

07-02-2024
Item No.15
Subrata
Bhattacharyya
AR(C)

IN THE HIGH COURT AT CALCUTTA
Constitutional Writ Jurisdiction
Appellate Side

WPA No.10052 of 2022
Sri Subhankar Dey

-vs-

North Dum Dum Municipality & Ors.

Mr. Manishankar Chattopadhyay ...for the petitioner

Mr. Sudarsan Roy
Ms. D. Majumder ...for the municipality

Ms. Sonal Sinha ...for the Pollution Control Board

The report of the Senior Environmental Engineer, Salt Lake Regional Office of the West Bengal Pollution Control Board dated January 9, 2024 has been placed before this court. The same is taken on record.

It appears from the report that a site inspection was conducted on January 8, 2024 by the Pollution Control Board. During inspection it was noticed that the unit was not in operation and most of the operations (machines) have been shifted to a new location at Moshpukur, near the Airport within the jurisdiction of North Dum Dum Municipality. The walls of the old site have signs of spray painting and at the new location there is a compressor for spray painting. The engineer has mentioned that spray painting activity comes under Orange Category and, therefore, the unit is required to obtain consent to establish and operate.

Learned counsel for the petitioner has submitted an undertaking before this court mentioning that the spray painting was used long back and that neither the spray painting nor the equipment for spray painting is

being used at present.

The petitioner is granted liberty to furnish similar undertaking before the West Bengal Pollution Control Board. If, upon receipt of the aforesaid undertaking, the Board opines that there is no requirement of obtaining the consent to operate or the pollution under control certificate, then necessary information shall be supplied to the petitioner.

In such a case the municipality shall permit the petitioner to resume his work. The municipality shall, thereafter, take steps for renewal of his trade licence, if there is no impediment on the part of the municipality in doing so.

The Pollution Control Board shall take steps to issue the necessary permission or the information as mentioned hereinabove within three weeks from the date of receipt of the undertaking to be filed by the petitioner. The municipality shall take steps in the matter upon receiving consent from the West Bengal Pollution Control Board at the earliest, but positively within three weeks from the date of receipt of the information from the Board.

WPA No.10052 of 2022 is disposed of.

Certified copy of this order, if applied for, shall be made available to the parties.

[Amrita Sinha, J]

