

08.04.2025  
Supplementary  
Item No.1  
PG/Pritam  
Ct. No.1

**C.P.A.N. 575 of 2025**  
**Anup Biswas & Ors.**  
**Vs.**  
**Shri S. Arun Prasad, District Magistrate and Collector, Nadia**  
**in**  
**W.P.A.(P) 49 of 2025**  
**with**  
**CAN 1 of 2025**  
**Anup Biswas & Ors.**  
**Versus**  
**The State of West Bengal & ors.**

Mr. Sandipan Maity  
Mr. Rajkumar Sain.....for the petitioners.

Mr. Abhratosh Majumder, Sr. Adv.,  
Mr. Krishnendu Bera.....for the applicant

Mr. Samrat Sen, Ld. AAAG  
Mr. Nilotpall Chatterjee  
Mr. Santanu Chatterjee.....for the State

Mr. Arjun Ray Mukherjee  
Mr. J. Medhi....for the WBPCB/respondent nos.10 to 12.

1. This public interest litigation was filed alleging that the 14<sup>th</sup> respondent is running a red category industry without obtaining orders of consent from the Pollution Control Board.
2. Taking note of the proceedings issued by the West Bengal Pollution Control Board dated November 5, 2024, wherein a direction was issued to the 14<sup>th</sup> respondent not to operate its activities without consent to operate under red category from the said Board and also taking note of the written instructions given by the Officer-in-Charge, Dhantala Police Station dated February 20, 2025, the following direction was issued;

*“5. In the light of the admitted factual position, we direct the Superintendent of Police, Ranaghat Police District, namely, the 3<sup>rd</sup> respondent to ensure that the operations done by the 14<sup>th</sup> respondent are stopped*

*forthwith by implementing the order passed by the West Bengal Pollution Control Board. The adequate police force may also be deployed and appropriate instruction be given to the Office-in-Charge, Dhantala Police Station to implement the order passed by the West Bengal Pollution Control Board.*

*6. Further, in order to prevent the further illegal operations the District Magistrate shall empower an officer to seal the factory.*

*7. The private respondent is at liberty to approach the Pollution Control Board and satisfy all conditions and after obtaining approval he may proceed to take action in accordance with law.”*

3. The writ petition stood disposed of with the above directions. CAN 1 of 2025 has been filed by the 14<sup>th</sup> respondent in the writ petition for recalling/modification of the order dated February 27, 2025.
4. The first ground raised in the application is that notice was not served in the writ petition on the 14<sup>th</sup> respondent/applicant in CAN 1 of 2025.
5. Secondly, it is contended that the 14<sup>th</sup> respondent has three businesses in the same premises for which GST registration has been obtained and for the nature to which the activity of zinc plating MS angle/channel/flat/bar, etc., Consent to Establish has been obtained from the West Bengal Pollution Control Board on November 29, 2024.
6. Further, the learned senior advocate appearing for the applicant/14<sup>th</sup> respondent submitted that without obtaining consent to establish and without complying with the norms fixed by the Pollution Control Board,

the 14<sup>th</sup> respondent/applicant will not engage in the said activity.

7. However, on account of the order dated February 27, 2025, the other two businesses, namely, trading of iron and weighbridge have also now been prevented by the State machinery in the light of the directions issued.
8. It is pointed out by the learned advocate appearing for the writ petitioner that the registration obtained under the GST Act is for a different location and the Consent to Establish has been granted by the Pollution Control Board for a different location, i.e., both are in two different villages.
9. *Prima facie*, this allegation appears to be correct. Once again, the learned senior advocate appearing for the applicant/14<sup>th</sup> respondent reiterates that his client will not operate the concerned activity without obtaining the consent to operate from the Pollution Control Board.
10. From the Trade Licence, it is seen that the nature of activities done by the applicant/14<sup>th</sup> respondent in Dag No.1107, Para- Panikhali, Mouza -77, Village - Majdia, Police Station - Dhantala, Post Office-Daluabari, Pin No.741504 shows that that applicant/14<sup>th</sup> respondent obtained registration for trading of iron, weighbridge, iron and steel, plating job work, electroplating of steel. Therefore, the order and direction issued in the writ petition referred to above will prevent the applicant/14<sup>th</sup> respondent from carrying on the trade of

plating job work, electroplating of steel and for the activity for which they have been granted Consent to Establish vide order dated November 29, 2024 by Pollution Control Board. All these activities cannot be operated by the applicant/14<sup>th</sup> respondent without the Consent to Operate issued by the Pollution Control Board. That apart, even if Consent to Operate is granted, it shall be done only in the location/village/property which is clearly set out in such order that may be passed by the Pollution Control Board.

11. In the light of the above, the Police Authorities and the District Magistrate are directed to permit the applicant/14<sup>th</sup> respondent to carry on the business of trading of iron weighbridge, iron and steel in the aforementioned Dag no.1107 of Para Panikhali to operate as per the trade licence issued to the applicant/14<sup>th</sup> respondent. The undertaking given by the applicant that he will not operate the industry where the Pollution Control Board is yet to give a Consent to Operate is placed on record and it shall bind the applicant/14<sup>th</sup> respondent.

12. With the above observation/direction, I.A. No. CAN 1 of 2025 is disposed of and the contempt application being CPAN No.575 of 2025 also stands disposed of.

13. No costs.

14. Urgent photostat certified copy of this order, if applied for, be furnished to the parties expeditiously upon compliance of all legal formalities.

**(T.S SIVAGNANAM)**  
**CHIEF JUSTICE**

**(CHAITALI CHATTERJEE (DAS), J.)**