burd@nic.in

Memo No.: 63 / D P

Date: 09 / 01 / 2026

To
 Shri Ankit Shaw
 C/O Late Arjun Kumar Shaw
 M/S K.M Agro Tech Pvt Ltd.
 Vill-Gopinathpur
 P.O- Gonna Dariapur
 P.S- Aushgram
 Block- Aushgram-I

Sub: Circulation of Order Copy dated 19th November 2025 in respect of OA No-107/2023/EZ

Enclosed please find herewith the Order Copy dated 19th November 2025 passed by the National Green Tribunal, Eastern Zone Bench, Kolkata in respect of Original Application No-107 which is self explanatory.

In this regard you are requested to not continue the work of fly ash brick manufacturing unit until any further order to the contrary in pursuance of the above mentioned order.

Encl: As stated.

P. Satish Singh
 Addl. District Magistrate (Edu.),
 Purba Bardhaman.

Memo No.: 63/1(5) / D P

Date: 09 / 01 / 2026

Copy forwarded for information and taking necessary action to the:

1. Superintendent of Police, Purba Bardhaman
2. The Senior Environmental Engineer, West Bengal Pollution Control Board, Durgapur Zone
3. The Block Development Officer, Aushgram-I Dev. Block
5. P.A. to the District Magistrate, Purba Bardhaman for kind appraisal of the District Magistrate, Purba Bardhaman.

P. Satish Singh
 Addl. District Magistrate (Edu.),
 Purba Bardhaman.

Item No.07

Court No.1

**BEFORE THE NATIONAL GREEN TRIBUNAL
EASTERN ZONE BENCH, KOLKATA
(THROUGH PHYSICAL HEARING WITH HYBRID MODE)**

Original Application No.107/2023/EZ
(I.A. No.37/2024/EZ, I.A. No.45/2024/EZ,
I.A. No.130/2024/EZ & I.A. No.61/2025/EZ)

Soumen Chakraborty

Applicant

Versus

The Principal Secretary, Environment
Dept. Govt. of West Bengal & Ors.

Respondents

Date of hearing: 19.11.2025

**CORAM: HON'BLE MR. JUSTICE ARUN KUMAR TYAGI, JUDICIAL MEMBER
HON'BLE MR. ISHWAR SINGH, EXPERT MEMBER**

Applicant: Mr. Khondher Samiul Haque, Mr. Deepnath Roy Chowdhury,
Mr. Bhaskar Dwivedi and Mr. Rahul Naskar, Advocates for the
applicant.

Respondents: Mr. Sudip Kumar Dutta, Advocate for respondents nos.1, 2, 7,
9, 11, 13 and 17 (through VC).
Mr. Dipanjan Ghosh, Advocate for respondents no.4, 5 and 8
(through VC).
Mr. Ashok Prasad, Advocate for respondent no.6 (through VC).
None for respondents no.10, 12, 14 to 16.
Mr. Kaushik Bhatta and Mr. Supratim Bhattacharjee, Advocates
for respondent no.19.
Respondents no.3 and 18 have been deleted vide order dated
12.09.2023.

ORDER

1. Mr. Soumen Chakraborty has filed the present Original Application under Section 18(1) read with Section 14 of the National Green Tribunal Act, 2010 seeking the following reliefs:-

"a) Immediate and appropriate measures be directed to be taken by the Respondent Authorities and each of them, on such terms and direction as this Hon'ble Tribunal may deem fit and proper, to stop the functioning, operation and all activities relating thereto, in any manner, of Respondent no. 14 including the production of Rice, manufacturing of Fly ash Bricks;

1925
03/12/25

S.B.
/

b) Further enquiry and/or investigation be directed to be forthwith conducted by the appropriate Respondent Authorities as this Hon'ble Tribunal deem fit and proper relating to the illegalities and violation of all sorts of environmental norms, standard, requirements including other Statutory requirements, required for carrying of business, and further be directed to submit a report within such time and terms, as the Hon'ble Tribunal may deem fit and proper;

c) May appropriate directions be passed for confiscation and destruction of all stocks, materials of rice and to further direct safe disposal in appropriate manner of fly ash mounded thereat and bricks, on such terms as this Hon'ble Tribunal may deem fit and proper;

d) Necessary directions for closure of the Rice Mill of Respondent no.14, supplying rice contaminated with fly ash;

e) Necessary directions for closure of manufacturing of the fly ash bricks within the same compound of the Respondent no. 14;

f) Ad interim order in terms of prayers above;

g) Such further order or orders direction or directions as this Hon'ble Tribunal may deem fit and proper."

2. The applicant alleged in the application that respondent no.14-Firm, earlier known as M/s. Koner & Maroti Agro Tech Private Limited, now known as KM Agro Tech Private Limited and respondents no. 15 and 16-the Directors of the respondent no.14 Firm, are operating rice mill and are also stacking fly ash and manufacturing fly ash bricks on a commercial scale within the same compound/area, from where it is operating the rice mill producing rice for consumption, in violation of the Fly Ash Notifications issued by the Ministry of Environment, Forests and Climate Change (MoEF&CC)/environmental norms as mentioned in the application.

3. Vide order dated 12.09.2023, this Tribunal issued notices to the respondents and also appointed a Fact Finding Committee.

4. In the course of hearing, the Committee submitted reports dated 30.11.2023 and 18.01.2024 and replies/responses were filed by the respondents.
5. Response dated 18.01.2024 was filed by respondent no. 14. In the response, respondent no. 14 pleaded that initially one unit rice mill was operated on southern portion/side of the land measuring about 3.16 acres but due to huge area lying vacant on northern side, fly ash brick unit, which falls in 'White category' of industries as per CPCB classification, was started by constructing pucca boundary wall inside the land and fly ash bricks units is being run with high hygienic ways.
6. Learned counsels for respondents no. 1, 2, 7, 9, 11, 13 and 17 has submitted that respondents no. 7, 9 and 10 have already filed their responses on 12.10.2023 and respondents no. 1, 2, 11, 13 and 17 adopt the same and do not want to file any separate response.
7. I.A. No. 61/2025/EZ was filed by respondent no. 14 for addition of names of Debanshu Shaw, MD and Aditya Shaw, Director and deleting names of respondents no. 15 and 16. Vide order dated on 18.07.2025, respondent no. 14 was granted one week's time for filing affidavit and costs of Rs. 5,000/- was imposed on respondent no. 14 for delay in filing of the I.A.
8. None has appeared for respondents no. 14 to 16 and costs of Rs.5,000/- have also not been deposited.
9. We have heard learned counsels for the applicant and the learned counsels for the respondents on the question of interim relief and we have gone through the material on record carefully.

10. The applicant has claimed that respondent nos.14, 15 and 16 are operating rice mill and fly ash brick manufacturing plant from the same premises without compliance with environmental norms and the emission of fly ash is contaminating rice which is causing serious health hazards to the villagers consuming the same.

11. Learned counsel for respondents no. 8-WBSPCB has submitted that fly ash brick manufacturing unit falls in 'White Category' and does not require Consent to Operate.

12. On being asked as to whether there are any Guidelines prescribing the siting criteria for fly ash brick manufacturing unit, learned counsel for respondent no. 8-WBSPCB has submitted that NOC has to be granted by concerned Gram Panchayat.

13. In the present case, respondent no. 12-Pradhan Gram Panchayat, Gopinathbati has also not appeared before this Tribunal and has not filed its response.

14. The question regarding prescription of siting criteria was put to learned counsel for CPCB and learned counsel for CPCB has sought time for obtaining instructions in this regard.

15. Fly ash causes severe air pollution which poses serious health hazards for the residents of the locality and has adverse impact on flora and fauna. In view thereof, Government of India has issued Notifications and this Tribunal has given directions in number of cases and CPCB has also issued Guidelines regarding all relevant aspects of storage, management, disposal, utilization and transportation of fly ash.

16. We are of the considered view that rice mill and fly ash brick making industry cannot be run from the same premises as fly ash with water and air action is likely to cause contamination of rice. Further, in view of the adverse impact of fly ash on human health and *flora-fauna*, appropriate Guidelines are also required to be issued prescribing the siting criteria for installation of fly ash brick manufacturing unit. In these facts and circumstance, respondent no. 6-CPCB is directed to file its additional response with respect to the relevant aspects of prescribing siting criteria for fly ash brick manufacturing unit and monitoring of storage, management, disposal, utilization and transportation of fly ash by fly ash generating industries and fly ash utilizing brick manufacturing units.

17. In view of the facts and circumstances of the present case and also the 'precautionary principle' embodied by Section 20 of the National Green Tribunal Act, 2010 and in exercise of powers under Sections 14 and 15 read with Section 19 thereof, respondents no. 14 to 16 are directed to immediately cease to operate fly ash brick manufacturing unit from the same compound/area as that of the rice mill till further orders to the contrary.

18. The District Magistrate, Purba Bardhaman and the Superintendent of Police, Purba Bardhaman are directed to ensure that the fly ash brick manufacturing unit stops its working with immediate effect and does not operate illegally.

19. List on 03.02.2026 for further hearing.

20. A copy of this order may be sent to the District Magistrate, Purba Bardhaman and the Superintendent of Police, Purba Bardhaman by e-mail for requisite compliance.

Arun Kumar Tyagi, JM

Ishwar Singh, EM

November 19th, 2025
Original Application No.107/2023/EZ
(I.A. No.37/2024/EZ, I.A. No.45/2024/EZ,
I.A. No.130/2024/EZ & I.A. No.61/2025/EZ)
R