

09.04.2026
Court No.25
D/L No.6
S. Gayen

IN THE HIGH COURT AT CALCUTTA
Constitutional Writ Jurisdiction
Appellate Side

WPA 8622 of 2026

M/s. Manna Engineering Works
Versus
The State of West Bengal & Ors.

Mr. Sudip Deb, Sr. Adv.
Mr. Sumitava Chakraborty
Ms. Bratati Pramanick
Mr. Shantanu Chakraborty

...for the Petitioner

Mr. Swapan Kr. Datta, Ld. GP
Mr. Tapas Kr. Roy

...for the State

Ms. Papiya Banerjee Bihani

...for the WBPCB

1. Affidavit of service and supplementary affidavit filed by the petitioner be kept with the record.
2. The petitioner has filed the present writ application challenging the order dated March 16, 2026 wherein the respondent authorities have directed the petitioner not to operate their engineering activities without complying with the direction given by the State Board after April 15, 2026.
3. Learned counsel appearing for the petitioner draws the attention of this Court to the impugned order wherein it is mentioned that the respondent authorities have initiated the proceeding against the petitioner on the complaint of one, Mr. Anup Kumar Bhattacharya. On

receipt of the said complaint, the premises was inspected and found that the unit of the petitioner is coming under the category of 'White' but it was further revealed that due to the activity of that unit, it generating noise inside work zone of factory with all machineries in operation measured as 94.24 db(A) and the noise level at the building of the complainant measured as 90.44 dB(A). The authorities also held that the locality where the unit exists is congested one having too many sources of generating noise especially vehicular movement and ongoing construction/marble cutting works. It is further held that it is not possible for the inspection team about the contribution of the petitioner's unit in raising sound level at complainant's building.

4. Considering the above, this Court finds that the two findings of the authorities in the impugned order are contradictory. The petitioner has also made an allegation that the authorities have initiated the case on the basis of the complaint lodged by Mr. Anup Kumar Bhattacharya and inspection was carried out but no complaint was submitted to the petitioner and the report on the basis of which the order is passed has also not supplied to the petitioner.
5. Learned counsel appearing for the Pollution Control Board submits that on receipt of the complaint, the authorities have inspected the premises of the

petitioner and found that the work zone of the factory will all machineries in operation measured as 94.24dB(A) and the noise level of the said building of the complainant measured as 90.44 dB(A). The authorities, taking into consideration of the measured volume, has passed the impugned order by directing the petitioner to comply with the direction issued by the authorities.

6. Considering the submissions made by the learned counsel for the respective parties, this Court finds that the findings of the authorities are contradictory. It is also the allegation that the authorities, without serving the complaint as well as the report to the petitioner, have passed the impugned order.
7. In view of the above, this Court is of the view that the petitioner is entitled to get an opportunity of hearing. Thus, the impugned order dated March 16, 2026 passed by the respondent authorities is set aside and quashed with the liberty to the authorities to decide the complaint filed by Mr. Anup Kumar Bhattacharya by giving an opportunity of hearing to the petitioner after supplying the copy of the complaint to the petitioner and if the authorities are relying upon any report, the copy of the said report be also forwarded to the petitioner. The authorities shall complete the said proceeding within a period of twelve weeks from the date of receipt of this order.

8. WPA 8622 of 2026 is disposed of.
9. All parties shall act on the server copy of this order duly downloaded from the official website of this Court.
10. Urgent Photostat certified copy, if applied for, be given to the parties upon compliance with all formalities.

(Krishna Rao, J.)