

21/06/23

**BEFORE THE HON'BLE NATIONAL GREEN TRIBUNAL
EASTERN ZONE BENCH, KOLKATA, WEST BENGAL**

ORIGINAL APPLICATION No. 184 of 2023



**In the matter of :
Prakash Ghosh**

....Applicant

**Versus
State of West Bengal & Ors.**

....Respondents.

**AFFIDAVIT-IN-OPPOSITION ON BEHALF OF THE RESPONDENT
NO. 10 and 11, being Sudhansu Paul and Krishna Paul.**

I N D E X

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FILED BY

Krishnendu Bose

ADVOCATE

12 APR 2024



**BEFORE THE HON'BLE NATIONAL GREEN TRIBUNAL
EASTERN ZONE BENCH, KOLKATA, WEST BENGAL
ORIGINAL APPLICATION No. 184/ 2023/EZ**

In the matter of :

Prakash GhoshApplicant

Versus

State of West Bengal & Ors.

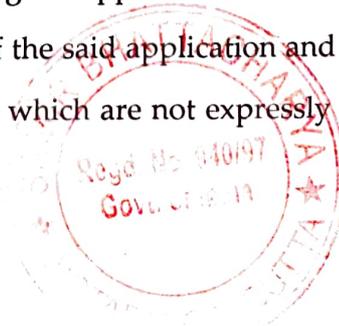
.....Respondents.

**AFFIDAVIT ON BEHALF OF THE RESPONDENT NO. 10 and 11, being
Sudhansu Paul and Krishna Paul.**

I, Sudhansu Paul, son of Late Shibpada Paul, aged about 58 years, by faith- Hindu, by Occupation- Business, residing at Village- Udayanpally, P.O- Prithiba, P.S- Habra, District- North-24-Parganas, Pin- 743704, do hereby solemnly declare and say as follows:

1. That I am the respondent no. 10 in the instant original application and I am well acquainted with the facts and circumstances of the case and I am duly authorized by the respondent no. 11 to sign and swear this affidavit.

2. That I have been advised to deal with those contention and/or averments made in the said Original application which appear to be material and relevant for adjudication of the said application and I further say that the averments and / or contentions which are not expressly admitted, deemed to have been denied by me.



3. That at the outset it is humbly submitted that the unit of the private respondent number 10, is a clay pot (Earthern Pot) manufacturing unit, run by the private respondent and his family members and the unit is not a brick field as alleged.

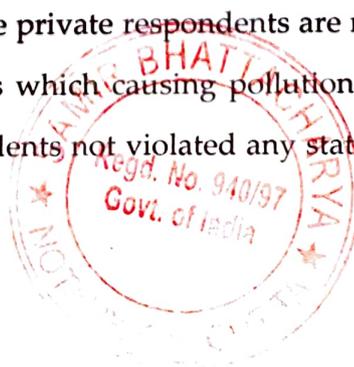
That in the Affidavit dated 20.02.2024 submitted before this Hon'ble Tribunal on behalf of the Block Development Officer, Habra-I, it is also stated in the Enquiry Report that the unit of the private respondents is not a brick field and a small clay pot manufacturing unit.

That the unit is run exclusively by the family members of the respondent number 10 and does not use machines and completely manual work being carried on.

That the son of the respondent number 10, has been issued a certificate stating that he is a "KHUMBHAKAR", (Artisan/Porter) by the Prithiba Gram Panchayet.

Photocopy of the Certificate issued by the Prithiba Gram Panchayet stating that the son of the respondent number 10, is a "KHUMBHAKAR" is annexed herewith and marked with the letter 'A'.

4. With regard to the statements made in paragraph 1 to 5 of the said application, I deny and dispute each and every allegations which are contrary to the records and I say that the private respondents are not operating and/or never engaged in any business which causing pollution on daily basis. It is denied that the private respondents not violated any statutory principles and



rules as they are not constructing clay made latrine ring. It is denied that no substantial questions relating to environment are involved in the instant petition.

5. With regard to the statements made in paragraph 6 to 11 of the said application, I deny and dispute each and every allegations which are contrary to the records and I say that the respondent no. 10 and 11 operating an unit in the name 'M/s. Krishna Pottery Enterprise' located at Village- Udayanpally, P.O- Prithiba, P.S- Habra, North-24-Parganas to manufacture or deliver Clay Pot or Tubs for Gardening and Clay Well Rings. Accordingly the respondent applied for Consent of Establishment at the West Bengal Pollution Control Board and obtained Trade license from Prithiba Gram Panchayat for Pottery Trade.

6. It is stated that the manufacturing process of aforesaid Clay Pot or Tubs, the respondent nos. 10, 11 is required to buy clay and wood, then knead the clay and given a shape by pre maded Mold. Then drying under the Sun. Lastly the materials ready for burning and thereafter sell for gardening. It is further denied that private respondents are not manufacturing latrine well or any products regarding use of latrine. Only making production of clay tubs and clay ring for gardening.

Moreover this deponent also submits that they purchase mud and prepare clay pots and they never do digging of earth and hence permission from the office of the Block Land & Land Reforms Officer (B.L.& L.R.O) is not required.



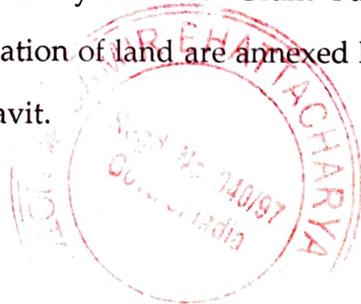
Copy of the declaration for COE renewal and Trade License are annexed herewith and collectively marked with the letter 'B' to this affidavit.

7. It is denied that the villagers are suffering from many respiratory illness and heart diseases or skin diseases for poisonous gas emissions and no evidence is produced in support of the same. It is denied that no highly polluting fuels are used which includes tyres, rubbers. The said production of clay tubs are done after taking precautionary measures.

8. With regard to the statements made in paragraph 12 to 17 of the said application, I deny and dispute each and every allegations which are contrary to the records and I say that Memorandum dated 27.10.2016 is applicable with regard to brick fields, vatas and klins and thereby the operational guidelines stated in the said Memo dated 27.10.2016 should have to follow by the owners of brick fields, vatas and klins. That said Memorandum is not applicable in case of the private respondents as the Unit is manufacturing small clay tubs and clay rings.

That the Unit of the respondent nos. 10 and 11 is registered under Ministry of Micro, Small and Medium Enterprise bearing UDYAM Registration Certificate no. UDYAM-WB-14-0114738 being Enterprise Type-'Micro' and also possess Trade Registration Certificate, No Objection Certificate issued by Prithiba Gram Panchayet, North (24) Parganas for change of classification of land.

Copies of the UDYAM Registration Certificate, Trade Registration Certificate, No Objection Certificate issued by Prithiba Gram Panchayet, North (24) Parganas for change of classification of land are annexed herewith and marked with the letter 'C' to this affidavit.



9. With regard to the statements made in paragraph 18 to 29 of the said application, I deny and dispute each and every allegations which are contrary to the records. It is denied private respondents are operating any brick field in densely populated area. It is matter of record that the unit is manufacturing gardening clay tubs and clay well which is not a brick field and not effecting the mental and health conditions of the residents. It is denied that private respondents are carrying on manufacturing latrine ring causing loss and injury of respondents. It is denied that applicant has made out prima facie case which intervenes the Hon'ble Tribunal. It is denied that balance of convenience is in favour of the applicant for passing order as prayed.

10. With regard to the statements made in paragraph 27 to 30 of the said application including grounds and reliefs, I deny and dispute each and every allegations which are contrary to the records. It is denied that the applicant has no other adequate or alternative, efficacious remedy and it is denied that if the orders as prayed in the said application if not granted, applicant will suffer irreparable loss and injury. It is denied that the said application is bonafide, but to harras the private respondents.

11. It is submitted that the reliefs which is sought for be rejected as the same is not maintainable and instant original application be dismissed.

12. That the respondent unit has been complying with the conditions as issued by the State following the laws of the land and maintaining all criterions.



13. That the private respondents humbly submits that they have high regard to the Solemn Orders as passed by this Hon'ble Tribunal and be discharged from the instant proceeding and further submits that the respondent Unit will comply with any Order as may be passed by this Hon'ble Tribunal.

14. That the statements made in paragraphs 1 to 10 are true to my knowledge and rest are my respectful submission.

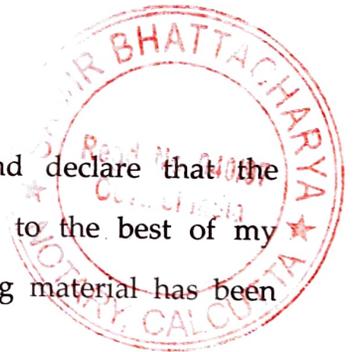
Identified by me
Krishnendu Bera
Advocate
12.04.2024



सुधीर भट्टाचार्य
DEPONENT

VERIFICATION

I, the Deponent above-named, do hereby verify and declare that the statements made in paragraphs are true and correct to the best of my knowledge and information and I believe that nothing material has been concealed there from.



Verified at Kolkata on 12th day of April, 2024.

Prepared by me
Krishnendu Bera
Advocate
12.04.2024

सुधीर भट्टाचार्य
DEPONENT

Solemnly Affirmed and
Declared before me U/S 139
CPC, U/S 21 (C) CRPC

12 APR 2024

12.4.24
Notary

Samir Bhattacharya
Notary Govt. of India
Regd. No. 840/97
City of Kolkata, Calcutta

সি. ডি. : ০৩১১৬

ফোন : ২৬৭২৩২

পৃথিবা গ্রাম পঞ্চায়েত কার্যালয়

পোষ্ট : পৃথিবা, থানা : হাবড়া, জেলা : উত্তর ২৪ পরগণা
হাবড়া ১নং পঞ্চায়েত সমিতির অন্তর্গত

স্মারক নং--

তারিখ— 15.10.07

এতদ্বারা প্রত্যায়িত করা যাইতেছে যে

কুমার পাল

পিতা/স্বামী

সুবিদ্যুত কাল

গ্রাম উদমলপল্লী

পোঃ পৃথিবা

থানা

হাবড়া

জেলা উত্তর ২৪ পরগণার স্থায়ী বাসিন্দা

আমি তাহাকে চিনি / জানি উক্ত ব্যক্তি তপশিলী জাতি / তপশিলী উপজাতি

অস্তিত্ব অনগ্রসর শ্রেণীর।

তিনি জাতিতে

সুবিদ্যুত কাল

আমি তাহার চারিত্রিক অবস্থা ভাল, আমি তাহার সাফল্য কামনা করি।

ধন্যবাদান্তে



প্রধান

পৃথিবা গ্রাম পঞ্চায়েত

8
Annexure - A

TRANSLATED COPY

S. T. D- 3116

Phone- 267231

OFFICE OF PRITHIBA GRAM PANCHAYAT

Prithiba Police Station, Habra, District- North 24 Paraganas,

Under Habra No.1 Panchayat Samiti

SR No-

Date:- 15.10.2007

This is to certify that Golok Pal, S/o Sudhanshu Pal, Vill- Udayanpally, Post- Prithiba, P.S- Habra, Dist- North 24 Parganas, I know the said person belongs to other backward classes.

He belongs to Kumbhakar Classes (Artisan).

His character is good and I wish him success in his life.

Thanking You

S/D

15.10.2007

Pradhan

Prithiba Gram Panchayat

Annexure - B 9

Self Declaration for Pollution COE/COO/COO Renewal

Sri/Smt..... SUDHANSU PAULS/O Sri..... SHIBPADA PAUL Age..... 58years, By
faith..... HINDU By occupation POTTERY do hereby solemnly affirm and declare as
follows:

1. That I am a citizen of India and residing at..... VILL-UDAYANPALLY,P.O-PRITHIBA
PS- HABRA, DIST.-24PGS(N),743704
2. That I am the proprietor /Director/Partner of the company/ Firm (Strike out which is not applicable) in the
name and style of M/S. KRISHNA POTTERY ENTERPRISE
3. That the said unit wants to operate, a manufacturing/service unit named m/s..... KRISHNA POTTERY ENTERPRISE
..... located at VILL- UDAYANPALLY , P.O-PRITHIBA,P.S - HABRA,DIST- N. 24 PGS, 743704
To manufacture / to deliver service as..... CLAY POT OR TUBS FOR GARDENING AND CLAY WELL RINGS Having dag
no..... 2174,2173Character of land SHALI Khatian No..... 1812,1306 J.L. No..... 125..... &
Mouza..... PRITHIBAPremises/Holding No., Ward no..... of the
proposed location.
4. That the land, building & the following plant & machineries will be installed in the said manufacturing /
service unit:

SL. NO	Name of Machinery	Rate	Quantity	Value
1				
2				
3				
4				
5				
6				
7				
8				
9				
10				
Total				
Land				4,00,000.00
Building				1,00,000.00
Total Gross Capital Investment				5,00,000.00

Signature - C 11



भारत सरकार
Government of India
सूक्ष्म, लघु एवं मध्यम उद्यम मंत्रालय
Ministry of Micro, Small and Medium Enterprises



UDYAM REGISTRATION CERTIFICATE

UDYAM REGISTRATION NUMBER

UDYAM-WB-14-0114738

NAME OF ENTERPRISE

KRISHINA POTTERY ENTERPRISE

TYPE OF ENTERPRISE *

S.No.	Classification Year	Enterprise Type	Classification Date
1	2023-24	Micro	16/02/2024

MAJOR ACTIVITY

MANUFACTURING

SOCIAL CATEGORY OF ENTREPRENEUR

GENERAL

NAME OF UNIT(S)

S.No.

Name of Unit(s)

1 KRISHINA POTTERY ENTERPRISE

OFFICIAL ADDRESS OF ENTERPRISE

Flat/Door/Block No.	UDAYANPALAY	Name of Premises/ Building	PRITHIBA
Village/Town	HABRA	Block	HABRA-1
Road/Street/Lane	BADARHAT	City	HABRA
State	WEST BENGAL	District	NORTH 24 PRAGANAS, Pin 743704
Mobile	9732464575	Email:	PAUL.GOLOK2017@GMAIL.COM

DATE OF INCORPORATION / REGISTRATION OF ENTERPRISE

01/01/1995

DATE OF COMMENCEMENT OF PRODUCTION/BUSINESS

NATIONAL INDUSTRY CLASSIFICATION CODE(S)

S.No.	NIC 2 Digit	NIC 4 Digit	NIC 5 Digit	Activity
1	23 - Manufacture of other non-metallic mineral products	2393 - Manufacture of other porcelain and ceramic products	23931 - Manufacture of articles of porcelain or china, earthenware, imitation porcelain or common pottery, including earthen statues	Manufacturing

DATE OF UDYAM REGISTRATION

16/02/2024

In case of graduation (upward/reverse) of status of an enterprise, the benefit of the Government Schemes will be availed as per the provisions of Notification No. S.O. 2119(E) dated 26.06.2020 issued by the M/o MSME.

Disclaimer: This is computer generated statement, no signature required. Printed from <https://udyamregistration.gov.in> & Date of printing: 16/02/2024

For any assistance, you may contact:

- District Industries Centre: N. 24- PRAGANAS (WEST BENGAL.)
- MSME-DFO: KOLKATA (WEST BENGAL.)

Visit : <https://udyamregistration.gov.in> ; www.beachampion.gov.in



**BE A
CHAMPION**
with the
Ministry of
MSME

Answer - C 12

FORM 11

[See rule 58(2)]

Name Of District : **NORTH 24-PARGANAS**

Name Of Block : **HABRA-I**

Name Of Gram Panchayat : **PRITHIBA**

Trade Registration No:- **2871**

Trade Registration Date:-**23-Jan-2023**

Trade Registration Certificate issue No:- **2**

Issue Date:-**23-Jan-2023**

Trade Registration Certificate issued for the period of: **2022-2023,2023-2024,2024-2025**

To **SUDHANSU PAUL**

(Name of Prop/partner/Director)

Full Address :

VILLAGE - UDAYANPALLY

PARA - UDAYANPALLY

POLICE STATION - HABRA

POST OFFICE - PRITHIBA

MOUZA - 125

DAG - 2174

PIN NO - 743704

Gram Sansad/ Part No. BARASAT

Description of Trade : POTTERY

Gram panchayat acknowledges a sum of **Rs. 750** (Rupees Seven Hundred and Fifty Only)

From **KRISHNA POTTERY ENTERPRISE**

(Name of Trade)

Grant of this certificate shall not absolve the applicant from the requirement of procuring all the statutory clearances to be obtained from the appropriate authority before actual commencement of the trade. If any violation/default is noted later is, the certificate shall be liable to be cancelled and the trade/business shall be closed down with immediate effect.

This Certificate Is Electronically Generated

N.B.: Gram Panchayat has every right to cancel or revoke or not allowing renewal of registration at any time

Ref. Application Docket No. NOCJXMJ98596496N
<https://wbprd.gov.in/>

Office of the Prodhan
 Prithiba Gram Panchayat
 Vill + P.O. - Prithiba, Habra, North 24 Parganas
 Phone & Fax : 03216-267232 :: E-mail : gpprithiba@gmail.com

Memo No.- PGP/110/2024/Change of Land Classification

Date:-19/07/2024

মাননীয়
 B.L & L.R.O
 হাবড়া ১নং ব্লক
 হাবড়া, উত্তর ২৪ পরগনা



বিষয়ঃ জমির শ্রেণী পরিবর্তন

মহাশয়

এতদ্বারা আপনাকে জানানো যাইতেছে স্বর্ষী শ্রী ১৩৩ পান
 পিতা শ্রী শ্রী ১৩৩ গ্রাম দেবানন্দপুর পোঃ হাবড়া
 থানা-হাবড়া, জেলা-উত্তর ২৪ পরগনার স্থায়ী বাসিন্দা উক্ত ব্যক্তির অবেদন ক্রমে ও সরজমিনে তদন্ত এর
 উপর ভিত্তি করে জানা যাইতেছে যে স্বর্ষী শ্রী ১৩৩ এর দাগ
 নং ২২১ মৌজা হাবড়া খতিয়ান নং ২১২ জে এল ২২৫ যে ১:২১ শতক জমি
 আছে, তাহা দলিল অনুসারে জমি জমি। এই জমিতে প্লান অনুসারে বাড়ি নির্মান করিবার জন্য যদি
০:২১ জমিকে বাস্তব পরিবর্তনের জন্য আবেদন করেন ও আবেদন গ্রাহ্য হয়, তাহলে আমাদের
 পক্ষায়েতের তরফ থেকে কোন আপত্তি নেই।

Prodhan
 Prithiba Gram Panchayat
 Prithiba, North 24 Parganas

↳ Annexure - C

14

TRANSLATED COPY

OFFICE OF THE PRODHAN

PRITHIBA GRAM PANCHAYAT

VILLAGE + POST- PRITHIBA, HABRA, NORTH (24) PARAGANAS

PHONE & FAX- 03216-267232, EMIL: gpprithiba@gmail.com

Memo No- PGP/ 100/2024/ Change of Land Clasification

Date- 19/02/2024

To

The BL & LRO,

Habra Block No-1,

Harba, North 24 paraganas,

SUB:-Change of Land Clasification

Sir,

You are hereby informed that Sudhanshu Pal, S/o Shibdas Pal, Villages- Udyanpally, Post- Prithiba, P.S- Habra, District- North (24) Paragnas, based on the application of the said person and on the basis of investigation on the ground, it is known that Sudhanshu Pal, dag no- 2174, Mouza- Prithiba, Khatian No- 1812, J.L. No- 115, 0.01 decimal of land is a Shali land as per the plan 0.17 decimal of land has applied for change of the nature of land to Bastu land and if this application is accepted then there is no objection from our panchayat.

Sd/-

Prodhan
Prithiba Gram Panchayat,
Prithiba, North 24 Parganas



15

Land & Land Reforms And Refugee Relief & Rehabilitation Department
Application by the Raiyat for online payment of Land Revenue

Application No : REVE2023150501032

Application Date : 26/01/2023

Dated:-26/01/2023, 23:55:50 pm

Name of the District : UTTAR 24 PARGANA
Name of the Block : HABRA-1
Name of the Police Station : Habra
Name of the Mouza : Prithiba
Jurisdiction List No.(JLNO) : 125
Name of the Applicant : SUDHANSU PAUL

Plot Schedule :

Khatian No.	Plot No.	Classification	Share	Share Area(Acre)	Land Used for
1812	2174	Shali	2931	0.1700	Pottery (Self)

I, Shri./Smt. SUDHANSU PAUL s/o or d/o SHIBPADA PAUL self / on behalf of raiyat do hereby declare that particulars of land held & used by me as above, which is neither vested nor acquired.

I paid land revenue of above mentioned lands upto : N.A

Last Revenue Receipt number : N.A

Total land held by me & my family is : 0.17 Acre

The particulars contained here in above are true to the best of my information and belief.

Date:

Name:

Assessment and demand of Land Revenue

As per the declaration of the applicant and provisions of Sec. 23 of WBLR Act, the land revenue including cess and surcharge assessed for the revenue year (1385 to 1429) is the sum of Rs.:132/- (One Hundred Thirty-Two) only falls due on 1st Baisakh, 1429 BS with arrear (if any).

In addition to this, you have to pay a sum of Rs.: 96/- (Ninety-Six) only being interest on arrear of revenue under Rule 303 of WBLR Manual. As such, in total you have to pay Rs.:228/- (Two Hundred Twenty-Eight) only.

You are requested to pay the above sum of money within 31st day of Chaitra, 1429 BS.

Block Land & Land Reforms Officer
(HABRA-1)



16

Land & Land Reforms And Refugee Relief & Rehabilitation Department
Application by the Raiyat for online payment of Land Revenue

Application No : REVE2024150500794

Application Date : 05/02/2024

Dated:-05/02/2024 , 14:37:10 pm

Name of the District : NORTH 24 PARGANAS
Name of the Block : HABRA-1
Name of the Police Station : Habra
Name of the Mouza : Prithiba
Jurisdiction List No.(JLNO) : 125
Name of the Applicant : KRISHNA PAUL

Plot Schedule :

Khatian No.	Plot No.	Classification	Share	Share Area(Acre)	Land Used for
1306	2172	Shali	4048	0.1700	Pottery (Self)
1306	2174	Shali	1181	0.0700	Pottery (Self)
1306	2175	Danga	3685	0.1400	Bastu

I, Shri./Smt. KRISHNA PAUL s/o or d/o or w/o SUDHANSU PAUL self / on behalf of raiyat do hereby declare that particulars of land held & used by me as above, which is neither vested nor acquired.

I paid land revenue of above mentioned lands upto : 1429

Last Revenue Receipt number : REVREC2023150500782

Total land held by me & my family is : 0.38 Acre

The particulars contained here in above are true to the best of my information and belief.

Date:

Name:

Assessment and demand of Land Revenue

As per the declaration of the applicant and provisions of Sec. 23 of WBLR Act, the land revenue including cess and surcharge assessed for the revenue year (1430 to 1430) is the sum of Rs.:11/- (Eleven) only falls due on 1st Baisakh, 1430 BS with arrear (if any).

In addition to this, you have to pay a sum of Rs.: 0/- (Zero) only being interest on arrear of revenue under Rule 303 of WBLR Manual. As such, in total you have to pay Rs.:11/- (Eleven) only.

You are requested to pay the above sum of money within 30th day of Chaitra, 1430 BS.

Block Land & Land Reforms Officer
(HABRA-1)

BEFORE THE NATIONAL GREEN
TRIBUNAL
EASTERN ZONAL BENCH KOLKATA,
WEST BENGAL

O.A. No. 184/2023/EZ

In the matter of :

Prakash Ghosh

.....Applicant

-Versus-

The State of West Bengal & Ors.

....Respondents.

AFFIDAVIT-IN-OPPOSITION

BY RESPONDENT NO. 10 and 11

Krishnendu Bera ,
Advocate.
280, Gopal Lal Thakur Road,
Baranagar, Kolkata- 700036.
9804470595 (M)
Email : krishnendubera87@gmail.com