

BEFORE THE NATIONAL GREEN TRIBUNAL
EASTERN ZONE BENCH, KOLKATA
ORIGINAL APPLICATION NO. 107 OF 2023/EZ

SOUMEN CHAKRABORTY

... Original Applicant

-Versus-

THE PRINCIPAL SECRETARY,
ENVIRONMENT
DEPARTMENT, GOVERNMENT
OF WEST BENGAL & ORS.
...Respondents



AFFIDAVIT IN REPLY TO THE AFFIDAVIT IN
OPPOSITION FILED BY THE PRIVATE RESPONDENT
NOS. 14, 15 AND 16.

I, Soumen Chakraborti, son of Late Shyamapada Chakraborty, aged about – 48 years, by faith - Hindu, by occupation - Mechanic, Gopinath Bati, Gonna Dariapur, Dariapur, Purba Barddhaman, Gonna Dariapur, West Bengal – 713128 do hear by solemnly, affirm and state as follows :

1. I have been served with a copy of the affidavit in opposition affirmed by one Debangshu Shaw, dated January 18, 2024, intended to be used as opposition to O.A. No. 107 of 2023/EZ (hereinafter referred to as the said opposition). I have gone through the said opposition and have understood the meaning, contents and purport thereof.

01 MAY 2024

2. Before dealing with various allegations made and contained in the said opposition I say as follows:-

- a) The instant opposition is based on false assertions besides being devoid of merits.
- b) In the instant matter the respondent no. 10 by filing an affidavit before this Hon'ble Tribunal has already made categorical assertion, inter- alia as follows :-

“(f) ...it is also seen in the report of BL&LRO that presently, the rice mill is running in the land recorded against LR Kh. 2306.

(g)... ...presently, a fly ash brick manufacturing factory is also running in the land recorded against LR Kh. 2306.

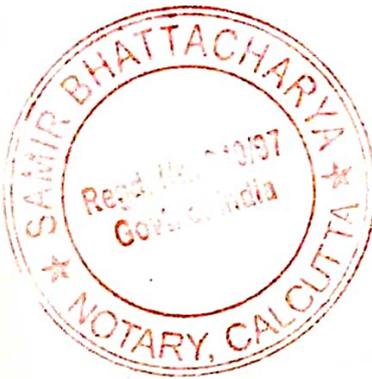
(h)... ...sent a notice to the directors of K.M Agrotech Private Limited for production of conversion certificate issued in connection with conversion case 71(I.N.D)/07, as well as for production of necessary papers for running of fly ash brick manufacturing factory.

7.fly ash brick manufacturing factory is running in the same premises of the rice mill but they failed to show conversion certificate in connection with running of Fly Ash brick manufacturing factory... ..”

Copy of the said Affidavit affirmed dated October 12, 2023, by respondent no. 10, is already on record before this Hon'ble Tribunal.

- c) Another affidavit filed by respondent no. 9, Superintendent of Police, Purba Bardhaman, affirmed dated October 12, 2023, inter alia, informed the Hon'ble Tribunal as follows:-

“... ..in this regard a local inquiry has been made on October 5, 2023, and it is found that the rice mill and brick field are in the same premises though there is a



distance of approx. 100 metres in between these two units. It is also came out that the alleged brick field has a trade license vide trade registration no. 114 dated 11.05.2022 issued by Dignagar II Gram Panchayat.

4.that competent Authority could be able to ascertain whether the fly ash brick unit is operating with necessary authorization/clearance of the concerned authority.

5.it is therefore, respectfully prayed that the Hon'ble Tribunal may pass such order/orders as it deems fit and proper... ..”

d) Both the affidavits filed by the respondents as aforesaid before this Hon'ble Tribunal establishes beyond doubt that the rice mill and manufacturing of fly ash bricks are not only being operated from the common compound sharing close vicinity but also the private respondent failed to produce any material document including conversion certificate and/or statutory clearances in connection with the running of fly ash manufacturing business.

e) Most significantly, to the best of the knowledge of the petitioner neither of the report/affidavit, either filed by respondent no. 9 and/or respondent no. 10, as aforesaid, the private respondent did not file any exception or oppose to the allegations made in those reports which establishes the truthfulness and reality of the contents thereof.

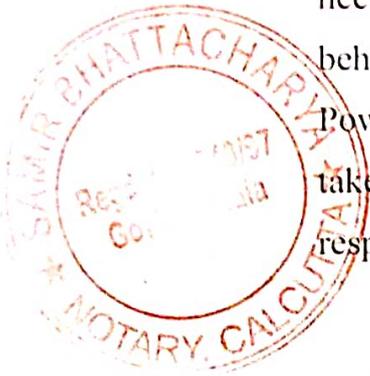
3. Without prejudice to the aforesaid and placing complete reliance thereupon, I shall now deal with various allegations made and contained in the said opposition save what are matters of record and what appears therefrom each and every allegation made and contained therein as if those are set out herein are denied in seriatim.



4. With reference to statements made in paragraph nos. 1,2,3,4 and 5, it is denied that the deponent of the said opposition is the authorised representative of the respondent no. 14 company or authorised by any of its directors including Pradip Shaw or Pritom Shaw, i.e. respondent no. 15 or respondent no. 16, or the document dated September 27, 2023, is a board resolution of the respondent no. 14 company to swear affidavit on behalf of respondent no. 14 or its directors or the deponent is conversant with the facts and circumstances of the case.

It is stated that the answering deponent does not have any locus to represent the company nor has been duly authorised by execution of appropriate instrument of the company including by way of execution of Constituted Attorney and/or by way of necessary board resolution. The instant affidavit should not be considered to be on behalf of respondent no. 14 in absence of necessary board resolution and also should not be considered on behalf of respondent no. 15 and/or 16, in Absence of necessary Power of Attorney. Hence, the instant opposition should not be taken into consideration for or on behalf of the answering respondents in any manner whatsoever.

Without prejudice to aforesaid it is denied that the contents of the original application has been read over to the deponent in vernacular language or have understood the meaning, content and purport thereof as alleged or at all. Even no detail of that person who alleged to have explained to the deponent the instant affidavit in his vernacular has been stated nor any detail of such person has been given who must be an official translator attached to the Hon'ble High Court at Calcutta or of the Hon'ble Tribunal as the case maybe. Hence, such person is not



competent/empowered in the eye of law to act as a translator in a Court proceeding. The instant affidavit also deserves no credence or consideration on this score before this Hon'ble Tribunal.

5. With reference to the statement made in paragraph no. 6 and its sub-paragraph nos. (i),(ii) and (iii) I say that the various allegations made and contained therein save what are matters of record and what appears therefrom each and every allegation made and contained therein as if those are set out herein are denied in seriatim. It is denied that there is any boundary wall between the manufacturing unit of rice mill and fly ash brick or the manufacturing of rice is being done maintaining hygiene, as alleged or at all.

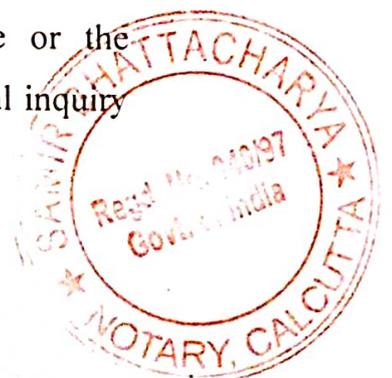
It is stated when the Original Application was filed the fly ash brick manufacturing unit and the rice mill unit both were being run sharing the common area in close vicinity. There was no existence of any wall separating rice mill and fly ash brick manufacturing unit as alleged. Such will appear from the report filed by the three members committee by virtue of order of Hon'ble Tribunal, wherein, there is no whisper or mention of any such boundary wall nor the existence of any such boundary wall also appear from any photograph annexed in the report filed by the three members committee dated November 30, 2023. I crave leave to rely upon such photographs at the time of hearing. Hence, it is clear that during the pendency of these proceedings the private respondent to purportedly improve upon merit of its case has proceeded to tamper with the evidence and/or the actual existing scenario in the subject vicinity.



So, far the sub-paragraph 6(ii) is concerned, save and except matters of record and what appears therefrom each and every contention made therein as if those are set-out herein are denied and disputed in seriatim. It is denied that the manufacturing of fly ash brick since the year 2022, by the company is being done in a separate place or in a separate compound, or the fly ash brick unit was set up with prior information to any concerned authority or any authority instructed that, since, the rice mill already had pollution certificate so no written approval or intimation was required from respondent no. 14 company's end, as alleged or at all.

It is denied that any greedy person made any false gesture or posture or levelled any allegation against the unit as alleged or at all. It is denied that the company has any requisite document or paper for running fly ash brick unit or relating to the land on which the fly ash brick manufacturing unit is being run or the BL&LRO has not changed the said land or the name of the present directors was not recorded or the same are under process as alleged or at all. The answering deponent has failed to produce any document in support of such allegation in the instant affidavit in opposition.

It is further denied that the said units are clean or clear or well-maintained or the milling operation is conducted under very highly protected manner or fly ash brick manufacturing are separated or at a reasonable distance or with any protective measures or without causing any illegality or pollution either in water or air or environmental aspect or any villager has never faced or witnessed any such environmental issue or the company or its directors never faced any departmental inquiry



or allegation or the villages are situated more or less 1 kilometre away from the said manufacturing units of the company as alleged or at all. I reserve my right to make further submission on these issues at the time of hearing if necessary.

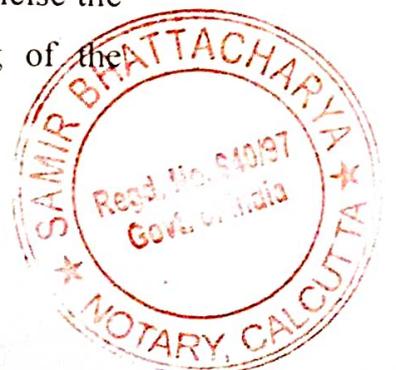
6. With reference to allegations made and contained in paragraph nos. 7 sub-paragraphs a,b,c,d,e,f,g,h,i,k,l,m and n, I say that the various allegations made and contained therein save what are matters of record and what appears therefrom each and every allegation made and contained therein as if those are set out herein are denied in seriatim. From the averment in paragraph no. 7 and its various sub paragraphs the attempt of the private respondent is clear and motivated to deviate the attention of this Hon'ble Tribunal from this very serious issue relating to the environmental damage being the subject matter of the Original Application. As a result, the private respondents with ulterior motive are importing numerous other issues having no nexus with the cause involved in the Original Application. In this context the content of sub-paragraph (a) has no bearing with the allegations levelled in the original application. It is denied that the rice mill and the unit of rice mill and unit of manufacturing of fly ash brick are separated with any boundary wall or with any inside separate gate or maintaining any hygienic way or both the units are operating separately in their own ways as alleged or at all.

The contents of sub-paragraph c,d,e are wholly irrelevant to the subject matter of the instant original application and/or so far the touching of the urgency and gravity is concerned. It is denied that the fly ash brick unit was opened by the company after making any boundary wall or after making the same



separated or the major portion of the said compound is vacant or inside the alleged land is divided in two separate compound or maintaining maximum distance or both the rice mill or fly ash brick unit are demarcated or separated with each other or have no connection, as alleged or at all. It is stated since it is an admission on the part of the private respondent that the 'major portion of the said compound is vacant' it multiplies the occasion/possibility of spreading of airborne particles of fly ash more easily and reaching the rice mill unit.

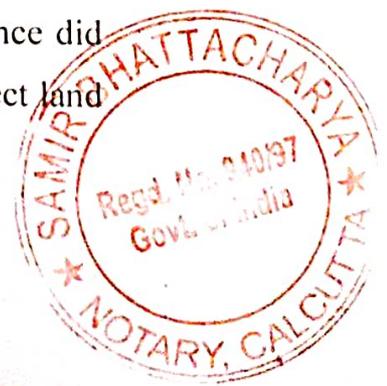
It is stated that the memo referred to in sub-paragraph (h) at page 8 or the purported reference made by WBPCB vide memo no. 1512/4A-18/2010(PT.I) dated 14.06.2016 relating to declaration of White Category industry does not have any effect in any manner or does not lessen the chance of endangering the environment and/or the human body particularly when fly ash is being used in the close vicinity of rice mill unit directly contaminates the human body when the same is being used for the purpose of human consumption or the left over of the same is used as fodder for animal. The answering respondent with a ploy wants to portray a glossy and rosy picture by merely canvassing the aspect of usage of fly ash brick in the society or how good so ever the government promotes the manufacturing of fly ash brick, hiding aside the reality involved in the present case where the stacking of raw fly ash and production of fly ash brick is carried on within the common compound and in close vicinity to where production of raw and ready to eat rice is already being taking place. Hence, the issue which the answering respondents fails to appreciate is not to criticise the manufacturing of fly ash brick rather the running of the



operation of a fly ash brick manufacturing unit and stacking the raw fly ash inside a rice mill unit which produces and caters raw rice for human consumption. Hence, in the present fact of the case in hand the operation of fly ash brick manufacturing unit involves huge risk particularly when the operation is being carried out in close vicinity of a rice mill unit. Any allegation contrary to and/or inconsistent therewith are denied and disputed as if those are set out herein and denied in seriatim.

Similarly the concept of greener earth or the role or promotion of manufacturing of fly ash brick or production thereof is not the contention or issue of protest of the petitioner herein rather the way, in the present case it is being manufactured within a rice mill unit endangering the risk of contamination and direct endangering the human body and several organs, particularly including women and child and also endangering cattle, is the moot cause of protest and contention of the petitioner seeking to draw the attention of this Hon'ble Tribunal. Any allegation contrary to and/or inconsistent therewith are denied and disputed as if those are set out herein and denied in seriatim.

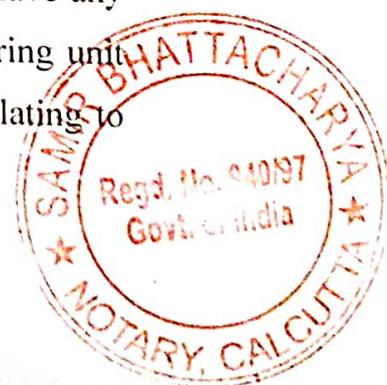
It is stated that the answering deponent is unaware about the geographical position of the land and therefore incapable of dealing with the allegations contained in the sub-paragraphs hereunder. Even the committee constituted by the Hon'ble Tribunal inspecting the subject property in terms of the Hon'ble Tribunal did not give any opportunity to the answering deponent to remain present in the inspection and the minutes were prepared in absence of the petitioner. The petitioner since did not get any opportunity in recent years to visit the subject land



of the private respondent, therefore, is unable to comment on the same and reserves his right to use a supplementary affidavit relating to those allegations upon being afforded with an opportunity to inspect the subject land.

It is denied that fly ash brick unit opened by the company is separated or major portion of the said compound is vacant as alleged or at all. It is stated that inside the compound there was no boundary wall earlier and in all probability the same has been constructed during the pendency of the present proceedings with an ulterior attempt to separate both the compounds, it is humbly submitted that as on the date of filing of the Original Application there was no such boundary wall and the same appears from the photographs annexed in the Original Application, assuming there is a boundary wall of short or moderate height the same cannot obstruct the airborne fly ash to reach the rice mill particularly when the entire compound is vacant and not obstructed, and air flow is higher in a vacant area as compared to a common, congested area of the locality, even the water body/stream are contaminated/polluted by the waste material being flown through the channels which are finally connected to the local ponds and other water bodies, the prime source of water in the locality.

It is denied that the two units of rice mill and fly ash brick manufacturing unit are at maximum distance or either of the rice mill and fly ash brick manufacturing unit are demarcated or separated from each other or have no connection, as alleged or at all. It is stated that the original applicant does not have any contention relating to fly ash bricks or its manufacturing unit but the sole contention of the original applicant is relating to



installation and operation of fly ash brick manufacturing unit without following any appropriate procedure of compliances and/or the same being run in close vicinity to manufacturing unit of rice and sharing common compound. To avoid prolixity and repetition the deponent relies on preceding paragraphs submitted in this context and places reliance thereupon. Even at the cost of repetition it is stated that the concept of greener earth or the role or promotion of manufacturing of fly ash brick or production thereof is not the contention or issue of protest of the petitioner herein rather the way, in the present case it is being manufactured within a rice mill unit endangering the risk of contamination and direct endangering the human body and several organs particularly including women and child and also endangering cattle is the moot cause of protest and contention of the petitioner seeking to draw the attention of this Hon'ble Tribunal.

It is stated that all the necessary permission, connections and/or licenses sought to be required before installation of a fly ash brick manufacturing unit, nowhere and/or before any of the authorities, has the private respondent mentioned the special situation, that the installation of fly ash brick manufacturing unit or its operation is being carried on in close vicinity to a rice mill, which is also carrying on with its operation in full swing. Even when the necessary laws and regulations have been promulgated governing the establishment and carrying on of fly ash brick manufacturing unit, it must not have been the intention of the legislature that the same establishment should be allowed to continue inside a rice mill and in close vicinity to it.



It is denied that dry fly ash is not harmful particularly when it is airborne and it is being stacked in commercial quantity in close vicinity of a rice mill producing rice for human consumption. It is denied that the applicant in collusion or in conspiracy with any business rivalry or with any competitor of the company defamed or tried to defame, as alleged or at all. It is stated that the conduct of the company holds them as violator of the law. It is denied that the answering respondent is running their unit as per law. It is denied that the company is running its two units without violating any law or dry fly ash come under a bulker or follow any method to prevent emission or kept in air tight room or maintaining any measure of safety or there involves no issue of environmental issue or the running of rice mill and fly ash brick unit in the same compound is false or nobody has any issue with the running of the unit by the answering respondent or the four corners of the land of the answering respondent is surrounded by agricultural land or green field or no patch of any fly ash will be visible in any of the said agricultural land as alleged or at all.

It is stated that the committee report is not free from flaw and due exception has been taken by way of an affidavit against the said committee report dated January 30, 2024, filed in the instant case. Any allegations contrary to and/or inconsistent with the aforesaid is denied and disputed as if those are set out herein and denied in seriatim.

7. With reference to paragraph no.7 and sub-paragraph nos. o,p,q,r and s, any allegations contrary to and/or inconsistent with the aforesaid is denied and disputed as if those are set out herein and denied in seriatim. It is denied that the company has



cooperated with the committee members appointed by the Hon'ble Tribunal. It is stated that the joint inspection contained various flaws particularly conducted without notifying the original applicant relating to such inspection in any manner. Exception has already been taken by way of affidavit. The report of the committee was not in due compliance of the order of the Hon'ble Tribunal appointing it. It is denied that the applicant filed the application annexing any document which are private and confidential or the applicant was a kingpin or mastermind, nor there is any involvement of any such kingpin or mastermind in the instant case or there was any such issue of alleged leaking of documents or misusing any documents or any such document is there to which general people cannot get access, as alleged or at all.

It is stated that the answering respondent with an ulterior motive to divert the attention of the Hon'ble Tribunal are trying to canvass and/or level these sorts of baseless allegation. The annexures being A to C of the original application are duly available in the public portal of Registrar of Companies, accessible to all concerned. Any allegations contrary to and/or inconsistent with the aforesaid is denied and disputed as if those are set out herein and denied in seriatim.

The allegation made in sub paragraph (r) has no basis or merit, annexures in Original Application, being the memorandum and articles and other statutory records relating to the private respondent no. 14 company are available in the official portal of Ministry of Corporate Affairs and it is beyond understanding how these documents are attempted to be made connected with the original applicant by the deponent. It is



denied that annexures (C) to (G) of the Original Application or either of them are manufactured, forged or fabricated even at any wild stretch of imagination. In any event these documents are available in the official portal as aforesaid, and are also available for download. It once again appears beyond doubt that the private respondent to deviate the attention of this Hon'ble Tribunal from the illegalities, continues to be committed at the behest of the private respondent to the subject matter of the instant Original Application. It is denied that the original applicant made any baseless allegation or manufactured any forged or fabricated document against the private respondent or even otherwise or there was no question of achieving any wrongful gain or of benefiting any competitor or business rivalry of the company or the applicant or any advocate made any complaint before any other authority or corporation by making any misrepresentation or interpreting the order of the 13.10.2023 of the Hon'ble Tribunal in different form or the applicant has done any illegality or any act of the applicant tantamount to contempt of court or the applicant was with any ill motive misused the law in any manner or attempted any wrongful gain or caused any wrongful loss to the private respondent as alleged or at all.

8. With reference to various allegations made and contained in paragraph nos. 8, 9 & 10. I repeat and reiterate paragraph 3, paragraph 4, and paragraph 1,2,3, & 4 of the facts in brief of the original application to be true and correct and deny all allegations which are contrary there to and or inconsistent therewith. It is denied that the applicant was unemployed and went to the private respondent for any job in his company or



there was any question of manipulation of any document for any illegal gain or for any such alleged reason, the applicant was expelled from the private respondent company or the applicant thereafter, or at any point of time joined hands with any business rivalry or made any act tantamount to defaming the company or the question of not taking any harsh step by the company against the applicant does not arise or the applicant obtained any document which is confidential document of the company or any document obtained with the due process of law or with any personal interest or the company is situated far away from the population of the village as alleged or at all.

It is further denied that applicant has made any lie for the purpose of the instant application or defame the goodwill or reputation of the company, whatever it may have or to tarnish its image or the company is running its mill adhering to necessary requisite as per the provision of law or made any separate compound for starting fly ash brick unit or serving for benefit of people at large or tried to promote any endeavour of the government for utilisation of fly ash or obtained any mandatory permission from any statutory authority or till date no single person residing in the nearby village or in the state. It is denied that any allegation came up against the company for getting affected after consuming the rice of the rice mill of Respondent no. 14, or no health casualty was reported against the company or any complaint has been made by any government authority for the rice mill as well as the fly ash brick unit as alleged or at all.

It is stated that the company till prior to filing of the present original application was running in a concealed and silent



manner the operation of fly ash brick unit and rice mill unit from the same compound without compliance to the required compliance to the rules and guidelines in any manner. Any allegation contrary to or inconsistent therewith are denied and disputed as if those are set out herein and denied in seriatim. The applicant has made / continues to make several repetitions of same allegations at different places. To avoid prolixity and repetition of replying the same, I refer to relevant paragraphs containing reply to the said allegation and place my reliance there upon. It is further denied that, annexure (A) to (C) in the application containing page 27 to 48 is confidential document of the company has alleged or at all.

9. With reference to various allegations made and contained in paragraph nos. 11,12,13,14, & 15, I repeat and reiterate paragraph nos. 5, 6, 7, 8, 9, 10, 11, 12, 13 & 14 of the original application to be true and correct and deny all allegations which are contrary there to and or inconsistent therewith. In the present paragraphs under dealing, the applicant has made / continues to make several repetitions of same allegations at different places. To avoid prolixity and repetition of replying the same, I refer to relevant paragraphs containing reply to the said allegation and placing my reliance there upon. It is further denied that, annexure (A) to (C) in the application containing page 27 to 48 is confidential document of the company has alleged or at all. It is denied that the answering respondent has complied with any norms for running rice mill or is running fly ash brick unit in a separate compound or fly ash brick unit can be set up at any place as per the order of WBPCB as alleged or at all. It is stated that the fly ash bricks might have been given an open drive way



including promoting of its production or manufacturing by the government but nowhere any such permission of promotion tantamount to allowing a fly ash brick manufacturing unit to continue its production in a common compound and close vicinity where a mill for production of consumable rice is going on. The newly constructed partition wall has been made after filing of the original application only as and by way of setting up of an additional defence to place before the Tribunal and which was not there as on the date of filing of the original application. Both such units as aforesaid, to run in a close vicinity particularly in a common compound tantamount to endanger the health issue particularly of those persons and villagers consuming such contaminated rice, besides badly affecting the local water bodies and stream which is clearly evident from the photographs annexed in the application. Any allegation contrary to or inconsistent therewith are denied and disputed as if those are set out herein and denied in seriatim.

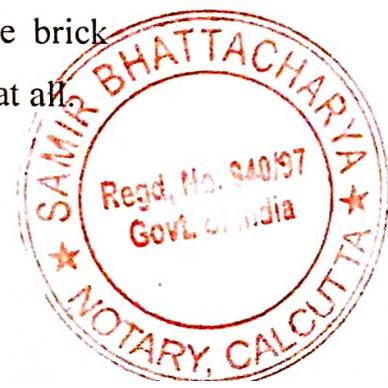
It is stated that some irregularity/ illegality even if happens to continue in a locality without any protest or appropriate legal action against, does not and cannot be a ground for the same to continue in near future. It is well settled principle of law, that one cannot anchor on the doctrine of negative equity for some irregularity to be regularized or illegality to be legalised. Mere allegation of the residence of the applicant to be far away from the fly ash brick unit or existence of a godown of Food Corporation of India just adjacent to the fly ash brick unit cannot be a ground for the fly ash brick manufacturing unit to continue inside the rice mill. Any allegation contrary to or inconsistent



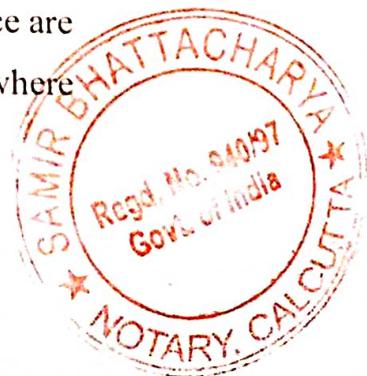
therewith are denied and disputed as if those are set out herein and denied in seriatim.

It is denied that the applicant has kept the Hon'ble Tribunal in dark or tried to show any negativity relating to utilization of fly ash. In the instant paragraph under reference also the applicant has made / continues to make several repetitions of same allegations at different places. To avoid prolixity and repetition of replying the same, I refer to relevant paragraphs containing reply to the said allegation and placing my reliance there upon. It is denied that the appellant made any concocted story as alleged and at all.

10. With reference to various allegations made and contained in paragraph nos. 16,17,18,19,20,21,22,23,24,25 & 26 of the said opposition I repeat and reiterate paragraph nos. 15,16,17,18,19, & 20, of the original application to be true and correct and deny all allegations which are contrary thereto and/or inconsistent therewith. Save what are matters of record and save what appears therefrom each and every allegation made and contained there in are denied and disputed as if those are set out herein and denied in seriatim. It is denied that the private respondent has any requisite license, permission or approval or regular inspection is conducted in the rice mill for the purpose of extension of license, permission and approval by the statutory authority or with regard to manufacturing of fly ash bricks, Central government and state government or CPCB or WBPCB guidelines are followed by the private respondents before starting of the unit or at any point of time or the contention of the applicant should be trashed out on closure of the brick manufacturing unit or on the health issue, as alleged or at all.



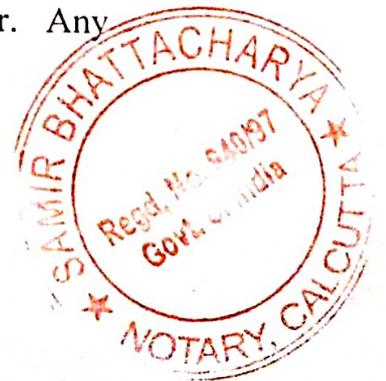
It is stated that the report of the expert committee is malafide and perverse and appropriate exception by way of an affidavit has been taken by the applicant. It is further denied that the applicant misguided the tribunal or made any vague allegation or two units are not working in the said premises or maintaining any safety measure or without violation of any provision of law or by making the application, the applicants want to benefit any business rivalry of the private respondent or the applicant had any evil desire or the instant case has been filed to harm the answering respondent or the notification or provision has set out in the paragraphs of the application as referred herein are not applicable or there is no violation on the part of the answering respondent for running the units as alleged or at all. It is further denied that the applicant has failed to show the continuous carrying out of illegal act by the private respondent or no such cause of action has been made out by the applicant or the present application is barred or mischievous or product of misuse of any provision of National Green Tribunal Act, 2010, or is liable to be dismissed or with cost, as alleged or at all. It is further denied the prayer made by the applicant for achieving any personal gain or the bills annexed to the application are manufactured or forged or fabricated or the same never been issued by the answering respondent, as alleged or at all. At the cost of repetition, it is stated that the applicant does not dispute the significance or various utilization of fly ash bricks and the appreciation and promotion of its manufacturing in recent days. The applicant most humbly canvassed before the Hon'ble Tribunal the production and manufacturing of the fly ash brick which is continuing inside a rice mill where ready to eat rice are produced for human consumption within a close vicinity where



raw fly-ash, air borne in nature are stacked in and admittedly vacant land alarmingly increasing the chance of raw fly ash being air borne contaminating the produced rice before it is used for human consumption within and or outside of the locality. Any allegation contrary to or inconsistent therewith are denied and disputed as if those are set out herein and denied in seriatim.

It is denied that the govt. has banned usage of red brick as alleged or at all. It is denied that the answering respondent made arrangement of any separate compound or obtained prior consent from the local authority or gram panchayat prior to running of fly ash project as alleged or at all. It is stated the private respondent has failed to substantiate the said pleading by the way of any material in support.

11. With reference to various allegations made and contained in paragraph nos. 26, 27, 28, 29, 30, 31, 32, 33 & 34 of the opposition, save what are matters of record and what appears therefrom each and every allegation made and contained therein as if those are set out herein are denied in seriatim. It is stated that the report of the expert committee is malafide and perverse and appropriate exception by way of an affidavit has been taken by the applicant. The applicant craves leave to refer to the said affidavit as against the report of the expert committee and placing its reliance there upon. It is stated that land recorded in ROR is not the subject matter in issue in the instant proceedings. The deponent with an ulterior motive to divert the attention of the Hon'ble Tribunal in respect of the alarming issue involved in the present application are trying to consistently assert baseless allegations and contentions in its favour. Any



allegation contrary to and/or inconsistent therewith are denied and disputed as if those are set out herein and denied in seriatim.

It is denied that the instant application is harrasive, baseless or meritless or involves any suppression of fact in any manner or manufactured or forged or fabricated or wastage of judicial time or deserves to be dismissed or with cost or should impose any damages upon the applicant or the applicant has defamed or ruptured any goodwill of business or the instant application is liable to be dismissed by the Hon'ble tribunal as alleged or at all.



12. It is humbly submitted that the instant opposition is baseless, vague and lacks any merit including to address upon the actual issue involved, deserves no credence or consideration and in the interest of the cause of environment vis-à-vis the human being which is the most prime integral part of the environment, the prayer as made for in the application may kindly be allowed.

13. The statements made in paragraph 1 to 11 are true to my knowledge and those made in paragraph 13 is my respectful submission before this Hon'ble Tribunal.

Soumen Chakraborty

Deponent

Identified by me

Khondh Samir Hogue

Advocate

Samir Bhattacharya
Notary Govt. of India
Regd. No. 940/97
City Civil Court, Calcutta



01 MAY 2024

01 MAY 2024

Solemnly Affirmed and
Declared before me U/S 139
CPC/U/S297 (C) CRPC

01.5.24
Notary

VERIFICATION

I, Soumen Chakraborti, son of Late Shyamapada Chakraborty, aged about – 48 years, by faith - Hindu, by occupation - Mechanic, Gopinath Bati, Gonna Dariapur, Dariapur, Purba Barddhaman, Gonna Dariapur, West Bengal – 713128, do verify that I am the applicant in the instant application and I am well acquainted with the facts and circumstances of the instant case and the statements contained in paragraph 1 to 11 are true to my knowledge and rests are my humble submission before the Learned Tribunal.

Soumen Chakraborty

DEPONENT

Identified by me
Khondh Samind Hagan
Advocate

01 MAY 2021

01 MAY 2021



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

ORIGINAL APPLICATION NO.

107 OF 2023/EZ

In the matter of:

**Soumen Chakraborty
... Original Applicant**

-Versus-

**The Principal Secretary,
Environment Department,
Government of West Bengal &
Ors.**

...Respondents

**AFFIDAVIT IN REPLY TO
THE AFFIDAVIT IN
OPPOSITION OF THE
RESPONDENT NOS. 14 TO**

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KHONDKER SAMIUL HAQUE

Advocate

High Court at Calcutta

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Enrollment no. : WB/2283/2013