

**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: 20.04.2023

**CORAM: HON'BLE MR. JUSTICE B. AMIT STHALEKAR, JUDICIAL MEMBER
HON'BLE DR. AFROZ AHMAD, EXPERT MEMBER**

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

For Respondent(s) : Mr. Sibojyoti Chakraborty, Advocate for State Respondents,
Mr. Prithwish Basu, Advocate for R-2, 3 & 4,
Mr. Maidul Islam Kayal, Advocate a/w
Mr. Marud Rahaman, Advocate for R-8 & 9

ORDER

1. Mr. Mostafijur Rahaman, learned Counsel is present on behalf of the Applicants.
2. Mr. Sibojyoti Chakraborty, learned Counsel files Vakalatnama on behalf of the State Respondents, Govt. of West Bengal; the same is taken on record.
3. Affidavit dated 10.04.2023 has been filed on behalf of the Respondent No.-6, Block Development Officer, Kaliganj Block, Nadia; the same is taken on record. Alongwith this affidavit an Enquiry Report dated nil has been filed which reads as under:-

“1. Sabura Industries is a paper cup & paper plate making factory. Business activity of Sabura Industries does not fall under offensive trade.

2. Sabura Industries got “Consent to Operate” Certificate on 24.12.2020 vide memo no. 263/P-III for a period from 24/03/2018 to 18/12/2027.

3. *Sabura Industries got No Objection Certificate from Panighata Gram Panchayat on 09/06/2022 vide memo no.- 216/Pani/2022.*
4. *Sabura Industries got Trade Registration Certificate from Panighata Gram Panchayat upto 2024-2025.*
5. *During conducting enquiry some neighbors named 1) Sadul Mallick, S/O- Yasin & Mahakul Mallick, S/O- Abu Mallick claimed that the sound is very loud when factory is running at night. But on the other hand another neighbors named 1) Abdul Rauf, S/O- Obed Ali & Majidur Rahaman, S/O- Obed Ali claimed that the sound is not loud when factory is running at night.”*
4. Mr. Prithwish Basu, learned Counsel appearing on behalf of the West Bengal Pollution Control Board submits that the paper cup unit of Respondent Nos.8 and 9 was found to be functioning in the day as well as during the night; the permissible noise decibel at night time is 45 dB(A)Leq. and therefore, the noise level of the said factory is beyond permissible level for which appropriate action will be taken against the Respondent No.8 and 9.
5. Mr. Maidul Islam Kayal, learned Counsel for Respondent Nos.8 and 9 prays for and is granted two weeks’ time for filing counter-affidavit.
6. **List on 04.05.2023.**

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B. Amit Sthalekar, JM

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Dr. Afroz Ahmad, EM

April 20, 2023
 Original Application No.159/2022/EZ
 SKB