

**BEFORE THE NATIONAL GREEN TRIBUNAL
EASTERN ZONE BENCH, KOLKATA**

MEMORANDUM OF APPLICATION

[Under Section 18 (1) read with Sections 14, 15 and 17 of the National Green
Tribunal Act, 2010]

Original Application No..... of 2024 E.Z.

Between:

Rajat Chowdhury,

.....Applicant

Vs

The State of West Bengal & Ors

.....Respondents

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(i)

SHORT SYNOPSIS

That the applicant is one of the co-owner of the multi-storied residential building. The respondent no.9 purchased a commercial space from the developer who is the respondent no.10 here, for the selling of his goods from the shop room, but he used the shop room as a manufacturing unit by using grinder machines, drilling machines and chemical hazardous substance, he also did not bothered to obtain any mandatory consent to operate or any licence such. They even did not bother to hear any objection of the surrounding neighbours on excessive noise from morning to night and also on using of hazardous chemicals causes irritation in the eyes and nose of resident of the said building and many other problems to their daily life. In this regard written complaint was made before the W.B.P.C.B.; the Respondent No. 2, but all was in vain.

Being highly aggrieved and dissatisfied with the impugned actions of the respondents the applicant for intervention of this Hon'ble Tribunal against the illegal Activities of the Private Respondent No. 9.

LIST OF DATES

(ii)

15 th January, 2018	The private respondent no 9 through a registered deed purchased one shop room on the ground floor of the scheduled premises.
2018 to 2020	The respondent no 9 after purchasing the shop room, started business in the name and style of "AYUSH YAMAN FURNITURE" as selling showroom, but actually using it as manufacturing unit.
2021	The respondent no 9 with the help of local administration and his associates transformed the said showroom into a manufacturing unit and after that the other owner's and the local people are facing great difficulties.
20/11/2021	A written complaint was made to the respondent no 8 as well as to the Local Municipal Authority.
17/3/2023	The applicant lodged a complaint before the senior scientist WBPCB who is the respondent no 3 herein.
26/5/2023	Applicant through mail lodged further complaint before respondent no.4 and 5 against unauthorized unit of the private respondent no. 9 carrying on manufacturing unit from residential unit.
31/5/2023	Senior scientist and in-charge of public grievance cell West Bengal Pollution Control Board, the environmental Engineer and in-charge Barrackpore regional office of WBPCB by his memo no.602-PG/LD/03/2020 directed the officer in-charge of Baranagar Police Station to look after and to see runs only after it obtains necessary statutory license and consent to operate from the state board.
1/6/2023	Failed to connect to learned chairperson of local Municipal Authority by her personal finding no .
2024	Applicant through official mail ventilated his grievances before the Chair person. Several reminder was given and visit was made before the administration but all was in vain. Hence this application has been file before this Hon'ble Tribunal

DISTRICT: NORTH 24 PARGANAS

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MEMORANDUM OF APPLICATION

[Under Section 18 (1) read with Sections 14, 15 and 17 of the National Green
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Original Application No. _____ of 2023/E.Z.

Between:

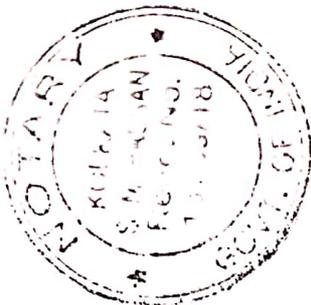
Rajat Chowdhury, S/o Nikhil Chowdhury,
residing at 105, Neogi Para Road (now
known as Manik Bandyopadhyay Sarani,
Flat No.202, 2nd Floor, P.O. and P.S.-
Baranagar, Kolkata-700 036

.....Applicant

Vs

1. The State of West Bengal, through the
Principal Secretary, Department of
Environment, Government of West Bengal,
Prani Sampad Bhawan, 10A, Block-LB, Sector-
III, Bidhannagar, Kolkata - 700106. (Email-
acsenvwb@gmail.com),

2. The West Bengal Pollution Control Board,
through the Member Secretary, Department of
Environment, Government of West Bengal,
Paribesh Bhawan, 10A, Block-LA, Sector-III,
Bidhannagar, Kolkata - 700098. (Email-
ms.wbpcb-wb@bangla.gov.in)



3. The Senior Scientist, West Bengal Pollution Control Board, 10-A, Sector-3, Bidhan Nagar Paribesh Bhawan, Kolkata-700 106 (Email- ms.wbpcb-wb@bangla.gov.in).

4. The Directorate of Micro Small Medium Enterprise, service through Director, New Secretariat Building, 1, Kiran Sankar Roy Road, Kolkata-700 001, (E-mail: dir.msse-wb@nic.in)

5. The General Manager, District Industrial Centre, Barasat, 12, K. B. Basu Road, Rail Gate, Kathgola, Barasat, Pin-700 126, (E-mail: gmnpg.msse-wb@nic.in)

6. The Superintendent of Police, Barrackpore Commissionrate, Q958+QJH, Cantonment, Barrackpore, Barrackpur Cantonment, West Bengal 700120 , (Email- cpbarrackpore@gmail.com)

7. The Chairperson, Baranagar Municipality, 87, Deshbandhu Road, East, Kolkata-700 035 (E-mail: purosabha_baranagar@yahoo.co.in)

8. The Officer-in-Charge, Baranagar Police Station, 47, Barrackpore Trunk Road, Netaji Colony, Baranagar, Kolkata-700 090. (E-mail: psbaranagar@gmail.com)

9. Sri Sikandar Sharma, S/o Laddu Sharma,
Residing at 128, S.P. Banerjee Road, Kolkata-
700 035, P.O.-Alambazar, P.S.-Baranagar,
Dist-24 Parganas (North).

10. M/S Nirman Construction, a partnership
firm having its registered office at 13-F/6,
Bhattacharjee Para Lane, P.O.+P.S.-
Baranagar, Kolkata-700 036.

.....Respondents

Humble application on behalf of the applicant
above named

MOST RESPECTFUL SHEWETH

1. The Applicant is a citizen of India having address as stated above for the purpose of service of notice pertaining to the instant application.
2. The address of the Respondents, are stated above for the purpose of service of notice pertaining to the instant application. All the acts action and inaction of the respondent authorities and the private respondents being subject matter of the instant application are amenable to the jurisdiction of this Hon'ble Tribunal.
3. The Applicant above named beg to present this 'Memorandum of Application' against the purported inaction on the part of the state respondents against illegal act of huge pollution of sound as well as pollution of air and water for personal financial gain, particularly by the private Respondent No.9 on the facts and ground state out herein under.

FACTS IN BRIEF

4. The Applicant herein is one of the co-owner of a multi-storied residential building and has been constructed by the private Respondent No.10 in joint



venture basis with the original landlords of the said building consisting of several residential unit shops and carried known as premises No.105, Manik Bandyopadhyay Road (formerly known as Neogi Para Road, Kolkata-700 036) under the jurisdiction of Baranagar Municipality and Police Station Baranagar, Kolkata-700 036.

5. The Respondents are all state bodies except the respondent No. 9 and 10 or its / their streamlined coming under scope and purview of the Hon'ble Tribunal. The acts, action, conduct and/or in action on the part of the state respondent authorities and the *mala fide* grievance action of the private respondents are subject to judicial scrutiny and review of this Hon'ble Tribunal.

6. The Applicant is one of the co-owner like others along with the private respondent No. 9 herein of the multi-storied residential building situated at as stated above. The private respondent no 9, on 15th day of January, 2018 by a registered Deed of Conveyance purchased from the developer that is the private respondent No.10 as stated above, all that one shop room being No.G-3A, on the ground floor, North side of the building known as 105, Manik Bandyopadhyay Sarani, Kolkata-700 036. Hereinafter, referred to as the said shop room. The said Deed was registered before the Additional District sub registered, Cossipore, Dum Dum registered in book No.1, volume No.1506-2018, copied in pages from 20287-20339 being Deed No.150600235 for the matter of 2018.

A copy of the said deed is annexed here to and marked with the letter 'A'

7. Your Applicant humbly submits that it would be evident from the Deed, the said property was sold to the private respondent no 9, only for the purpose of selling of his goods from the shop room but not to use the same as a manufacturing unit by using grinder machines, drilling machines and by using chemical hazardous substances and the registration was imposed upon him that he cannot carried out any trade or business of offensive and unethical nature

pursuit where of may be it create in any way nuisance, annoyance or danger to the owners or successor any title or to the owners and the co-buyers of the other flats carried or unique or any owners or co-buyers of neighboring properties.

8. The private respondent No.9 in violation of law after purchasing the said shop room initially started business in the name of "Ayush Yaman Furniture" for showroom or display to sell of his product. But subsequently the private Respondent No.9 converted the said shop to a manufacturing unit forcefully without obtaining in a valid license from municipality, as well as did not bother to obtain any of the mandatory consent to operate to run an industry from the concerned department of said administration.

9. Your applicant further submits that, since 2021, the private respondent No.9 with the help of local administration and his associate did not bother to hear out any objection of the flat owners or the surrounding neighbors on the contrary each and every day starts functioning at early morning about 9 a.m to 11 p.m. at night. He is using different types of grinding machines, drilling machines and wood cutting machine which is making enormous unbearable sound throughout the day and also he and his worker are using some toxic chemicals for their product which are creating irritation in the eyes and nose of the resident of the said building and also the passing by people. Whenever any objection has been raised from the end of the flat owners or your Petitioner, the private Respondent no. 9 by bringing some hooligans threat everyone by different means. Not only that the Respondent no 9, is creating pressure upon everyone to keep quiet over the matter using his local political and administrative connections. Your Petitioners humbly submits that in that premises several old and aged person/persons along with children are passing throughout days in great difficulties as well as the residents of the vicinity are suffering due to the illegal and unethical act of the Respondent No.9. The use of chemicals creating breathing problem and causing unbearable situation which can endanger or harm the life also. He is also discharging solid waste; the used and unused chemicals in the municipal drain

which otherwise causing several water pollution and affecting the natural aquatic eco-system and thereby causing huge environmental hazards and pollution. Your applicant's father is senior citizen and a diabetic patient and suffering from Hemorrhagic conversion of Cerebellar infarct, severe Hypertension, DM, Lacunar infarcts. and under strict medical restriction after he was admitted for emergency medical attention and he is also suffered a lot before his death due to reckless and adamant attitude of the respondent no 9, for that reason any day any fatal incident may occur.

10. In this regard on 20.11.2021, a written complaint was made to the Respondent No.8 as well to the local municipality authority also but all was in vain. As the Private Respondent No. 9 is an influential person, no step has been taken against him neither by the municipal authority nor by the police authority knowing full well, about the illegal activities of the said Respondent.

A copy of the said written complaint is annexed herein to marked with the letter 'B' for identification.

11. Your Applicant further humbly submits that, the administration reluctant to take any steps against the private Respondent no 9 reason best known to them and day to day the respondent no 9 is increasing his illegal violative and *mala fide* activities and continuing the said business with the help of some local hooligans and some employees of the local municipal authority and political sources and regular basis creating nuisance and acting in violation of environmental laws. Your applicant left no stone unturned as he can or known to him but all was in vain.

12. Finding no other alternative, your Applicant on 17.03.2023 lodged a complaint before the Senior Scientist WBPCB, the Respondent No.3 herein, stating all the facts and the operation of the illegal manufacturing unit and the sufferings of the Petitioners as well as other inhabitant of the building as well about the contribution of the private Respondent No.9 for causing environmental derogation and pollution to the air, water as well as sound.

A copy of the said complain received by the Respondent No.3 on 17.03.2023 is enclosed here with and marked with the letter 'C' for identification.

13. Your Applicant further humbly submits on 26.05.2023, your applicant through mail lodged further complaint against unauthorized manufacturing unit of the private respondent no 9, along with the photographs attached with the said complainant in support of the illegal activities and the concerning environmental situation of a residential building and prayed for to take appropriate steps against the Private Respondent no 9 who did not bother to give any respect to the existing law and ruled framed under different government wings for carrying of manufacturing business.

A copy of the said E-mail dated 26.06.2023 is enclosed herewith and marked with the letter 'D'.

14. It is pertaining to mention here that after receiving the complaint, the Senior Scientist and in-charge of public grievances cell West Bengal Pollution Control Board, the environmental Engineer and in-charge Barrackpore regional office of WBPCB by his Memo No.602-PG/LD/03/2020 dated 31.05.2023 directed the Officer-in-Charge of the Baranagar Police Station to look after the matter and strictly directed to look after and to see that M/S. Ayush Yaman furniture, belonging to Mr. Sikandar Sharma runs only after he obtain necessary statutory licenses including valid trade licenses and consent to operate from the state Board.

A copy of the said Memo No.602-PG/LD/03/2020 dated 31.05.2023 is enclosed herewith and marked with the letter 'E'.

15. Your Applicant humbly state that as per the information obtain by your Applicant from the office of the different state authorities during this period, The Respondent No.9 was carrying on his business without any such permission from any state authorities. It is clearly shows his adamant nature and little respect to the law as well as to the environment.



16. Your Applicant humbly submits that the Respondent No.9 knowing fully well about the complaint with adamant nature and careless attitude intentionally, now harassing your Applicant as well as all the residents of the building by creating more noise and doing all activities in violation of the environmental law. He did not have any consent to operate or consent to establish from the West Bengal Pollution Control Board, in accordance with the Air (Prevention And Control Of Pollution) Act, 1981 and the Water (Prevention Of Control Of Pollution) Act, 1974 and running the business of manufacturing unit illegally with the help of the local administrative authorities.

17. Your Applicant is in a position from which, he can prove the *mala fide* and arbitrary policy adopted by the local police authority and the local administration and the nexus between the private Respondent, based upon which without caring anything the Private Respondent No. 9 is continuing his illegal activities.

Your Applicant further states that by the Memo No.602-PG/LD/03/2020 dated 31.05.2023. The Senior Scientist and in-charge public grievances cell WBPCB specifically given direction to the Officer-in-Charge of the Baranagar Police Station *inter alia* to the effect.

"In view of the above, you are requested to see that "M/s Ayush Yaman furniture" of Mr. Sikandar Sharma runs only after obtaining necessary statutory licences including valid trade license and consent to operate of the State Board.

In case of any compliance, you are at liberty to take appropriate action in accordance with law with intimation to the State Board"

Surprisingly till date after obtaining said notice, the concerned police authority neither made any enquiry or not even ask you Applicant to appear before them for proper inquiry or taken any steps non-compliance of the same.



As per your Applicant till date no report has been submitted before the WBPCB as the direction made in the said Memo dated 31.05.2023 or any steps has been taken by the respondent no 8.

18. In this context you Applicant on 1st June, 2023 as per the advice of the WBPCB try to contact with the learned Chairperson of local municipal authority but as she was otherwise busy, your Applicant failed to meet her personal finding no other alternative on 01.06.2023, he through official mail ventilated his grievances before the Chairperson, in spite of that, the municipal authorities also sitting tight over the matter knowing fully well that, no trade license or any other licenses for carrying on the manufacturing business has been obtained by the Respondent No. 9 reason based known to them. On the contrary, the said Respondent authorities have failed to profit any document or carried out any proper investigation to proof otherwise against the complaint lodged by your Applicant. As such the act is totally arbitrary and the act and action of the said state Respondent authorities including the private Respondent cannot be sustainable in the eye of the law.

A copy of the said mail dated 01.06.2023 is annexed here to and marked with the letter 'F'.

19. Your Applicant further submits that in this regard stating all the facts informing the action, your Applicant on 26.05.2023 by two separate mail lodged a complaint before the General Manager, District Industrial Centre, Barasat that is the Respondent No. 5 and the Directorate of Medium Small and Medium Industries, District Industries Centre but in spite of receiving the complaint till date they have also did not take any step, reason of which the sufferance of your Applicant and other residential inhabitant of the said building and including the neighbors are suffering each and every day due to wooden dust which are flying everywhere and bad smell of chemicals and substance which are use by the Respondent No.9 for the manufacturing of his product and creating enormous sound pollution from early morning to late night each and every day as steted



before with connivance of some officials of the local administration. AS such the act of the Respondents including the private Respondent No.9 are arbitrator *mala fide* in violation of codified law and cannot be sustainable.

20. Your Applicant said that the Respondent No.9 is directly disposed the untreated sewerage, solid and liquid sewerage with chemicals into the municipal drain as well as without any protection. The wastage and the wooden dust and vapour of chemicals making the air, difficult to breath for a normal person where most of the person of the building is aged one or otherwise children. All of them are suffering very much due to the careless and adamant activities and carried out a complete illegal trade in violation of the enormous framed under section 21 and 22 of Air (Prevention And Control Of Pollution) Act, 1981 and the Water (Prevention Of Control Of Pollution) act, 1974, and the rules framed there under.

Some Photographs are enclosed herewith and marked with the letter "G"

21. The Applicant said that in spite of such sufferance, the respondent no. 9 doing all types of mischief and acting in violation of the environmental law for the purpose of various personal gain and have been carrying on the manufacturing business by taking advantage of lackadaisical attitude of the state respondent authorities and the local administration and intentionally avoiding to protect and prevent the damage of the environment. The co-diversity of the local environment has become critically endangered even public health issue and life also. In spite of that the state authorities, have chosen to feign ignorance and remains inactive.

22. The private Respondent No. 9 on regular basis dumping garbage, waste and chemicals and wooden dust and chemicals in road as well as the municipal drain. The chemical waste and dust of wooden particles which is polluting the air, reason of which all of the resident of the building are facing breathing difficulties and the building also vibration as created due to the manufacturing work round the clock, occurring from the use of heavy machineries and hammers, vibrator creating enormous sound pollution. The Respondent no 9 by taking advantage of the

lackadaisical attitude of the said state authorities towards the protection and prevention of pollution to the environmental, as such the co-diversity has become critical undue and the said respondent authorities have chosen to feign ignorance and remains inactive.

23. Your Applicant said that the public trust doctrine enjoys upon the government to protect the resource of the enjoyment of the general public rather than to permit its use for private ownership for commercial purpose. The doctrine implicit embargo on the right of the state to restrict use transfer private properties if such use affects public interest mandate formalities, said action for effects management of industrial resource and empowers the citizen to question inactive management of the said authority thereon.

24. The Application states that despite commission of such illegal acts by the private Respondent No.9, the Respondent authorities have preferred to Seat tight over the matter and in effect thereof, have recognize and acknowledge such illegality and such careless attitude on the part of the said state Respondent authority are highly prejudices to the society. Such stoic silence on their part to prevent the environmental hazard clearly smacks of mala fide. It is not only astounding but also beyond comprehension as to how such illegal act of the private Respondent without obtaining any short of permission of license or allowing him to continue his illegal business has been perpetrated or the eyes of the Respondent authorities cannot be permissible and this Hon'ble Tribunal has implied jurisdiction to interfere in this matter.

GROUND

1. For that the said Respondent authorities has miserably failed to take any steps or performed their statutory liabilities;
2. For that the said Respondent authorities have failed to appreciate that it is incumbent upon them to protect and maintain





the environment by the following existing norms and embargo in practical field;

3. For that the said Respondent authorities or to have appreciate that for the environment and socio-economic significance and for protection of human suffers. The environment to be protected for being illegally and intentionally damages by act of any individual;
4. For that the State Respondent authorities ought to have taken adequate measure to prevent the private Respondent No.9 to carry on his illegal manufacturing unit as well as activities and from a residential building;
5. For that the said authorities specifically Officer-in-Charge, the Respondent No.8 have failed to appreciate that the illegal act of the private Respondent No.9, is flagrant violation of the rules imposed by the West Bengal Pollution Control Board, in accordance with the Air (prevention and control of pollution) Act, 1981 and the Water (prevention of control of pollution) Act, 1974 and the ruled framed there under and should be the said manufacturing unit from a part of the residential building described as a shop should be immediately stopped by said Respondent;
6. For that the in action on the part of the said Respondent authority in failing to prevent the damage of environment sound, air, and water as well as noise pollution are otherwise bad in law and action sustaining in the test of illegality;
7. For that the said Respondent authorities failed to continue that such illegal act of the Private Respondent No.9 warrant initiation of penal measures contemplated in the environmental laws and the rules framed there under;



8. For that by remaining inactive and maintaining stoic silence with regard to illegal *mala fide* and whimsical and mischievous act of the Private Respondent, the State Respondent have in effect abated such illegality and have made themselves liable to preceded against for such blatant defense of relevant provision contemplated under the environmental law and the rules framed there under;

9. For that by allowing the Private Respondent No.9 to continue with his manufacturing unit from a residential building, the state Respondent authorities have acted for grave violation of their statutory duties.

10. For that the action of the said Respondent authorities for performing to suit by over the matter despite commission of such illegal act of the Private Respondent recognize and acknowledge such illegality;

11. For that the in action on the part of the said Respondent authorities in failing to prevent the illegal and violative act of the Respondent No.9 against the environmental and deflected clause for immediate and strict intervention of this Hon'ble Tribunal.

LIMITATION

The Applicant declares that the cause of action in the instant case on 02.11.2021 and continues from day to day and lastly on 31.05.2023 when in spite of getting direction from the Respondent No.3. The administrative authorities that is the police authority and local municipal authorities failed to take any steps against the Private Respondent No.9 and continuing day to day. Such cause of action is renewing on a day to day basis and as such the question of applicability of limitation prescribes under Section 14(3) of the National Green Tribunal Act, 2010 does not arrives.

INTERIM PRAYER

Pending final disposal of the application, the Applicant prays for the issuance of following interim order;

- (a) An interim order of injunction directing the state Respondents and on their servant and/or their employees and/or agents to take adequate measures against the Respondent No.9 for his illegal activities any manner whatsoever from the said premises till the disposal of the instant application;
- (b) Order restraining such illegal operation of manufacturing unit by the Respondent No.9 to forcefully destroy the environment and endangering the private health of the local peoples including the inhabitant of the building as well as using of hazardous chemical substances till the disposal of the matter.
- (c) An *ad interim* order in terms of prayer (a) and (b) above.
- (d) Order of stay of the all illegal activities of Respondent No.9 to obtaining the permission of the West Bengal Pollution Control Board till the disposal of the matter;

PRAYER

In view of the facts mentioned in forgoing paragraph the Applicant prays for the following reliefs:-

- a) Mandatory order do issue commanding the state Respondents each one of them and their men, agents, assigns and subordinate to clarify and transmit to this Hon'ble Tribunal the records forming the basis of their inaction regarding illegal operation of manufacturing unit from premises No.105, Neogi Para Road (now known as Manik Bandyopadhyay Sarani) Kolkata 700035 and also to stop illegal action of the Respondent No.9, So that conscionable justice may be rendered;

b) Mandatory order do issue commanding the private Respondent No.9 to produce all the necessary licenses and permission obtained by him, if any, from the said Respondent authority to continue his manufacturing unit from a shop room which is recorded as a part of a residential building;

c) Mandatory order do issue commanding the state Respondents and each one of them and their men, agents, assigns and subordinates to take adequate measures for protecting the environment as well as stop the illegal activities whatsoever of the Respondent No.9;

d) Mandatory order do issue commanding the state Respondents and each one of them to take cognizance and initiate proceedings against the private Respondent No.9;

e) Mandatory order do issue commanding the State Respondents and each one of them and their men, agents, assigns and subordinates to take adequate measures to prevent the illegal operation of ^{unit by} Respondent No.9 which causing air, water, sound pollution day to day;

f) Mandatory order do issue commanding the state Respondent and each one of them and their men, agents, assigns and subordinates to take adequate measures to seal the said unit for illegal operation of the same,

g) Any other appropriate direction and/or direction order and/or as this Hon'ble Tribunal made deem fit and proper;

h) Cost and/or incidental to the instant application be paid by the private Respondents;

For the act of kindness, your Applicant is duty bound show every pray.



Rajat Chowdhury
Signature of the Applicants

VERIFICATION

I, Rajat Chowdhury, S/o, Sri Nikhil Chowdhury, by faith:Hindu, by Nationality: Indian, by Occupation: self-employed, residing at residing at 105, Neogi Para Road (now known as Manik Bandyopadhyay Sarani, Flat No.202, 2nd Floor, P.O.+P.S.-Baranagar, Kolkata-700 036. I do hereby verify this application and said that I am competent to verify this instant application. I do hereby verify that the contains of the paragraphs of the instant application are true to based of my personal knowledge and belief and/or based on information and/or derive from source which I verily believe to be prove and rest are my humble submission before this Hon'ble Tribunal based on legal advice and I have not suppressed any material facts and circumstances.

Rajat Chowdhury.
Signature of the Applicant

Identified By me

Prigobrata Behera

Advocate

Place : Kolkata

Date: 13/2/24





AFFIDAVIT

I, Rajat Chowdhury, S/o, Sri Nikhil Chowdhury, by faith:Hindu, by Nationality: Indian, by Occupation: self-employed, residing at residing at 105, Neogi Para Road (now known as Manik Bandyopadhyay Sarani, Flat No.202, 2nd Floor, P.O.+P.S.-Baranagar, Kolkata-700 036do hereby solemnly affirm and say as follows:

1. That I am the Applicant herein as such I am well acquainted with the facts and circumstances of this application and I am competent to affirm this Affidavit.
2. The statements made in paragraphs 1 to 14 and 17 are true to my personal knowledge and belief and/or based on information and/or believed from sources which I verify believe to be true and the rest are my humble submissions before this Hon'ble Bench.

Prepared in my office

Priyabrata Bhattacharya

Advocate

Rajat Chowdhury

Deponent

Identified by me

Priyabrata Bhattacharya

Advocate



SOLEMNLY AFFIRMED AND DECLARED BEFORE ME ON IDENTIFICATION

S.M. Hassan
S. M. HASSAN
NOTARY

13 FEB 2024

A. D. S. R. COSSIPORE DUM DUM

18 ANNEXURE-A

B-1

Dec-4-2018

YEAR-2018



पश्चिम बंगाल WEST BENGAL

72AB 389945

17/23
2/2/23

रि(1) - 2.00

रि(2) - 2.00

रि(3) - 307.00

PAID

F(1)+F(2) Rs.

45

G.S. + S.S. Rs.

397

101

101

4217



Copy Prepared and Certified to the Application as per Copy
Dated -- 16/02/23

Addl. District Sub-Registrar
Cossipore Dum Dum 24 Pgs. No

16/02/23

[Handwritten signature]

255/18

T-235/2018

19



पश्चिमबङ्ग पश्चिम बंगाल WEST BENGAL

D 811029

D 811029

Certified that the document is authentic
 & registered. This Stamp must be pasted on
 endorsement Sheet attached to the
 document as the purchase document.

Additional District Magistrate
 Comptroller, West Bengal, 24-Pipri, District

15 JAN 2018

1506-162 28/18
 Manik 07/18
 Stamp 1088

DEED OF CONVEYANCE

THIS DEED OF CONVEYANCE is made on this the 15th day of January,
 two thousand eighteen

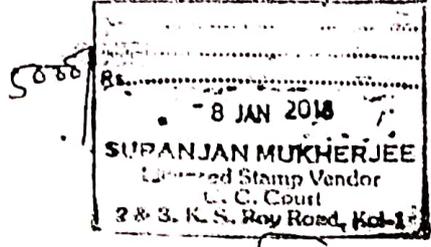


105462

Sikandar Sharma

128, S.P. Banerjee Road,

Kol - 35.



8 JAN 2018



Identified by
Anup Kumar Bakshi,
Advocate
S/o. Sri Sudhir Kumar Bakshi,
24/1, Masjid Bari Lane,
Kol-36, P.O. P.S. Baranagar

Notary District Sub-Registration
Commission Durr-Durr 24 Pgs 98

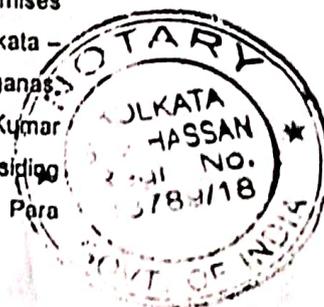
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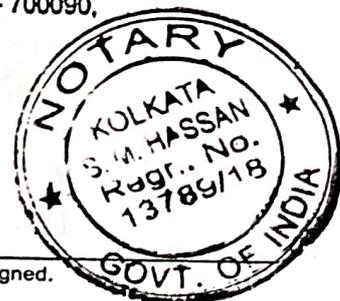
BETWEEN

(1) SRIMATI PROTIMA CHOWDHURY, PAN – BNJPC5710L, wife of Late Basanta Kumar Chowdhury, by nationality Indian, by religion Hindu, by occupation Business, residing at premises No. 105, Manik Bandyopadhyay Sarani, (Formerly known as Neogi Para Road), Kolkata – 700036, Post Office Baranagar, Police Station Baranagar, District: North 24-parganas, (2) SRIMATI ANINDITA CHOWDHURY, PAN – ALUPC8253C, daughter of Late Basanta Kumar Chowdhury, by nationality Indian, by religion Hindu, by occupation Business, residing at premises No. 105, Manik Bandyopadhyay Sarani, (Formerly known as Neogi Para Road), Kolkata – 700036, Post Office Baranagar, Police Station Baranagar, District: North 24-parganas, (3A) SRIMATI SABITA CHOWDHURY, PAN - AWZPC6867C, wife of Late Sarat Kumar chowdhury, by nationality Indian, by religion Hindu, by occupation housewife, residing at premises No. 105, Manik Bandyopadhyay Sarani, (Formerly known as Neogi Para Road), Kolkata – 700036, Post Office Baranagar, Police Station Baranagar, District: North 24-parganas, (3B) SRIMATI SUDESHNA NIYOGI, PAN – AKOPN8695A, wife of Sri Amitava Niyogi, by nationality Indian, by religion Hindu, by occupation housewife, residing at No. 1/3, 1st Floor, Sachin Mitra Lane, Kolkata – 700003, Post Office Baghbazar, Police Station - Shyampukur, District: Kolkata, (3C) SRIMATI RADHASHREE CHOWDHURY, PAN – AWZPC6868P, wife of Sri Somnath Roy, by nationality Indian, by religion Hindu, by occupation – business, residing at premises No. 105, Manik Bandyopadhyay Sarani, (Formerly known as Neogi Para Road), Kolkata – 700036, Post Office Baranagar, Police Station Baranagar, District: North 24-parganas, (4) SRI NIKHIL KUMAR CHOWDHURY, PAN – AEGPC3942P, son of Late Anil Krishna Chowdhury, by nationality Indian, by religion Hindu, by occupation Business, residing at premises No. 105, Manik Bandyopadhyay Sarani, (Formerly known as Neogi Para Road), Kolkata – 700036, Post Office Baranagar, Police Station Baranagar, District: North 24-parganas, (5) SRIMATI CHANDANA CHOWDHURY, PAN – BNYPC9819D, wife of Late Tarit Kumar Chowdhury, by nationality Indian, by religion Hindu, by occupation Housewife, residing at premises No. 105, Manik Bandyopadhyay Sarani, (Formerly known as Neogi Para Road), Kolkata – 700036, Post Office Baranagar, Police Station Baranagar, District: North 24-parganas, (6) MISS RUPSHA CHOWDHURY, PAN – BNYPC9822Q, daughter of Late Tarit Kumar Chowdhury, by nationality Indian, by religion Hindu, by occupation self-employed, residing at premises No. 105, Manik Bandyopadhyay Sarani, (Formerly known as Neogi Para



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Road), Kolkata – 700036, Post Office Baranagar, Police Station Baranagar, District: North 24-parganas, (7) **SRI TAPAN HALDER, PAN – AAWPH7484B**, son of Late Tinkari Halder, by nationality Indian, by religion Hindu, by occupation business, having permanent address at premises No. 105, Manik Bandyopadhyay Sarani, (Formerly known as Neogi Para Road), Kolkata – 700036, Police Station Baranagar, District: North 24-parganas, hereinafter jointly referred to as the **“OWNERS/VENDORS”** (Which term or expression shall unless otherwise excluded by or repugnant to the subject or context be deemed to mean and include their respective heirs, executors, administrators, representatives and assigns) the **FIRST PARTY** represented through their constituted Attorneys and agents **MESSERS NIRMAN CONSTRUCTION, PAN – AAKFN3688H**, a Partnership firm having its present office at No. 13/F/6, Bhattacharjee Para Lane, Kolkata 700036, Post Office – Baranagar, Police Station - Baranagar, District : North 24-parganas, represented by it's partners (1) **SRI BISWANATH SARKAR, PAN - ATIPS3842H**, son of Late Sanat Kumar Sarkar by nationality Indian, by religion Hindu, by occupation Business, residing at No. 13, Bhattacharjee Para Lane, Kolkata - 700036, Post Office – Baranagar, Police Station Baranagar, District: North: 24-paraganas, (2) **SRI SISIR KUMAR SAHA, PAN – AUFPS5487G**, son of Sri Ramkrishna Saha, by nationality Indian, by religion Hindu, by occupation Business, residing at No. 5/38, Manik Bandyopadhyay Sarani, kolkata - 700036, Post Office – Baranagar, Police Station Baranagar, District: North: 24-paraganas, (3) **SRI SHYAMAL DUTTA, PAN – AFYPD3545G**, son of Late Rai Mohan Dutta, by nationality Indian, by religion Hindu, by occupation Business, residing at No. 234, B. T. Road, Kolkata - 700036, Post Office – Baranagar, Police Station Baranagar, District: North: 24-paraganas, (4) **SRI DEBASISH ROY, PAN – ACJPR4214L**, son of Late Jyotirmoy Roy, by nationality Indian, by religion Hindu, by occupation Business, residing at No. 237, B. T. Road, Kolkata - 700036, Post Office – Baranagar, Police Station Baranagar, District: North: 24-paraganas, (5) **SRI PARTHA SARKAR, PAN – BMUPS0200F**, son of Late Kartick Chandra Sarkar, by nationality Indian, by religion Hindu, by occupation Business, residing at No. 13, Bhattacharjee Para Lane, Kolkata - 700036, Post Office – Baranagar, Police Station Baranagar, District: North: 24-paraganas, (6) **SRIMATI SANGITA SASTRI, PAN – CXCPST7773P**, wife of Sri Jagannath Sastri, by nationality Indian, by religion Hindu, by occupation business, residing at No. 72/11, Dr. Nilmani Sarkar Street, Kolkata - 700090, Post Office – Noapara, Police Station Baranagar, District: North: 24-paraganas;



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M/S. NIRMAN CONSTRUCTION, PAN – AAKFN3688H, a Partnership Firm having its office at No. 13/F/6, Bhattacharjee Para Lane, Kolkata - 700036, Post Office – Baranagar, Police Station - Baranagar, District: North 24-parganas, represented by its Partners (1) SRI BISWANATH SARKAR, PAN - ATIPS3842H, son of Late Sanat Kumar Sarkar by nationality Indian, by religion Hindu, by occupation Business, residing at No. 13, Bhattacharjee Para Lane, Kolkata - 700036, Post Office – Baranagar, Police Station Baranagar, District: North: 24-paraganas, (2) SRI SISIR KUMAR SAHA, PAN – AUFPS5487G, son of Sri Ramkrishna Saha, by nationality Indian, by religion Hindu, by occupation Business, residing at No. 5/38, Manik Bandyopadhyay Sarani, kolkata - 700036, Post Office – Baranagar, Police Station Baranagar, District: North: 24-paraganas, (3) SRI SHYAMAL DUTTA, PAN – AFYPD3545G, son of Late Rai Mohan Dutta, by nationality Indian, by religion Hindu, by occupation Business, residing at No. 234, B. T. Road, Kolkata - 700036, Post Office – Baranagar, Police Station Baranagar, District: North: 24-paraganas, (4) SRI DEBASISH ROY, PAN – ACJPR4214L, son of Late Jyotirmoy Roy, by nationality Indian, by religion Hindu, by occupation Business, residing at No. 237, B. T. Road, Kolkata - 700036; Post Office – Baranagar, Police Station Baranagar, District: North: 24-paraganas, (5) SRI PARTHA SARKAR, PAN – BMUPS0200F, son of Late Kartick Chandra Sarkar, by nationality Indian, by religion Hindu, by occupation Business, residing at No. 13, Bhattacharjee Para Lane, Kolkata - 700036, Post Office – Baranagar, Police Station Baranagar, District: North: 24-paraganas, (6) SRIMATI SANGITA SASTRI, PAN – CXCPS7773P, wife of Sri Jagannath Sastri, by nationality Indian, by religion Hindu, by occupation business, residing at No. 72/11, Dr. Nilmani Sarkar Street, Kolkata - 700090, Post Office – Noapara, Police Station Baranagar, District: North: 24-paraganas, hereinafter jointly referred to as the "DEVELOPER/BUILDER/PROMOTER" (Which term or expression shall unless otherwise excluded by or repugnant to the subject or context be deemed to mean and include it's successors-in-office, executors, administrators, representatives and assigns) the SECOND PARTY.

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SRI SIKANDAR SHARMA, PAN – CYEPS2429F, son of Sri Laddu Sharma, by nationality Indian, by religion Hindu, by occupation business, residing at No. 128, S.P. Banerjee Road, Kolkata – 700035, Post Office – Alambazar, Police Station - Baranagar,

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District: North 24-parganas, hereinafter referred to as the "PURCHASER" (which term or expression shall unless otherwise excluded by or repugnant to the subject or context be deemed to mean and include his heirs, executors, administrator, legal representatives and assigns) the THIRD PARTY;

WHEREAS one Smt. Mina Dutta, wife of Hiralal Dutta, by a Registered Deed of Conveyance dated 30th day of May, 1973 absolutely sold, transferred conveyed ALL THAT piece and parcels of land measuring more or less 4 (Four) Cottahs 1 (One) Chhitack comprised in Dag No. 2033, Khatian No. 305 within Mouza Baranagar in the District of North 24-parganas to the RAILWAY SIGNALLING AND TRAIN LIGHTING EQUIPMENT MANUFACTURING CO, a Registered Firm at or for a consideration mentioned in the said Deed of Conveyance and in the said Deed one Smt. Rama Chowdhury joined in the said Deed and signed as a Confirming Party and the said Deed was Registered at the Office of the Registrar of Assurances, Kolkata and recorded in Book No. - I, Volume No. 104, Pages 291 to 299 being Deed No. 3123 for the year 1973.

AND WHEREAS the said RAILWAY SIGNALLING AND TRAIN LIGHTING EQUIPMENT MANUFACTURING CO. a registered firm represented by its Partners namely (1) Sri Basanta Kumar Chowdhury, since deceased, (2) Sri Sarat Kumar Chowdhury, since deceased, (3) Sri Nikhil Kumar Chowdhury, (4) Sri Tarit Kumar Chowdhury, since deceased, all sons of Late Anil Krishna Chowdhury and all had equal Shares in the said Partnership Business. After purchasing the said plot of land they constructed a building upon the said property at Premises No. 105, Neogi Para Road, under Police Station Baranagar, Kolkata - 700036, District North 24-parganas for their Engineering Business which is more fully described in the SCHEDULE 'A' hereunder written.

AND WHEREAS the said Basant Kumar Chowdhury during the continuance of the said Partnership Business died intestate on 19th day of October 1982 leaving behind his wife Smt. Protima Chowdhury and only daughter Miss Anindita Chowdhury and after death of the said Basanta Kumar Chowdhury by a reconstituted Deed of Partnership all the share and Profits in the Partnership Business of the deceased partner was transferred to Protima Chowdhury and that time name of the minor daughter was not included in the said Partnership Business and as such only her name was incorporated in the Partnership Business of the Owners Smt. Protima Chowdhury, Sri Sarat Kumar Chowdhury, since deceased, Sri Nikhil Kumar Chowdhury and Sri Tarit Kumar Chowdhury and all the

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partners had 1/4th share and interest in the said Partnership business and they were jointly running the said partnership business;

AND WHEREAS by virtue of a Deed of Gift said Smt. Protima Chowdhury (wife of Late Basanta Kumar Chowdhury) and Sri Sarat Kumar Chowdhury, since deceased, son of Late Anil Krishna Chowdhury, Sri Nikhil Kumar Chowdhury, son of Late Anil Krishna Chowdhury, transferred their 3/4th (Three fourth) share measuring 259 Square Feet Godown Room of Ground Floor of the building to Tarit Kumar Chowdhury, son of Late Anil Krishna Chowdhury and the said Deed of Gift was registered at the Office of the Additional District Sub-Registrar at Cossipore Dum Dum and recorded in Book No. – I, being Deed No. 6312, for the year 2001. But the said property has not been mutated in the records of local Baranagar Municipality in the name of Tarit Kumar Chowdhury.

AND WHEREAS the said Tarit Kumar Chowdhury during his life time sold and transferred 186 Square Feet covered area of Godown Room out of his 259 square feet on the Ground Floor to one Sri Tapan Halder, son of Late Tinkari Halder, by way of Deed of Conveyance and the said Deed was registered at the Office of the Additional District Sub-Registrar at Cossipore Dum Dum and recorded in Book No. – I, being Deed No. 20 for the year 2004 but name of Sri Tapan Halder has also not been mutated in the records of local Baranagar Municipality in the name of Sri Tapan Halder.

AND WHEREAS during the continuance of the Partnership another Partner namely Tarit Kumar Chowdhury also died intestate on 4th day of January, 2009 leaving him behind surviving his wife Smt. Chandana Chowdhury and only daughter namely Miss Rupsha Chowdhury as his only surviving heirs and successors. And after the death of the said Tarit Kumar Chowdhury all the 1/4th share and Profits of the deceased partner in the said Partnership business was transferred/devolved upon Smt. Chandana Chowdhury and Miss Rupsa Chowdhury in equal shares and their names were incorporated in the Partnership Business mutually by all the remaining Partners and in terms of the said Partnership Deed.

AND WHEREAS the said RAILWAY SIGNALLING AND TRAIN LIGHTING EQUIPMENT MANUFACTURING CO. represented by its Partners namely (1) Smt. Protima Chowdhury, (2) Smt. Anindita Chowdhury, (3) Sri Sarat Kumar Chowdhury, since deceased, (4) Sri Nikhil Kumar Chowdhury, (5) Smt. Chandana Chowdhury and (6) Miss Rupsha Chowdhury during joint enjoyment of the property and due to winding up of the



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business decided to transfer the said plot of land which is more fully described in the SCHEDULE 'A' hereunder written AND as per their decision they had made an application before Baranagar Municipality to mutate their names in the name of Smt. Protima Chowdhury, Smt. Anindita Chowdhury, Sri Sarat Kumar Chowdhury, since deceased, Sri Nikhil Kumar Chowdhury, Smt. Chandana Chowdhury and Miss Rupsha Chowdhury and the said SRI TAPAN HALDER and after such mutation the vendors were well seized and possessed of otherwise well and sufficiently entitled to the property mentioned in the SCHEDULE 'A' hereunder written being Baranagar Municipal premises No. 105, Manik Bandyopadhyay Sarani (Formerly known as Neogi Para Road), Kolkata – 700036, Police Station Baranagar, District : North 24-parganas.

AND WHEREAS the said owners executed an unregistered Development Agreement dated 10.11.2011 with Developer/promoter M/S, Fortune Construction & others for development of the said property and the said owners also executed a registered General Power of Attorney in favour of Sri Sujay Dutta and Sri Biplab Sarkar empowering them amongst other works to sale the developer's allocation and the said M/S. Fortune Construction & others also paid earnest money to the said owners and the said General Power of Attorney was registered in the office of the A.D.S.R. at Cossipore Dum Dum and recorded in Book No. – IV, C.D. Volume No. – I, Page No. 1070 to 1081, being Deed No. 98 for the year 2011.

AND WHEREAS due to differences in opinion and other various difficulties and inconveniences the said developer could not start the said development works and ultimately the said development agreement had been cancelled and the said owners have also refunded the said earnest money to the said developer and the developer has also relinquished their right over the said property and have put their signature on necessary papers to cancel the said development agreement and by virtue of a Deed of Revocation of power of attorney the said owners have also duly revoked the said General power of attorney and the said Deed of revocation has been registered in the office of the A.D.S.R. at Cossipore Dum Dum and recorded in Book No. – IV, C.D. Volume No. – 2, Page No. 4588 to 4660, being Deed No. 885 for the year 2013.

AND WHEREAS the said owners had again decided to construct a multi-storied buildings upon the said plot of land but due to their financial stringencies they were unable to do so AND having come to know the intention of the said owners the DEVELOPERS

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herein approached the said owners with the proposal to allow them to Develop the said premises at their own cost and expenses and as per the desire of the said owners by way of constructing the proposed multi storied/residential building in accordance with the Building Plan to be sanctioned by local Baranagar Municipality.

AND WHEREAS the said land owners were the absolute joint owners and/or were well and sufficiently entitled to and/or otherwise well seized and possessed of all that piece and parcel of land measuring more or less 4 (Four) Cottahs 1 (One) Chhitack situated at Mouza Baranagar, J.L. No. 5, R.S. No. 6, Touzi No. 1068/2833, appertaining to Dag No. 2033 under Khatian No. 305, modified Dag No. 2033/2245, modified Khatian No. 9195, being premises No. 105, Manik Bandyopadhyay Sarani (Formerly known as Neogi Para Road), Kolkata – 700036, Post Office Baranagar, Police Station Baranagar, District: North 24-parganas, which is more fully and particularly described and mentioned in the Schedule 'A' hereunder written;

AND WHEREAS by virtue of a development agreement dated 24.07.2013 made between the said land owners/vendors therein and M/S. NIRMAN CONSTRUCTION, a partnership firm having its office at No. 13/F/6, Bhattacharjee Para Lane, Kolkata - 700036, Post Office – Baranagar, Police Station - Baranagar, District: North 24-parganas, represented by its Partners (1) Sri Biswanath Sarkar, (2) Sri Sisir Kumar Saha, (3) Sri Shyamal Dutta, (4) Sri Debasish Roy, (5) Sri Partha Sarkar and (6) Srimati Sangita Sastri as the Developers therein, the developers agreed to construct a G+4 storied building over their abovementioned more or less 4 (Four) Cottahs 1 (One) Chhitack of land with certain terms and conditions therein mentioned and the said Development agreement was registered in the office of the Additional District Sub-Registrar at Cossipore Dum Dum and recorded in Book No. – I, Volume No. – 20, Page No. 7600 to 7629, being Deed No. 08686 for the year 2013. The said agreement made between the said land owners/vendors as one part and the developers as the other part shall hereinafter be referred to as "Development Agreement"

AND WHEREAS on 24.07.2013 the said vendors therein jointly executed a General Power of Attorney for development whereby they appointed M/S. Nirman Construction, a partnership firm having its office at No. 13/F/6, Bhattacharjee Para Lane, Kolkata - 700036, Post Office – Baranagar, Police Station - Baranagar, District: North 24-parganas, represented by its Partners (1) Sri Biswanath Sarkar, (2) Sri Sisir Kumar

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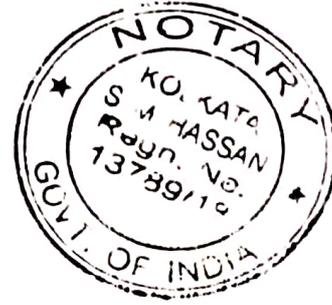
Saha, (3) Sri Shyamal Dutta, (4) Sri Debasish Roy, (5) Sri Partha Sarkar And (6) Srimati Sangita Sastri as their Attorneys and agents empowering and authorizing them inter alia to do all acts, deeds, matters and things and to look after, manage, control, supervise to make construction and develop the said property and also to negotiate for sale and enter into agreement for sale with the intending purchasers and to receive advances and to sign, execute any conveyance or conveyances in respect of the property mentioned in the schedule therein and the said Power of Attorney was registered in the office of the Additional District Sub-Registrar at Cossipore Dum Dum and recorded in Book No. - I, Volume No. - 20, Page No. 7645 to 7665, being Deed No. 08688 for the year 2013;

AND WHEREAS SARAT KUMAR CHOWDHURY, being one of the land owners/vendors No. 3 of the said Development Agreement has died intestate on 13.12.2016 leaving behind his wife Smt. Sabita Chowdhury and two daughters namely Smt. Sudeshna Niyogi and Smt. Radhashree Chowdhury being the owners/vendors No. 3A, 3B and 3C respectively as his only heirs and successors who have jointly inherited the share in the said property left by the deceased Sarat Kumar Chowdhury;

AND WHEREAS thereafter it had become necessary for the land owners/vendors herein to execute one supplementary agreement for development with the said developer for smooth construction works on the said property because after death of the said Sarat Kumar Chowdhury the present owners/vendors No. 3A, 3B and 3C have jointly inherited his share in the said property and only they are entitled to the entire share of property which the said Sarat Kumar Chowdhury was entitled to under the said previous development agreement;

AND WHEREAS a supplementary development agreement dated 11.09.2017 was executed between the land owners/vendors and M/S. NIRMAN CONSTRUCTION, a partnership firm having its office at No. 13/F/6, Bhattacharjee Para Lane, Kolkata - 700036, Post Office - Baranagar, Police Station - Baranagar, District: North 24-parganas, represented by its Partners (1) Sri Biswanath Sarkar, (2) Sri Sisir Kumar Saha, (3) Sri Shyamal Dutta, (4) Sri Debasish Roy, (5) Sri Partha Sarkar and (6) Srimati Sangita Sastri as the Developers therefor smooth running of construction of a G+4 storied building over their abovementioned more or less 4 (Four) Cottahs 1 (One) Chhitack of land with certain terms and conditions therein mentioned and the said Development agreement was registered in the office of the Additional District Sub-Registrar at Cossipore Dum Dum and

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recorded in Book No. – I, Volume No. – 1506-2017, Page No. 221179 to 221218 , being Deed No. 7460 for the year 2017. The said agreement made between the land owners/vendors as one part and the developers as the other part shall hereinafter be referred to as "Development Agreement"

AND WHEREAS on 11.09.2017 the vendors jointly executed a General Power of Attorney for development whereby they appointed M/S. Nirman Construction, a partnership firm having its office at No. 13/F/6, Bhattacharjee Para Lane, Kolkata - 700036, Post Office – Baranagar, Police Station - Baranagar, District: North 24-parganas, represented by its Partners (1) Sri Biswanath Sarkar, (2) Sri Sisir Kumar Saha, (3) Sri Shyamal Dutta, (4) Sri Debasish Roy, (5) Sri Partha Sarkar And (6) Srimati Sangita Sastri as their Attorneys and agents empowering and authorizing them inter alia to do all acts, deeds, matters and things and to look after, manage, control, supervise to make construction and develop the said property and also to negotiate for sale and enter into agreement for sale with the intending purchasers and to receive advances and to sign, execute any conveyance or conveyances in respect of the property mentioned in the schedule therein and the said Power of Attorney was registered in the office of the Additional District Sub-Registrar at Cossipore Dum Dum and recorded in Book No. – I, Volume No. – 1506-2017, Page No. 221219 to 221261, being Deed No. 7461. for the year 2017

AND WHEREAS pursuant to the said Development Agreement and the said General Power of Attorney executed by the vendors herein in favour of the Developers the Building Plan for construction of a G + Four storied building on the said premises was submitted by the Developers and the same had been duly sanctioned by local Baranagar Municipality vide Issue No. P.W. / B.S. 547/11 dated 28.03.2014, for construction of a G + Four storied building on the said premises which is more fully and particularly described and mentioned in the "A" schedule hereunder written;

AND WHEREAS the Purchaser herein being desirous of purchasing a shop room in the above said premises, which is described in the schedule "B" hereunder written, approached the Vendors/Developer and proposed to purchase a shop room on the ground floor of the said premises, North facing, hereinafter referred to as the "Said shop room", at present measuring super built-up area of more or less 108 square feet, which is more fully and particularly described and mentioned in the Schedule "B" hereunder written.

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and the Developer agreed to the said proposal of the purchaser on some terms and conditions;

AND WHEREAS the Purchaser has taken inspection of the copies of the relevant papers and documents of the said premises and building proposed to be constructed thereon and is satisfied about the title of the vendors to the said land and about the proposed building thereon;

AND WHEREAS the vendors and the developer do hereby declare that the said property is free from all encumbrances and there is no impediment in the matter of sale / transfer of the said property to any intending purchaser or purchasers.

AND WHEREAS the Vendors herein agreed to sale and the purchaser herein agreed to purchase ALL THAT one shop room No. G-3A, at present measuring about 108 square feet including super built up area and share of common stair case, on the Ground floor, North facing of the said building standing on the said property being premises No. 105, Manik Bandyopadhyay Sarani (Formerly known as Neogi Para Road), Kolkata – 700036, Post Office Baranagar, Police Station Baranagar, District: North 24-parganas, at or for a present total consideration money of Rs. 2,00,000/- (Rupees two lakhs) only free from all encumbrances;

AND WHEREAS construction of the abovementioned shop room has been completed and the same is ready for sale and use and the said shop room has been constructed by the vendors/developer as per building plan sanctioned from Baranagar Municipality;

NOW THIS DEED OF CONVEYANCE WITNESSETH THAT in pursuance of the said agreement and in consideration of the sum of Rs. 2,00,000/- (Rupees two lakhs) only, well and truly paid by the purchaser to the vendors as per memo of consideration appearing below (The receipt whereof the vendors herein doth hereby and also by the receipt hereunder written admit and acknowledge and of and from the payment of the same and every part thereof for ever release and discharge the purchaser and the property hereby transferred or intended so to be) and the vendors doth hereby grant, sell, transfer, convey, assign and assure unto the purchaser ALL THAT the said shop room

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No. G-3A, North facing, on the Ground floor of the building situated at and being premises No. 105, Manik Bandyopadhyay Sarani (Formerly known as Neogi Para Road), Kolkata – 700036, Police Station Baranagar, District: North 24-parganas, which is more fully and particularly described and mentioned in the Schedule "B" hereunder written and shown in the map or plan attached hereto and demarcated with the colour RED border, together with undivided proportionate share and interest on the said land measuring more or less 4 (Four) Cottahs 1 (One) Chhitack, being Baranagar Municipal premises No. 105, Manik Bandyopadhyay Sarani (Formerly known as Neogi Para Road), Kolkata – 700036, Post Office Baranagar, Police Station Baranagar, situated at Mouza - Baranagar, J.L. No. 5, R.S. No. 6, Touzi No.1068/2833, appertaining to Dag No. 2033 under Khatian No. 305, modified Dag No. 2033/2245, modified Khatian No. 9195, Sub-Registry Office Cossipore Dum Dum, in the District of North 24-Parganas, the said entire land on which the building is erected and standing is more fully and particularly described and mentioned in the Schedule "A" hereunder written TOGETHER WITH right over the said shop room on the Ground floor of the building being premises No. 105, Manik Bandyopadhyay Sarani (Formerly known as Neogi Para Road), Kolkata – 700036, Post Office Baranagar, Police Station Baranagar, District: North 24-parganas, measuring super built up area of more or less 108 square feet hereinafter, referred to as the "Said shop room" TOGETHER WITH right in common with other similar purchasers or owners acquiring similar rights, to enjoy and possess all common roads, passages, open spaces and all rights and privileges appertaining thereto or reputed to belong to the estate, right, title, interest, claim and demand of the vendors into and upon the said shop room proportionately upon incurring proportionate expenses for the said common portions and TO HAVE AND TO HOLD the said shop room absolutely in the manner aforesaid for ever free from all encumbrances, charges, trusts, liens, claims and demands whatsoever the property thus purchased by the purchaser being particularly described in the Schedule "B" hereunder written and shown and delineated in the map or plan attached hereto with colour RED border AND the purchaser shall have the right to own, use and occupy the said shop room exclusively and the common parts, areas and facilities in common with other co-owners, purchasers and occupiers of the said building, such common areas and facilities being described and mentioned in the Schedule "C" hereunder written AND by payment of taxes and impositions on the said shop room and also subject to abide by some other obligations the purchasers will be entitled to enjoy certain rights, such rights and obligations are mentioned in Schedule "D" hereunder written AND the purchasers shall also have to pay the common

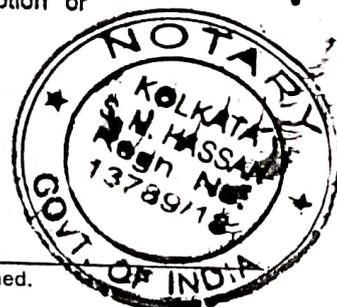
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expenses as mentioned in the Schedule "E" hereunder written proportionately and all other outgoings in connection with the said shop room wholly and the said building proportionately AND possession of the said shop room is handed over to the purchaser simultaneously with the execution of this Deed of Conveyance;

THE VENDORS DOTH HEREBY COVENANT WITH THE PURCHASER AS FOLLOWS:-

- a) Notwithstanding anything herebefore done or suffered to the contrary the vendors have good and perfect right, title and authority to convey the said shop room together with undivided impartible share in the said land described in Schedule "A" hereunder and all rights and privileges and appurtenances hereunto belonging and hereby sold, conveyed and transferred to the purchaser in the manner aforesaid and that the vendors have not done or knowingly suffered anything whereby the said property may be encumbered, affected or impeached the estate, title or otherwise;
- b) There are no encumbrances, charges, trusts, liens, attachments, claims or demands whatsoever now subsisting on the property and that the same is not the subject matter of any suit or litigation or proceeding and has not been offered as security or otherwise to any court or Revenue Authority;
- c) The vendors shall and will at all times indemnify and keep indemnified and keep harmless the purchaser against all claims and demands whatsoever in respect of the property hereby sold and conveyed and make good the purchaser's all losses, costs and expenses which he may be put or obliged to incur or suffer by reason of any defect or deficiency in the extent, description or other particulars of the said property;
- d) The purchaser shall henceforth hold, possess and enjoy the rents and profits derivable from and out of the said shop room without any hindrance, eviction, interruption or disturbance from or by the vendors or any person or persons claiming through, under or in trust for the vendors and without any lawful hindrance, eviction, interruption or disturbances by any other persons whomsoever;



33

(14)

e) All the taxes, land revenue and impositions payable in respect of the said shop room upto the date of execution and registration of this Deed of Conveyance have been fully paid by the vendors and if any portion of such taxes, levies and other impositions etc. be found to remain unpaid for the period upto the date hereof, the same shall be deemed to be the liability of the vendors and be realizable from the vendors;

f) The vendors shall at all times hereafter do and execute or cause to be done and executed at the requests and costs and expenses of the purchaser all such further acts, deeds, things and assurances as may be reasonably required by the purchaser for better or further effectuation and assuring the conveyance hereby made or the title of the purchaser to the property hereby sold and conveyed;

The Developer/Builder/Promoter hereby declare that it has full knowledge and consent in the matter of sale of the said shop room in favour of the purchaser herein and the Developer/Builder/Promoter hereby confirm the above sale by putting it's seal and signature in this Deed of Conveyance;

The Map or Plan attached hereto shall be effective and considered to be a part of this Deed of Conveyance;

THE SCHEDULE "A" ABOVE REFERRED TO:
(Description of the Land and Building)

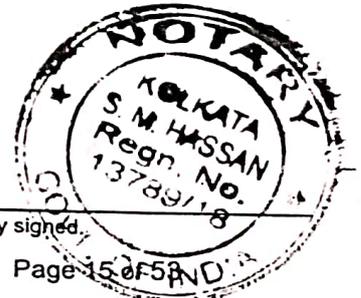
ALL THAT peace and parcel of land measuring more or less 4 (four) Cottahs 1 (one) Chhitack together structures thereon laying and situated at and being premises No. 105, Manik Bandyopadhyay Sarani (Formerly known as Neogi Para Road), Kolkata - 700036, Post Office Baranagar, Police Station Baranagar, at Mouza Baranagar, J.L. No. 5, R.S. No. 6, Touzi No. 1088/2833, Dag No. 2033 under Khatian No. 305, modified Dag No. 2033/2245, modified Khatian No. 9195, within the limit of Baranagar Municipal ward No. 11, within the jurisdiction of Additional District Sub-Registry Office at Cossipore, Dum Dum, District North 24 - parganas, butted and bounded as follows:-

ON THE NORTH BY:-

Manik Bandyopadhyay Sarani;

ON THE SOUTH BY:-

Baranagar Sporting Club;



(15)

ON THE EAST BY:- Property of Kamal Bala Devi;
ON THE WEST BY :- Land of Skh. Dilur;

SCHEDULE "B" ABOVE REFERRED TO: -
(Description of the shop)

Biswasank Samkar

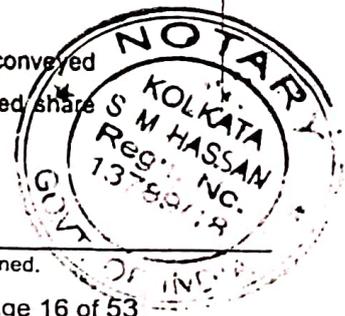
ALL THAT one shop room having Marble floor, measuring more or less 108 square feet including super built up area, being shop room No. G-3A, on the Ground floor, in the North side of the said building standing on "A" Schedule Property having rolling shutters together with right of common user of common areas and common spaces together with undivided impartible proportionate share of the land subject to the obligations of the purchaser for payment of maintenance charges in respect of the said shop room at premises No. 105, Manik Bandyopadhyay Sarani (Formerly known as Neogi Para Road), Kolkata - 700036, Post Office Baranagar, Police Station Baranagar, in the District of North 24-Parganas which is delineated in the Map or Plan annexed hereto and thereon marked with colour 'RED' border;

THE SCHEDULE "C" ABOVE REFERRED TO :
(Common areas and facilities)

1. The land or space lying vacant within the said premises around the shop room;
2. The spaces within the building comprised of the entrances thereto;
3. The foundation columns, girders, supports of main walls, the main gate of the premises and the passages leading to the building;
4. The installations for common services and electrical connections which the purchaser herein is entitled to;
5. All other areas and facilities and amenities in the premises which are intended for common use of shop room owners;

THE SCHEDULE "D" ABOVE REFERRED TO :
(Right and obligations of the purchaser)

1. That the purchaser shall and will enjoy the said shop room hereby conveyed situated on the said land described in the Schedule "A" hereto whereof undivided share



(16)

has been purchased by the purchaser as per the building plan sanctioned by the local Baranagar Municipality together with all other persons lawfully entitled thereto, and all proportionate rights in respect of all the common areas mentioned in the Schedule "C" above written;

2. The purchaser shall become and remain member of the Society or Association to be formed by the owners of different flats, shops, garages etc. of the said building;

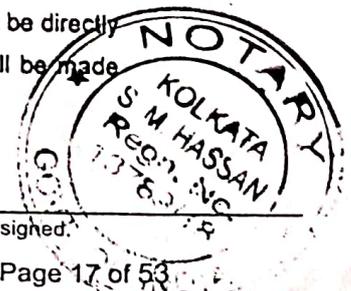
3. The Purchaser shall and will observe and perform the terms and conditions and byelaws and the rules and regulations of the Society or Association;

4. That the elevation of the shop room shall neither be altered or permitted to be altered by the purchaser nor shall any other building or erections be made by him in the property hereby sold and conveyed without the consent in writing of the owners of the other flats, garages, units and of the owners of the other undivided share in the property described in the Schedule "A";

5. The purchaser shall not at any time carry or support in the property hereby sold and conveyed or any part thereof or in the said shop room on the ground floor any trade or business of offensive and unlawful nature pursuit whereof may be or become in any way nuisance, annoyance, or danger to owners or its successors in title or to the owners and/or the occupiers of the other flats, garages or units or of the owners and/or occupiers of any neighboring property or which may tend to depreciate the value of the flats, garages, units or any part thereof or permit the same to be used for any purpose other than as a shop room;

6.. The purchaser shall and will give the owners of the other flats, shop rooms and other units, the vertical, horizontal and lateral support for their flats, garage and other units and also a right of way over all the passages which he is entitled to and shall and will be entitled to similar rights from the other owners of the said building;

7. The purchaser shall be liable to pay directly to the Municipality or other appropriate authorities or contribute in proportion to the area of the said shop room towards or in the account of the payment of Municipal taxes and other outgoings payable in respect of the said plot of land and/or premises and in cases where the said payment shall not be directly payable to the Corporation or statutory authorities as aforesaid the same shall be made



(17)

over by the purchaser to the owners so long the owners retain such authority and upon its formation to the Association or societies of the purchasers of the undivided shares in the said land and thus becoming owners of the several flats, garage and other units in the building and in default shall be liable for payment thereof with costs of litigation upon being sued by the members of the Association or society as the case may be;

8. The Association of the owners shall be formed by the purchaser herein jointly with all other owners of the said building as per the provisions of the West Bengal Apartment Ownership Act, 1972 and the purchaser shall and will sign and execute all forms, returns, declarations and documents as may from time to time become necessary;

9. The title deeds of the said property are kept with the vendors and the purchaser will be entitled to inspect the same and to have copies of and/or extracts therefrom or any of them at the costs and expenses of the purchaser for reasonable purposes and upon formation of the Association of the flat, garage and other unit owners, the vendors shall make over all the said documents to the Association and the Association shall remain bound to make the same available as above to the purchaser on same terms;

10. The purchaser shall have full proprietary rights and interests and shall be entitled to sell, mortgage, let out, lease and transfer the said shop room in any manner permitted by law, without requiring to have or seek any consent for the purpose from the vendors or any other owner or owners of the flats;

11. The purchaser's undivided interest in the soil or land described in the Schedule "A" hereunder written shall remain joint for ever with the owners of the other flats, garage and units of the said building it being hereby further declared that the interests in the said soil or the said plot of land is impartible;

THE SCHEDULE "E" ABOVE REFERRE TO :
(Common Expenses)

1. The expenses for maintaining, repairing, reconstructing and renewing the main structure arrangements for supply of the electricity and all common areas contained in the said premises described in Schedule "C" hereinbefore;



(18)

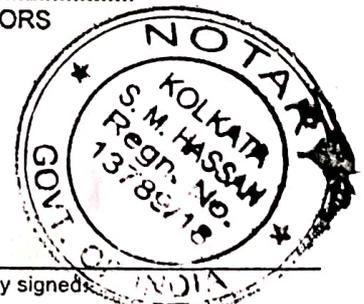
2. The costs of cleaning and lighting the entrance of the building, the passages and spaces around the building, shop room hereby sold;
3. All taxes, levied and impositions deposit etc. for the entire premises;
4. All litigation costs relating to the common parts and common interests of the building available to the purchaser herein;
5. All salaries, wages, fees and remunerations of all workmen, staff experts engaged and hired for the common purposes to which the purchaser herein is entitled;
6. Premises Insurance for the building, if any;
7. Such expenses as would be necessary for or incidental to the said maintenance and upkeep of the premises and of the common areas, facilities and amenities.

IN WITNESS WHEREOF the parties hereto have set and subscribed their respective hands and seals the day, month and year first above written.

As constituted Attorneys of the Vendors.

- Biswanath Sarker
 - Sisir Kumar Saha
 - Shyamal Kumar
 - Debasish Roy
 - Partha Sarker
 - Sangita Sastri

OWNERS/VENDORS



(19)

NIRMAN CONSTRUCTION

Nirman Construction
 Saha
 Saha
 Saha
 Saha
 Saha

DEVELOPER/BUILDER/PROMOTER

Saha
 Saha

PURCHASER

SIGNED, SEALED AND DELIVERED at
Kolkata in the presence of:-

WITNESSES:

1. Sonali Sarkar
13, Bhattacharjee Park Lane,
Kolkata - 700036

2. Arup Kumar Bakshi
Advocate



Drafted and Prepared by:-

Arup Kumar Bakshi

Arup Kumar Bakshi,
Advocate,
High Court, Calcutta

F- 600/83

Computed by:-

A. Bakshi

MEMO OF CONSIDERATION

RECEIVED of and from the within named PURCHASER the within mentioned sum of Rs. 2,00,000/- (Rupees two lakhs) only being the full amount of consideration money in the manner appearing below: -

- 1. By Cheques on different dates Rs. 1,20,000.00
- 2. By Cash on different dates Rs. 80,000.00

.....
 Total.Rs. 2,00,000.00
 (Rupees two lakhs only)

As constituted Attorneys of the vendors

- Biswanath Sarkar
- Siddi Kumar Saha
- Shyamal Bhowmik
- Debasish Ray
- Partha Sarkar
- Sangita Sastri

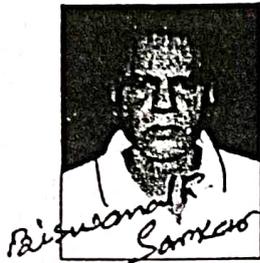
OWNERS/VENDORS

Witnesses:-

- 1. Sonali Sarkar
- 2. Anup Kumar Bhowmik



FORM FOR TEN FINGERPRINTS



	Little Finger	Ring Finger	Middle Finger	Fore Finger	Thumb
Left Hand					
	Thumb	Fore Finger	Middle Finger	Ring Finger	Little Finger
Right Hand					



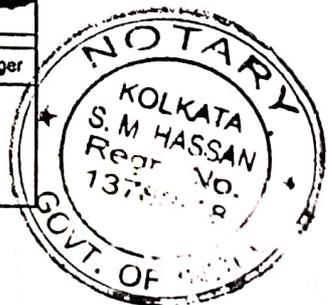
	Little Finger	Ring Finger	Middle Finger	Fore Finger	Thumb
Left Hand					
	Thumb	Fore Finger	Middle Finger	Ring Finger	Little Finger
Right Hand					



	Little Finger	Ring Finger	Middle Finger	Fore Finger	Thumb
Left Hand					
	Thumb	Fore Finger	Middle Finger	Ring Finger	Little Finger
Right Hand					



	Little Finger	Ring Finger	Middle Finger	Fore Finger	Thumb
Left Hand					
	Thumb	Fore Finger	Middle Finger	Ring Finger	Little Finger
Right Hand					



FORM FOR TEN FINGERPRINTS



	Little Finger	Ring Finger	Middle Finger	Fore Finger	Thumb
Left Hand					
	Thumb	Fore Finger	Middle Finger	Ring Finger	Little Finger
Right Hand					



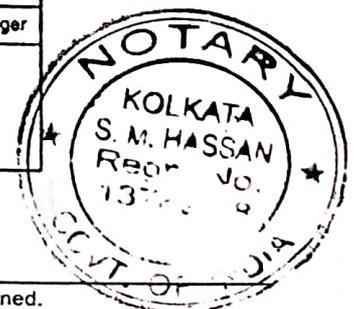
	Little Finger	Ring Finger	Middle Finger	Fore Finger	Thumb
Left Hand					
	Thumb	Fore Finger	Middle Finger	Ring Finger	Little Finger
Right Hand					



	Little Finger	Ring Finger	Middle Finger	Fore Finger	Thumb
Left Hand					
	Thumb	Fore Finger	Middle Finger	Ring Finger	Little Finger
Right Hand					



	Little Finger	Ring Finger	Middle Finger	Fore Finger	Thumb
Left Hand					
	Thumb	Fore Finger	Middle Finger	Ring Finger	Little Finger
Right Hand					



DEED SITE PLAN OF A GR FLOOR SHOP NO- G-3A, AT
PRE NO- 105 MANIK BANDYOPADHYAY SARANI KOL 36, TOUZI NO -
1068/2833, DAG NO - 2033/2245, KHATIAN - 9195, WARD NO-11,
HOLDING -391, J.L.-5, R.S.-6, MOUZA- BARANAGAR,
P.O., P.S. & MUNICIPALITY- BARANAGAR, DIST- 24 P.G.S. (N).

TOTAL SUPERBUILT UP AREA - 108 SFT, (MORE OR LESS)

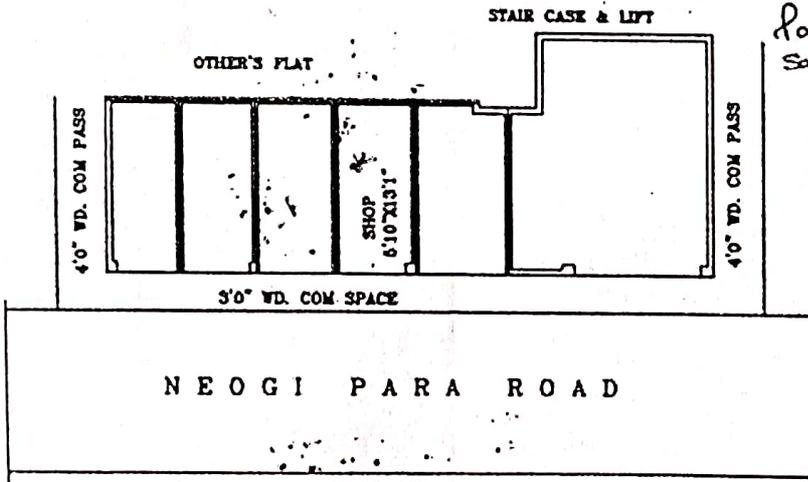
SCALE - 1" = 8'- 0"



Biswamalk Sarkar
Sisir Kumar Saha
Shyamal Saha
Debasish Roy
Partha Sarkar
Sangita Sastri

VENDOR:-

Biswamalk Sarkar
Sisir Kumar Saha
Shyamal Saha
Debasish Roy
Partha Sarkar
Sangita Sastri



DEVELOPER:-

सिंकार शर्मा

VENDEE:-



TRESSED BY:-

Shankar Sar

43

Certificate of Registration under section 60 and Rule 69.

Registered in Book - I

Volume number 1506-2018, Page from 20287 to 20339

being No 150600235 for the year 2018.



Digitally signed by MOHUL
MUKHOPADHYAY
Date: 2018.01.16 11:48:10 +05:30
Reason: Digital Signing of Deed.

(Mohul Mukhopadhyay) 16/01/2018 11:47:30
ADDITIONAL DISTRICT SUB-REGISTRAR
OFFICE OF THE A.D.S.R. COSSIPORE DUMDUM
West Bengal.

[Handwritten signature]
16/02/23

Certified to be a True Copy
Addl. District Sub-Registrar
Cossipore Dum Dum, 24 Parg (N)
16/02/23

(This document is digitally signed.)

44

Received
verified ANNEXURE 'B'

To,
The Officer Incharge
Baranagar Police Station



Subject: - Written complaint against the illegal running of manufacturing unit from premises no 105, Neogi Para Road, Kolkata- 700036

Sir/ Madam (S),

We the resident of the above referred Resident. Beg to inform you that one Sikandar Sharma running a wooden manufacturing unit from the said premises. It is a residential complex having some commercial space as well as it is not a industrial plot.

The above referred person in spite objection of the resident of the building as well as the nearby inhabitant he is running the manufacturing business forcefully without any valid license of municipality or mandatory Consent to operate to run the industry from the concern Department. He is using different type of **grinding machines, drilling machines and woodcutting machines** which is making enormous sound throughout the day, and using some toxic chemicals which create irritation in eyes and nose. Whenever any objection has been raised from our end and as well as the surrounding neighbours in this regard the owner of **Ayush Yaman Furniture** by bringing some hooligans and started to threaten us, not only that now and then openly started to drink(alcohol) at the premises with the help of the local hooligans now and then, to keep, pressure upon us. Old and medically seek persons along with children living in the said building as well as in the vicinity and for their illegal and unethical act we all are suffering a lot.

The vibration is causing damage in the building. The use of chemical creating breathing problems in the neighbourhood, and causing unbearable



sound, water and Air pollution constantly and they are not taking any security measure.

Under the circumstances we therefore asking before your god self to take appropriate steps against Sikandar Sharma, the owner of **Ayush Yaman Furniture** at your earliest.

Yours truly,

1. Rupsha Chowdhury
2. Rajat Choudhury
3. Kaurika Choudhury
4. Anindita Choudhury
5. Charisana Choudhury
6. Murali Choudhury
7. Pratima Choudhury
8. Sumita Mukherjee

(All Are Resident Of 105, Neogi Para Road, Kolkata- 700036)

Copy To,

1. The Officer In-charge Baranagar Municipality
2. The Board of Administrator, Baranagar Municipality.
3. The President, Human Rights Commission.



Annexure 'C'

46

TO
THE SENIOR SCIENTIST
WEST BENGAL POLLUTION CONTROL BOARD
10A, SECTOR-III, BIDHAN NAGAR, KOLKATA
(PARIBESH BHARAN)
PINCODE - 700106



SUBJECT: Complaint regarding noise and air pollution in my apartment.

Sir/Madam,

This is a complain letter to you to show how I and my family is suffering from a furniture manufacturing factory situated at the ground floor of my apartment NIBHRITO ABAKASH HOUSING SOCIETY.

I am RAJAT CHOWDHURY, residing at 105, Neogi Para Road (Manik Bandyopadhyay Sarani) police station: Baranagar, Post Office – Baranagar, Pincode: 700036.

I write this letter in order to bring your kind concern about the noise and air pollution that we are suffering from a long time. The apartment I live named 'NIBHRITO ABAKASH HOUSING SOCIETY' is a G+4 floor building, where the ground floor is allotted only for shop, but a shop owner (SIKANDAR SHARMA) is running their wooden furniture manufacturing unit (AYUSH YAMAN FURNITURE 105, Neogi Para Road, Kolkata – 700036. Shop No. G-3A) since 2016, even though he is doing all the productions and making of various furniture using several machineries, hammer and chemicals, which create massive dreadful, ugly sound, debris, wooden dust and smoke which make intolerable eye irritation with nasal innervation as well.

I am giving a list of disturbances and polluted circumstances that we are facing in our daily life for better understanding.

These polluted circumstances and disturbances are as follow :

A clear view I can give you how I suffer from that manufacturing unit. The owner (Sikandar Sharma) is using compound meter saw, hand saw machine, heavy hammer, circular saw, cutter, various types of machines that makes tremendous ugly sound throughout the day (8:30AM



10:30PM – often till 11PM too) which affects general resting period and student's learning time of our residential area. Also the wooden dust particles is flying everywhere making the wet cloths dirty, making our rooms unclear, staying on bed sheets, pillow covers and furniture causing irritation to our skin. Our eyes and nose are running and sometimes creating dust allergy severely.

The most problematic and hazardous situation arise when the aged persons who are having various health issues facing difficulties due to dreadful sound and dust particle **(My father is 78 years old and having brain stroke, Kidney problem and cannot tolerate such irritating situation.)**

The 1st floor flat owners are suffering largely as one of them is old lady who cannot even sleep properly for the sound and the vibration. The wooden debris when is burnt, just in front of our apartment and main gate, the fume and the smoke force them to close the windows and doors even in summer. Side by side the wooden dust and ash is creating massive suffocation in their rooms.

Also the children and the students cannot read properly and peacefully. Even the kids cannot sleep well because of the noise and bitter conditions created by the unit.

Some other persons are also badly affected by the manufacturing unit. There is a food café beside the unit and all the wooden dust particles are mixing in the food, customers cannot sit there peacefully and are literally annoyed by the shrill sound and noise they create.

Another problem is the manufacturer does his wood works outside the shop. The machines and the cutters they use create immense vibration in the apartment as well as in the surroundings.

All the wooden debris is kept in front of the apartment, and they burn out those with fume, smoke and ash creating an abominable situation. As we have ventilation is in only one side of the flat so we have to close all the windows and doors to get rid of the sound created by the manufacturing unit, but thus we are suffocated and collapsed in our room.

After several times of requests, the owner of that manufacturing unit did not stop those nuisance activity nevertheless he misbehaved with us in his own way reflecting unhealthy and polluting situation throughout.

One of the dangerous matter is that if we say anything or make protest anything against the sound and the dirt and all other nuisances, the owner threaten us with his hooligan supporters, that they will assault us and teach lessons to us accordingly.

The local municipality after having the oral complain (6 years before), said brutally that I cannot make any complain against the unit owner and they refused to take my complain letter against this illegal factory.



So now we are facing every harassment made by them, even they are now drinking liquors often at night and creating nuisance over there. We are silently tolerating everything and lastly I found Pollution Control Board (WB), the last place to resolve my agony.

I have attached all the proof as my best, to support my complain letter. Also have complained about the situation to the Baranagar Police Station and Baranagar Municipality but they did not look after this matter and we all are facing same problem for years.

This is to request you to kindly look into the matter and take some appropriate action for the same.

Another painful incident happened two years ago. My mother passed away in 2020, she was a heart patient and was having pace maker. She could not tolerate any shrill sound. She used to be bed ridden due to acute diabetes and doctor suggested her to take rest. But the tremendous noise and shrill sound of this wood manufacturer created lots of trouble, she could not sleep and felt uneasy all the time. She requested me to take her to a calm place because she could not tolerate the situation any more. I did not have such financial aid to provide her another place to take rest as she needed and was prescribed. And the thing happened, she passed away in 2020 keeping me feel that I couldn't take suitable action to support her. I could give her any betterment in her extreme trouble. A son became guilty to her mother that he could not guard and save his mother's life.

I don't want to lose my father on this account specially. At least with your concern and my right to take steps against this illegal wooden furniture manufacturing unit, I may provide my father to live a calm and healthy life.

I have gathered these all proof to support my allegation against the manufacturing unit.

I shall be highly expecting for your kind support.

Rajat Chowdhury
SIGNATURE

Regards

RAJAT CHOWDHURY

105, NEOGI PARA ROAD (MANIK BANDOPADHAY SARANI)

Flat No. 202, Floor No. 2nd

Kolkata - 700036

West Bengal

Contact number: 9903697705



ANNEXURE 'D'

49

3, 12:10 PM

Gmail - Complaint against illegal furniture manufacturing factory

Gmail

Rajat Choudhury <rajatchou@gmail.com>

Complaint against illegal furniture manufacturing factory

Message

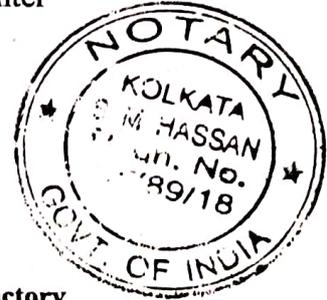
Rajat Choudhury <rajatchou@gmail.com>
dir.msse-wb@nic.in

Fri, May 26, 2023 at 12:18 PM

TO

The Director,

Directorate of Micro, Small & Medium Enterprise District Industries Center
New Secretariat Building
1 No. K. S. Roy Road
Kolkata – 700001
West Bengal.



SUBJECT: Complaint regarding Illegal Wooden Furniture Manufacturing Factory.

Sir/Madam,

This is a complain letter to you to show how I and my family is suffering from a furniture manufacturing factory situated at the ground floor of my apartment NIBHRITO ABAKASH HOUSING SOCIETY.

I am RAJAT CHOWDHURY, residing at 105, Neogi Para Road (Manik Bandyopadhyay Sarani) police station: Baranagar, Post Office – Baranagar, Pincode: 700036.

I write this letter in order to bring your kind concern about the noise and air pollution that we are suffering from a long time. The apartment I live named 'NIBHRITO ABAKASH HOUSING SOCIETY' is a G+4 floor building, where the ground floor is allotted only for shop, but a shop owner (SIKANDAR SHARMA) is running their wooden furniture manufacturing unit (AYUSH YAMAN FURNITURE 105, Neogi Para Road. Kolkata – 700036. Shop No. G-3A) since 2016, even though he is doing all the productions and making of various furniture using several machineries, hammer and chemicals, which create massive dreadful, ugly sound, debris, wooden dust and smoke which make intolerable eye irritation with nasal innervation as well.

I am giving a list of disturbances and polluted circumstances that we are facing in our daily life for better understanding.

These polluted circumstances and disturbances are as follow :

A clear view I can give you how I suffer from that manufacturing unit. The owner (Sikandar Sharma) is using compound meter saw, hand saw machine, heavy hammer, circular saw-cutter various types of machines that makes tremendous ugly sound throughout the day (8:30AM – 10:30PM – often till 11PM too) which affects general resting period and student's learning time of our residential area. Also the wooden dust particles is flying everywhere making the wet cloths dirty, making our rooms unclear,

1, 12:10 PM

Gmail - Complaint against illegal furniture manufacturing factory

50

aying on bed sheets, pillow covers and furniture causing irritation to our skin. Our eyes and nose are
inning and sometimes creating dust allergy severely.

he most problematic and hazardous situation arise when the aged persons who are having various health
issues facing difficulties due to dreadful sound and dust particle (**My father is 78 years old and having
rain stroke, Kidney problem and cannot tolerate such irritating situation.**)

he 1st floor flat owners are suffering largely as one of them is old lady who cannot even sleep properly
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Also the children and the students cannot read properly and peacefully. Even the kids cannot sleep well
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Another problem is the manufacturer does his wood works outside the shop. The machines and the
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All the wooden debris is kept in front of the apartment, and they burn out those with fume, smoke and
ash creating an abominable situation. As we have ventilation is in only one side of the flat so we have to
lose all the windows and doors to get rid of the sound created by the manufacturing unit, but thus we are
suffocated and collapsed in our room.

After several times of requests, the owner of that manufacturing unit did not stop those nuisance activity
evertheless he misbehaved with us in his own way reflecting unhealthy and polluting situation
hroughout.

One of the dangerous matter is that if we say anything or make protest anything against the sound and the
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nd teach lessons to us accordingly.

The local municipality after having the verbal complain (6 years before), said brutally that I cannot make
ny complain against the unit owner and they refused to take my complain letter against this illegal
actory.

So now we are facing every harassment made by them, even they are now drinking liquors often at night
nd creating nuisance over there. We are silently tolerating everything.

I also have complained about the situation to the Baranagar Police Station and Baranagar Municipality
ut they did not look after this matter and we all are facing same problem for years.

That is why, it is my humble request to you that, please show no mercy to this unit and no establishment-
clearance should be issued by you to the manufacturing unit. I beg your special attention to this matter as
you are to be the saviour of our lives.

I shall be highly expecting for your kind support.

*Please see the attachment for photos and videos

Regards

RAJAT CHOWDHURY

105, NEOGI PARA ROAD (MANIK BANDOPADHAY SARANI)



. 12:10 PM

Gmail - Complaint against illegal furniture manufacturing factory

51

at No. 202, Floor No. 2nd

olkata - 700036

West Bengal

Contact number: 9903697705

VID_20210321_142910401.mp4

VID_20220911_124601644.mp4

VID_20220911_131121469.mp4

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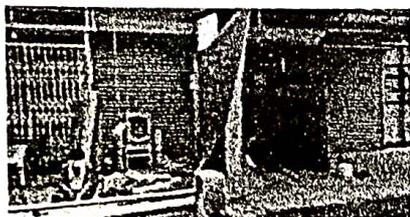
7 attachments



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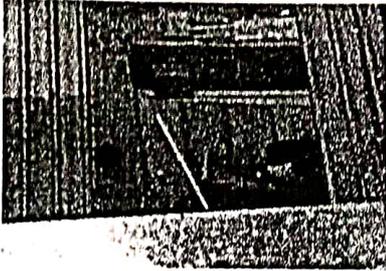
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1, 12:10 PM

Gmail - Complaint against illegal furniture manufacturing factory

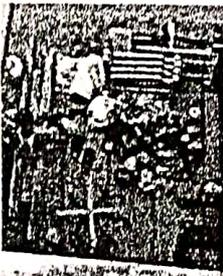
52



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IMG_20220926_093657586.jpg
2721K



IMG_20230522_145200424.jpg
3496K



Annexure JE - 53

All Communication
to State Board
should be
addressed with
Number Date and
Subject.



WEST BENGAL POLLUTION CONTROL BOARD
(Department of Environment, Government of West Bengal)
Mani Square, Block/Space-31T
8th Floor, 164/1, Manikala Main Road, Kolkata - 700 054
website: www.wbpcb.gov.in, Tel No. (033) 2320- 0042
e-mail: net.wbpcb-wb@bangla.gov.in

Memo No 602 - PG/LD/03/2020

Date: 31/05/2023

To
The Officer In-charge,
Baranagar Police Station,
47, Barrackpore Trunk Road,
Dist.- North 24 Pgs.,
Kolkata- 700090.

Sub: Complaint regarding creation of severe nuisance due to the operation of a furniture manufacturing unit named as M/s Ayush Yaman Furniture at Nibhrito Abakash Housing Society, Ground Floor, Shop No. G-3A, 105, Neogi Para Road (Manik Bandyopadhyay Sarani, PS- Baranagar, Kolkata- 700036.

Sir,

Enclosed please find herewith a complaint received by the State Board from Mr. Rajat Chowdhury regarding creation of severe nuisance due to the operation of a furniture manufacturing unit named as M/s Ayush Yaman Furniture operated by Mr. Sikandar Sharma at Nibhrito Abakash Housing Society, Ground Floor, Shop No. G-3A, 105, Neogi Para Road (Manik Bandyopadhyay Sarani, PS- Baranagar, Kolkata- 700036.

In view of the above, you are requested to see that "M/s Ayush Yaman Furniture" of Mr. Sikandar Sharma runs *only after* obtaining necessary statutory licences including valid trade licence and *Consent to Operate* of the State Board.

In case of any non-compliance, you are at liberty to take appropriate action in accordance with law with an intimation to the State Board.

Yours faithfully,

Sr. Scientist & In-charge,
Public Grievance Cell

Date: 31/05/2023

Encl: As stated.

Memo No 602 - PG/LD/03/2020
(1-2)

Copy forwarded for information to:



1. Mr. Rajat Chowdhury, Nibhrito Abakash Housing Society, 105, Neogi Para Road (Manik Bandyopadhyay Sarani, PS- Baranagar, Kolkata- 700036.

2. The Environmental Engineer & In-Charge, Barrackpore Regional Office, WBPCB.

Sr. Scientist & In-charge,
Public Grievance Cell

6/19/23, 12:49 PM

Gmail - Complaint against illegal furniture manufacturing factory

54

Amr Bar - F

M Gmail

Rajat Choudhury <rajatchou@gmail.com>

Complaint against illegal furniture manufacturing factory

1 message

Rajat Choudhury <rajatchou@gmail.com>
To: amrut.baranagarcity.wb@gmail.com

Thu, Jun 1, 2023 at 8:33 PM

TO

The Chairperson

Baranagar Municipality

87, Deshbandhu Road (EAST)

Kolkata-700035

West Bengal

IND



SUBJECT: Complaint regarding Illegal Wooden Furniture Manufacturing Factory.

Sir/Madam,

This is a complain letter to you to show how I and my family is suffering from a furniture manufacturing factory situated at the ground floor of my apartment NIBHRITO ABAKASH HOUSING SOCIETY.

I am RAJAT CHOWDHURY, residing at 105, Neogi Para Road (Manik Bandyopadhyay Sarani) police station: Baranagar, Post Office – Baranagar, Pincode: 700036.

I write this letter in order to bring your kind concern about the noise and air pollution that we are suffering from a long time. The apartment I live named 'NIBHRITO ABAKASH HOUSING SOCIETY' is a G+4 floor building, where the ground floor is allotted only for shop, but a shop owner (SIKANDAR SHARMA) is running their wooden furniture manufacturing unit (AYUSH YAMAN FURNITURE 105, Neogi Para Road. Kolkata – 700036. Shop No. G-3A) since 2016, even though he is doing all the productions and making of various furniture using several machineries, hammer and chemicals, which create massive dreadful, ugly sound, debris, wooden dust and smoke which make intolerable eye irritation with nasal innervation as well.

I am giving a list of disturbances and polluted circumstances that we are facing in our daily life for better understanding.

These polluted circumstances and disturbances are as follow :

A clear view I can give you how I suffer from that manufacturing unit. The owner (Sikandar Sharma) is using compound meter saw, hand saw machine, heavy hammer, circular saw-cutter various types of machines that makes tremendous ugly sound throughout the day (8:30AM – 10:30PM – often till 11PM too) which affects general resting period and student's learning time of our residential area. Also the wooden dust particles is flying everywhere making the wet cloths dirty, making our rooms unclear,

5/19/23, 12:49 PM

Gmail - Complaint against illegal furniture manufacturing factory

54
Annexure - F

M Gmail

Rajat Choudhury <rajatchou@gmail.com>

Complaint against illegal furniture manufacturing factory

1 message

Thu, Jun 1, 2023 at 8:33 PM

Rajat Choudhury <rajatchou@gmail.com>
To: amrut.baranagarcity.wb@gmail.com

TO

The Chairperson

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6/19/23, 12:49 PM

Gmail - Complaint against illegal furniture manufacturing factory

55

staying on bed sheets, pillow covers and furniture causing irritation to our skin. Our eyes and nose are running and sometimes creating dust allergy severely.

The most problematic and hazardous situation arise when the aged persons who are having various health issues facing difficulties due to dreadful sound and dust particle (My father is 78 years old and having brain stroke, Kidney problem and cannot tolerate such irritating situation.)

The 1st floor flat owners are suffering largely as one of them is old lady who cannot even sleep properly for the sound and the vibration. The wooden debris when is burnt, just in front of our apartment and main gate, the fume and the smoke force them to close the windows and doors even in summer. Side by side the wooden dust and ash is creating massive suffocation in their rooms.

Also the children and the students cannot read properly and peacefully. Even the kids cannot sleep well because of the noise and bitter conditions created by the unit.

Some other persons are also badly affected by the manufacturing unit. There is a food café beside the unit and all the wooden dust particles are mixing in the food, customers cannot sit there peacefully and are literally annoyed by the shrill sound and noise they create.

Another problem is the manufacturer does his wood works outside the shop. The machines and the cutters they use create immense vibration in the apartment as well as in the surroundings.

All the wooden debris is kept in front of the apartment, and they burn out those with fume, smoke and ash creating an abominable situation. As we have ventilation is in only one side of the flat so we have to close all the windows and doors to get rid of the sound created by the manufacturing unit, but thus we are suffocated and collapsed in our room.

After several times of requests, the owner of that manufacturing unit did not stop those nuisance activity nevertheless he misbehaved with us in his own way reflecting unhealthy and polluting situation throughout.

One of the dangerous matter is that if we say anything or make protest anything against the sound and the dirt and all other nuisances, the owner threaten us with his hooligan supporters, that they will assault us and teach lessons to us accordingly.

So now we are facing every harassment made by them, even they are now drinking liquors often at night and creating nuisance over there. We are silently tolerating everything.

It is my humble request to you that, please show no mercy to this unit and no establishment-clearance should be issued by you to the manufacturing unit. I beg your special attention to this matter as you are to be the saviour of our lives.

I shall be highly expecting for your kind support.

Regards

RAJAT CHOWDHURY

105, NEOGI PARA ROAD (MANIK BANDOPADHAY SARANI)

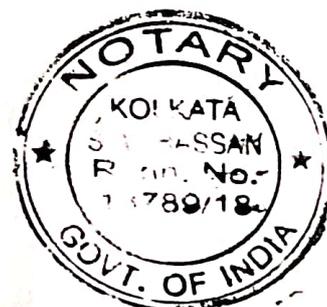
Flat No. 202, Floor No. 2nd

Kolkata - 700036

West Bengal

Contact number: 9903697705

E- mail ID: rajuchou@hotmail.com



56

5/19/23, 12:49 PM

Gmail - Complaint against illegal furniture manufacturing factory

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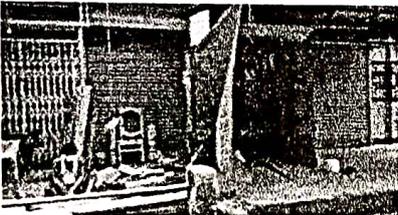
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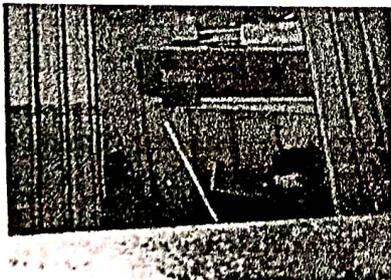
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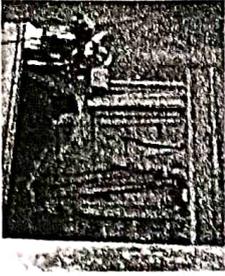
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19/23, 12:49 PM

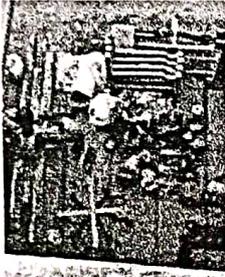
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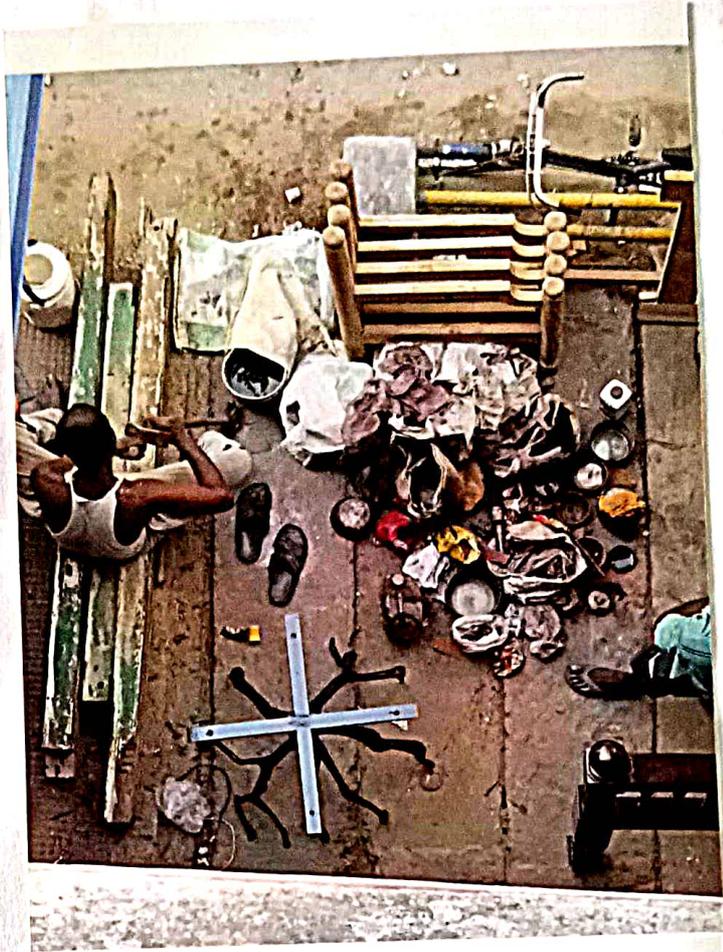
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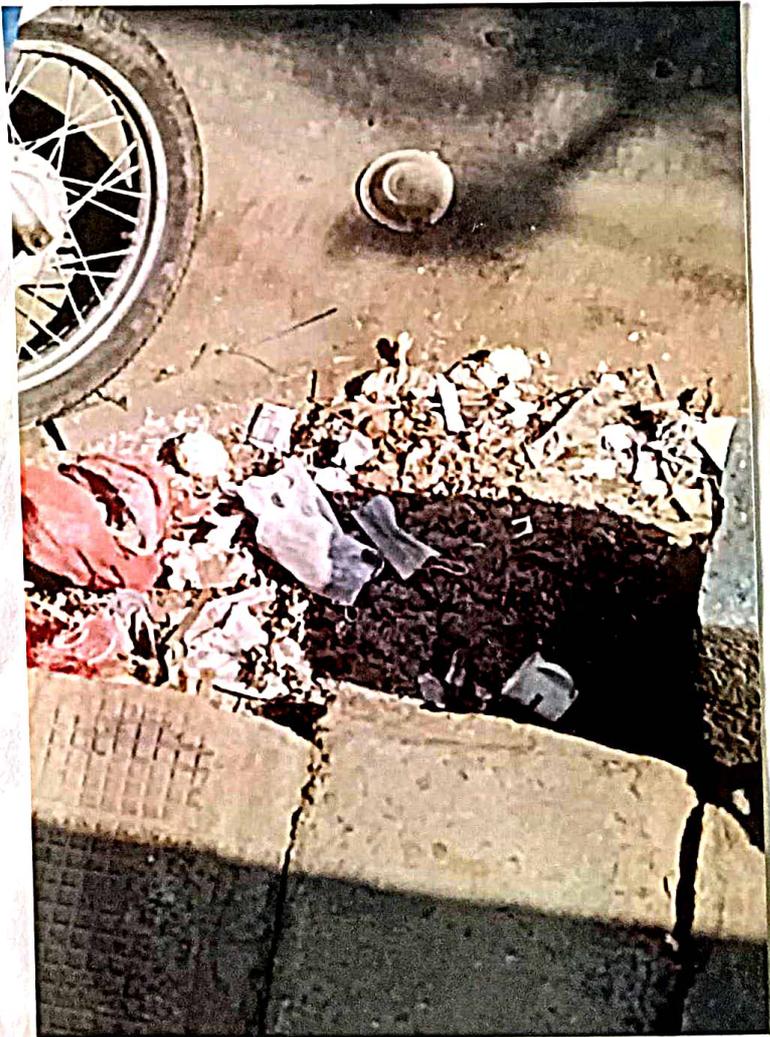
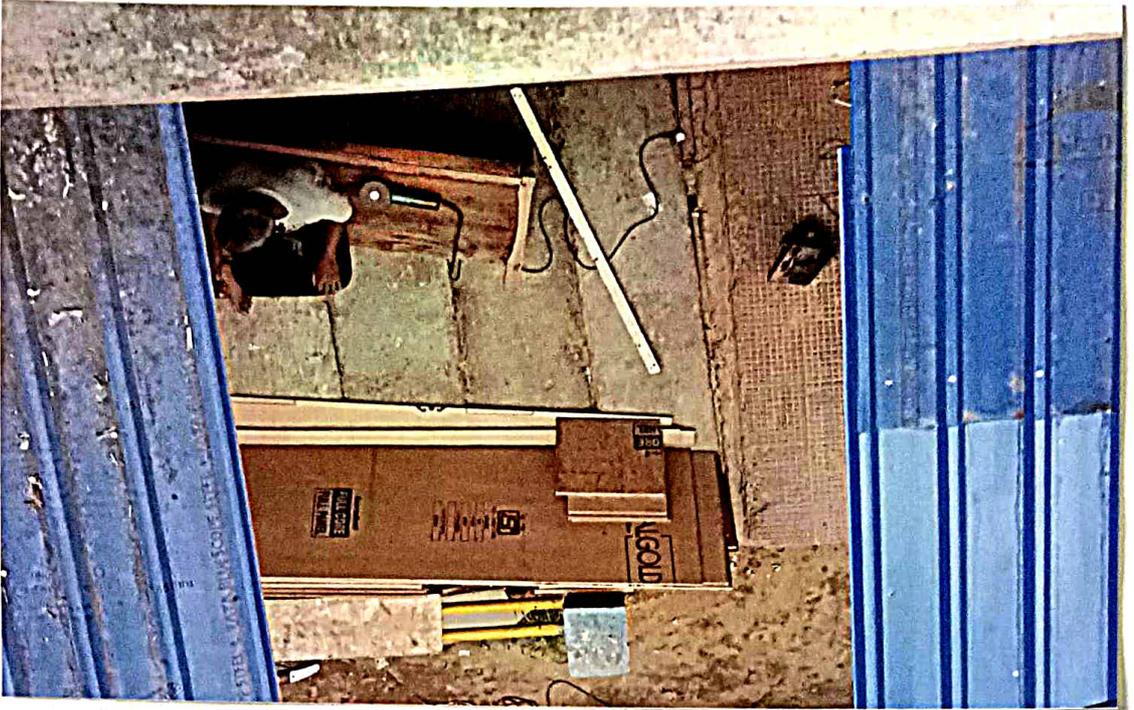


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VAKALATNAMA

In The High Court At Calcutta

District : North 24 Parganas

Constitutional Writ/Civil Criminal Revisional/Miscellaneous
Appellate Jurisdiction

O. A. No. of 2024

Rajat Chowdhury

{Appellant-
Petitioners

- Versus -

The State of West Bengal & Ors.

{Respondent
Opposite Party
Defacto Complainant

Vakalatnama on behalf of the Applicant/Petitioner

Know all men by these presents that by Vakalatnama, I/We appoint the Advocates noted below or any one of them my/our lawful Advocate or Advocates for filling the memorandum or appeal or petition of entering appearance in the above matter for appearing conducting and arguing the same for depositing or withdrawing any money in connection therewith for moving the Court in any matter connected therewith, for preparing the paper book in the case and for putting in papers, petitions etc. On my/ our behalf for filling, taking back any documents for withdrawing suits or appeals or petitions with permission to institute fresh suit etc. For signing and filling petitions of compromise in connections with the said matter and for taking copies of paper from the Record and I/We further say that any act. Done by my/ our said Advocate or Advocates or by any one of them after accepting this Vakalatnama, shall be considered as my/ our own true and lawful act.

And I/We further hereby agree and undertake to pay the said Advocates his or their fees as settled and all others sums that may be necessary to carry out the requisition of the Court and otherwise to enable the said Advocates to conduct the case properly. Failing which the said Advocates after notice to me/ us will be at liberty to withdraw from further conducting the case.

IN WITNESS WHERE OF I/WE sign and execute this Vakalatnama on this the

13 day of 2 2024

Name of Advocates

Priyabrata Thakur

Advocate

Bar Association
Room No. 12

Ph. No. 9163162000

Email: advocatenika@gmail.com

SAYANI DAS

Advocate

G, Old Post Office Street,
1st Floor, Room No.-59
Kolkata-700001

Ph. (M) 96889771 Email: 96889771@gmail.com

Arnab Saha

Advocate

Bar Association
Room No. 2

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Sneetama Biswas

Advocate

6, Old Post Office Street
1st Floor, Room No. 59
Kolkata - 700001.

(M) 9609988771
Email: sneetama.biswas0814@gmail.com

Abira Bhaumik

Advocate

Bar Association
Room No. 12

Ph. No. 9874454312

Md. Sajahan Hussain

Advocate

Bar Association
Room No. 12

Ph. No.

Dipankar Thakur

Advocate

Rajarat,
Kolkata
(M) 9434214268

Received the vakalatnama from the
executant & accepted.

Ambarish Das
Advocate
WB/70/2009

Pradyumn Das
Advocate
WB/1416/2014

Sudhama Das
Advocate
F/1559/1488/2017

Sipankar Thakur
Advocate

F/1809/4253/2023