

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No.17517 of 2024

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Pramod Sharma Son of Sankar Sharma, Resident of At- House No. OB/18,
Road No. 0, Indrapuri, Keshari Nagar, P.O. - Keshari Nagar, District, Patna-
800024.

... .. Petitioner/s

Versus

1. Bihar State Pollution Control Board Parivesh Bhawan, N.S.B- II Patliputra Industrial Estate, P.O. Sadaquat Ashram, Pin Code- 800010, through its Member Secretary.
2. The Chairman Bihar State Pollution Control Board, Parivesh Bhawan, N.S.B- II, Patliputra Industrial Estate, P.O. Sadaquat Ashram, Pin Code -800010.

... .. Respondent/s

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Appearance :

For the Petitioner/s	:	Ms. Akrity Aishwarya, Advocate
		Mr. Anjani Kumar, Advocate
For the Respondent/s	:	Mr. Abhimanyu Singh, Advocate
For the BSPCB	:	Mr. Shivendra Kishore, Sr. Advocate
		Mr. A. Prakash, Advocate

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CORAM: HONOURABLE MR. JUSTICE RAJESH KUMAR VERMA
ORAL JUDGMENT

Date : 08-04-2025

A supplementary counter affidavit has been filed
on behalf of the Respondent No. 1 which is kept on record.

2. Heard learned counsel for the petitioner and
learned counsel appearing on behalf of the Bihar State Pollution
Control Board.

3. The present writ petition has been filed for the
following reliefs:-

*i. To issue a writ of
certiorari for setting aside the order dated
31.07.2024, as contained in Memo No.
1758, issued by the Chairman, Bihar State
Pollution Control Board, whereby and
whereunder in exercise of powers under*



Section 31A of the Air (Prevention and Control of Pollution) Act, 1981, the Chairman has directed Closure of the machine of the petitioner.

ii. To pass interim order staying the operation of the order dated 31.07.2024 until final disposal of the instant appeal.

iii. To hold that the petitioner is not required to obtain Consent from the Bihar State Pollution Control Board under the Air (Prevention and Control of Pollution) Act, 1981 for operating its machine which is installed in a room in the house of the petitioner, and

iv. To issue/ pass any other Order/Direction that the Learned Court may deems fit and proper in the interest of justice and equity.

4. Learned counsel for the petitioner submits that a complaint was filed before the Bihar State Pollution Control Board alleging that due to operation of the machine of the petitioner, air and noise pollution is caused and vibration is felt in the complainant's house. He further submits that the Board has carried out inspection on 06.02.2024 in absence of the petitioner. Even the copy of the inspection report was not supplied to him. Although the petitioner has filed his reply dated 12.02.2024 stating therein that the machine of the petitioner is not polluting which was also stated by the inspecting officers and the complaint has been filed by the complainant for some previous land dispute.

5. Pursuant to the direction of this Court dated



18.03.2025, the Board has carried out fresh inspection in presence of the petitioner and the inspection report dated 03.04.2025 is reproduced hereinbelow:-

INSPECTION REPORT					
1.	Date of Inspection	03.04.2025			
2.	Name of the inspecting officials	Rajeev Kumar, ASO.			
3.	Name of the unit with complete postal address	M/s Sumit, House No.-0.B/16, Road no.-0, Indrapuri, Patna.(25.628426, 85.099519)			
4.	Name of Owner	Sri Pramod Sharma, (Owner) (Mob. - 9835265008)			
5.	Name of the contact person and disgnation	Sri Pramod Sharma, (Owner) (Mob. - 9835265008)			
6.	Reason of Inspection	As per the letter no.-265, dt.- 24.03.2025			
7.	Operational Status	Not in operation, for monitoring purpose plant was started			
8.	Product	Nylon Sleeves for fixing of screw			
9.	Raw Material	Virgin Plastic granules			
10.	Observation	1. Nylon Sleeves molding equipment installed in 10 X 11 square feet room at ground floor in three storied own building along approached road. 2. As per IS 5182 (Part- 14): 2000), for ambient air quality monitoring all sides of the monitoring location should be open to achieve free flowing of air. 3. Ambient Noise level monitoring was carried out at West side of room only & other sides are not accessible, Report is hereunder; <table><tr><td>Location</td><td>Machine</td><td>Sound</td></tr></table>	Location	Machine	Sound
Location	Machine	Sound			



			Operational Status	Level dB(A)
		West side of the Unit	During non-operational	52.8
			During operational	54.2
11.	Recommendation	For information and necessary action please.		

6. From bare perusal of the aforesaid report it transpires that the noise level was observed in a prescribed limit and apart from that the Board has categorically stated in the counter affidavit that the petitioner falls under the green category but from perusal of the impugned order which was passed by the Chairman of Board, it transpire that the Chairman has not taken cognizance with respect to fact that whether the petitioner falls under green category, white category or whatsoever.

7. Having heard learned counsel for the parties and perused the materials available on record, it transpires that the Chairman has passed the order contrary to the report and apart from that the Chairman has not mentioned anywhere that whether the petitioner falls under the green category or white category, whereas the petitioner states that he falls under the white category.

8. In view of the aforesaid, the order dated



31.07.2024 issued by the Chairman, Bihar State Pollution Control Board is hereby set aside and the writ petition stands allowed.

(Rajesh Kumar Verma, J)

Vanisha/-

AFR/NAFR	NAFR
CAV DATE	NA
Uploading Date	09.04.2025
Transmission Date	NA

