

**IN THE HIGH COURT AT CALCUTTA
CIRCUIT BENCH AT JALPAIGURI
CONSTITUTIONAL WRIT JURISDICTION**

**30.09.2026
rc/ct.no.CB-06
Item No.38**

**WPA No. 2419 of 2026
M/s Suraj Buildcon Pvt. Ltd. (Unit Tulsa Health
Care)
Versus
West Bengal Pollution Control Board & Ors.**

Sr. Adv. Probal Mukherjee
Adv. Debasish Mukhopadhyay
Adv. Saif Ali
Adv. Rakesh Chakraborty
Adv. Bipasha Mrug ..for the petitioner

Adv. Supriya Singh
Adv. Tuhin Kumar Royfor the State

Adv. Momenur Rahman
Adv. Bilash Singha
...for the respondent nos. 1 & 2
Adv. Rajat Das
Adv. Deborshi Dhar ...for the respondent no. 5

Learned counsel for the petitioner submits that the petitioner being a healthcare establishment received Consent to Establish (CTE) from the West Bengal Pollution Control Board on July 23, 2021 and raised the entire structure upon investing huge sum of money. The petitioner applied for Consent to Operate (CTO) before the said authority on January 08, 2026 but received no response from the authority within the statutory period of time. Upon enquiry into the online portal of the authority, the petitioner learnt that the scrutiny status was recorded as a discrepancy between the name of the industry as appears in CMOH licence

and the agreement with CBWTF on one hand and the name mentioned in the application form on the other hand. The petitioner was asked to clarify the same by providing relevant documents appearing in the name of the project. The petitioner was also requested to produce the No Objection Certificate (NOC) regarding the clearance on Eco Sensitive Zone (ESZ) related issue from the DFO, Mahananda Wildlife Sanctuary, Darjeeling. At the same time, the portal showed that the application was rejected.

Learned counsel submits that such rejection is dehors the provision laid down under the Water (Prevention and Control of Pollution) Act, 1974 as well as the guidelines dated January 29, 2025 issued by the Ministry of Environment, Forest and Climate Change pertaining to the issue. According to the said guidelines, such refusal ought to be upon granting reasonable opportunity of hearing to the person concerned and should be recorded in writing and duly communicated to the person to whom the consent is refused with necessary directions as deemed fit. Also, Section 25(4)(b) of the 1974 Act envisages that such refusal should be for reasons to be recorded in writing. Learned counsel takes this Court to Clause (7) which states that unless such consent is given/refused within a period of four months from making the application in this behalf, it shall be deemed to have

been unconditionally accepted on expiry of the said period.

Learned counsel for the West Bengal Pollution Control, Board seeks to submit a report in the form of affidavit responding to the contention of the petitioner in the writ petition.

Let this matter appear under the same heading on October 08, 2026.

(Suvra Ghosh,J)