

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

Original Application No.159/2022/EZ

Sahidul Mallick & Ors. Applicant(s)
Versus

State of West Bengal & Ors. Respondent(s)

Date of hearing: 02.01.2023

**CORAM: HON'BLE MR. JUSTICE B. AMIT STHALEKAR, JUDICIAL MEMBER
HON'BLE PROF. A. SENTHIL VEL, EXPERT MEMBER**

For Applicant(s) : Mr. Abhibur Rahaman, Advocate

ORDER

1. We have heard Mr. Abhibur Rahaman, learned Counsel appearing for the Applicants.
2. This Original Application has been filed by the Applicants on the allegation that the Respondent Nos. 8 & 9, Private Respondents, are running an illegal paper cup and paper plate making factory in the name and style of "Sabura Industry" situated in Village-Raipur, Post Office-Paglachandi, Police Station-Kaligunj, District-Nadia, which is producing tremendous noise thereby causing 24 hours noise pollution.
3. It is alleged that the residents of the area have also made complaints to the West Bengal Pollution Control Board, Kolkata, in this regard but no action has been taken. It is also stated that all that has been done by the West Bengal Pollution Control Board is that they have addressed a letter to the Officer-in-Charge, Kaliganj Police Station, requesting them to ensure that the paper cup unit of Tunu Bibi Sekh runs only after obtaining necessary statutory

licenses including valid trade and Consent to Operate of the State Board.

4. In our opinion, the Pollution Control Board being the regulatory authority could have itself verified whether the Consent to Operate and other Consents have been granted by the Board or not instead of requesting to Officer-in-Charge, Kaliganj Police Station, to enquire about the same from the Unit of Respondent Nos. 8 & 9. Even when the allegation is that the Unit is being operated causing tremendous noise pollution in the area, the same could have been verified only by the West Bengal Pollution Control Board being the regulatory authority, and appropriate action taken by it instead of requesting the Officer-in-Charge, Kaliganj Police Station to take appropriate action.
5. In our opinion, matter requires consideration.
6. Issue notice to the Respondents.
7. Mr. Sibojyoti Chakraborty, learned Counsel who is present in Court, accepts notice on behalf of the Respondent Nos. 1, 5, 6 & 7, State Respondents, Govt. of West Bengal.
8. Mr. Prithwish Basu, learned Counsel who is present in Court, accepts notice on behalf of the Respondent Nos. 2, 3 & 4, West Bengal Pollution Control Board.
9. Issue notice to the Respondent Nos. 8 & 9, returnable within four weeks.
10. All the Respondents shall file their counter-affidavits within four weeks.
11. Considering the allegations made, the West Bengal Pollution Control Board is directed to inspect the site in question and submits its report on affidavit within four weeks with regard to the

noise pollution and other environmental violations as may appear to it to be existing.

- 12. The learned Counsel for the Applicant shall serve e-copy/soft copy of the Original Application along with all its annexures upon Mr. Prithwish Basu and Mr. Sibojyoti Chakraborty, learned Counsel within 24 hours.
- 13. **List on 06.02.2023.**

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B. Amit Sthalekar, JM

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Prof. A. Senthil Vel, EM

January 02, 2023
Original Application No.159/2022/EZ
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