

BEFORE THE HON'BLE NATIONAL GREEN TRIBUNAL  
EASTERN ZONE BENCH, KOLKATA  
ORIGINAL APPLICATION NO. 87/2024/EZ



In The Matter of:

Rajat Chowdhury

... Applicant

Versus

The State of West Bengal & Ors.

... Respondents

AFFIDAVIT-IN-OPPOSITION ON BEHALF OF THE RESPONDENT NUMBER 08, THE OFFICER-IN-CHARGE, BARANAGAR POLICE STATION.

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|    | private respondent number 9 are collectively annexed herewith  |       |       |
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Filed by

*Sibojyoti Chakrabarti*

SIBOJYOTI CHAKRABARTI

Advocate/Prosecutor

For The State of West Bengal

Email: [subho.advocate@gmail.com](mailto:subho.advocate@gmail.com)

(M): 9007035534





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In The Matter of:

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AFFIDAVIT-IN-OPPOSITION ON BEHALF OF THE RESPONDENT NUMBER 08, THE OFFICER-IN-CHARGE, BARANAGAR POLICE STATION.

I, Sri Atish Chatterjee, S/o Late Ashoke Kumar Chatterjee, aged about **51** years, by faith-Hindu, by occupation-service and presently posted as the Officer-in-Charge, Baranagar Police Station, having office at 47, B. T. Road, Baranagar, Kolkata: 700090, District: North (24) Parganas, do hereby solemnly affirm and submit as follows:-

1. That I am the Officer-in-Charge, Baranagar Police Station being impleaded as respondent number 8, in the original application. I have received copy of the original application and copy of Solemn Order dated 30.04.2024 passed by the Hon'ble National Green Tribunal, Eastern Zone Bench, Kolkata from the Learned State Advocate representing the State Respondents, Government of West Bengal.

2. That this affidavit-in-Opposition is being filed in compliance to the Solemn Order dated 30.04.2024, as passed by the Hon'ble Tribunal.
3. That at the outset it is stated that the answering respondent denies every allegation, contention and averment as made in the original application as to the extent those are contrary to and/or inconsistent with what has been stated herein, as if the same were dealt in seriatim and traversed specifically. That nothing may be deemed to be admitted unless specifically admitted herein.
4. That at the commencement it is stated that this deponent has taken charge as Officer-in Charge, Baranagar Police Station on 08.02.2024.
5. That with regard to the statements made in paragraphs 1 to 3, of the original application are matters of fact and record and this deponent does not comment on the same.
6. That with regard to the statements made in paragraphs 4 to 7, of the original application are matters of record and this deponent does not comment on the same.
7. That with regard to the statements made in paragraphs 8, of the original application it is stated and submitted that an enquiry was made by the Official of the Baranagar Police Station on 02.05.2024 and the respondent number 9 namely Sri Sikander Sharma has Trade License issued by the Baranagar Municipality being Certificate Number 0917P20123137613 date of issue 12.06.2023 valid upto 11.06.2024 and the private also produced handicapped certificate issued by Orthopaedic Surgeon of Dr. B. N. Bose S. D. Hospital,



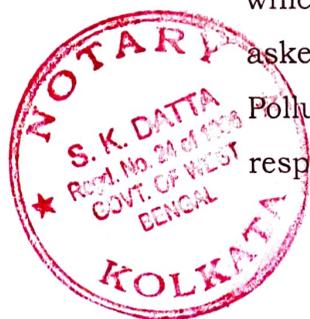
Barrackpore, District: North (24) Parganas. The Enquiry has been entered in Baranagar P.S. G.D.E No. 141 dated 02.05.2024.

It has been stated in the enquiry report that the private respondent number 9 is dependent on his shop for his livelihood.

Copy of the Enquiry report has been forwarded to the Senior Scientist & In-Charge, Public Grievance Cell, West Bengal Pollution Control Board vide Email dated 03.05.2024.

Photocopies of the Enquiry Report dated 03.05.2024, Email sent to the West Bengal Pollution Control Board, along with photocopy of the Trade License issued in favour of M/s Ayush Yaman Furniture by the Baranagar Municipality and handicapped certificate issued by Orthopaedic Surgeon of Dr. B. N. Bose S. D. Hospital, Barrackpore, District: North (24) Parganas issued in favour of the private respondent number 9 are collectively annexed herewith and marked with the letter 'R-1'.

8. That with regard to the statements made in paragraphs 9 & 10, of the original application it is stated and submitted that the timing of the unit is to be regulated by the Baranagar Municipality and the nature of work is required to be monitored by the regulatory authority i. e the West Bengal Pollution Control Board and with regard to the other allegations are denied by this respondent.
9. That with regard to the statements made in paragraphs 11, of the original application it is stated and submitted that another Enquiry was conducted by the Baranagar Police Station on 04.05.2024 in which it stated that on 04.05.2024 and the respondent number 9, was asked to submit photocopy of permission issued by the West Bengal Pollution Control Board and the MSME department, which the respondent number 9 could not produce and accordingly the



respondent number 9 was asked to close his shop till the disposal of the matter pending before the Hon'ble Tribunal and/or till getting any approval from the competent authority. The Enquiry has been entered in Baranagar P.S. G.D.E No. 296 dated 04.05.2024.

The respondent was also given notice to the respondent number 9 to produce documents permission issued by the West Bengal Pollution Control Board and the MSME department.

Photocopy of the Enquiry Report dated 04.05.2024 entered in Baranagar P.S. G.D.E No. 296 dated 04.05.2024 along with notice to the respondent number 9 to produce documents permission issued by the West Bengal Pollution Control Board and the MSME department are collectively annexed herewith and marked with the letter 'R-2'.

10. That with regard to the statements made in paragraphs 12 & 13, of the original application it is stated that the same are matters of fact and record.

11. That with regard to the statements made in paragraphs 14, of the original application it is stated that the same has been enquired by an official of the Baranagar Police Station and during enquiry the Official of the Baranagar Police Station told the respondent number 9, to take immediate precaution to against the noise and air pollution caused by their shop. The same has been entered in Baranagar P.S received letter register (Part IV) Number. 681/2023 dated 05.06.2023.

Photocopy of the certified true copy of the Part IV Extract entered in Baranagar P.S received letter register (Part IV) Number. 681/2023 dated 05.06.2023 is annexed herewith and marked with the letter 'R-3'.



12. That with regard to the statements made in paragraphs 15 & 16, of the original application it is stated that the respondent number 9 does not possess the requisite permissions as has been stated above.
13. That with regard to the statements made in paragraphs 17, of the original application it is stated that already the same has been enquired into as stated in paragraph 11 of this affidavit-in-opposition and the respondent number 9 was informed to take all precautionary measures so as to prevent noise and air pollution by the Baranagar Police Station. That also the respondent number 9 has been directed to close his shop without obtaining requisite permissions from the statutory authorities.
14. That with regard to the statements made in paragraphs 18 to 21 of the original application this respondent states that the same are matters of fact and record.
15. That with regard to the statements made in paragraphs 22, of the original application it is stated that the same falls within the arena of the Municipality.
16. That with regard to the statements made in paragraphs 23 & 24, of the original application it is stated that on part of the Police authorities enquiries have been previously as well as in the present time and directions have been issued to the respondent number 9, this respondent has high regards to the Orders passed by this Hon'ble Tribunal and will comply any Order as may be directed by this Hon'ble Tribunal.

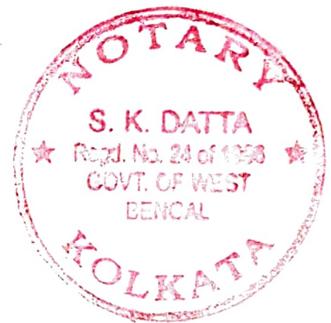
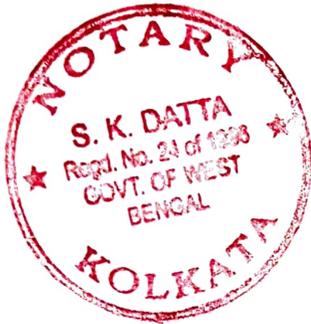


17. That it is most respectfully prayed that this Hon'ble Tribunal may kindly be pleased to pass necessary Order/Orders as is deemed fit for the ends of justice.

Identified by me

*Sibojyoti Chakrabarti*  
Advocate  
State of West Bengal

Deponent  
Atish Chatterjee  
Insp. of Police  
Officer-in-Charge  
Baranagar PS



VERIFICATION:

I, the deponent above- named, do hereby verify and declare that the statements made in the aforesaid paragraphs are true and correct to the best of my knowledge and information as available in the office of the Baranagar Police Station, District: North (24) Parganas, at Barasat and I believe that nothing material has been concealed there from.

Verified at Kolkata on the ..... Day of May, 2024.

Identified by me

*Sibojyoti Chakrabarti*  
Advocate  
State of West Bengal

Deponent  
Atish Chatterjee  
Insp. of Police  
Officer-in-Charge  
Baranagar PS

S.L. NO. 01/05/5/2024



SANTOSH KUMAR DATTA  
NOTARY  
90/1A, Hari Ghosh Street  
Kolkata-700006  
Regn. No.- 24 of 1998  
05 MAY 2024

Solemnly Affirmed  
&  
Declared before me  
on Identification of Advocate  
*S. K. DATTA*  
S. K. DATTA  
NOTARY  
05.5.2024

9 ofc  
Annexure - R-1

**The Sr. Scientist and In- Charge  
Public Grievance Cell  
West Bengal Pollution Control Board**

Ref:- Your Office Memo No.602 - PG/LD/03/2020 Date - 31.05.2023 and Baranagar PS Part IV (received paper) SI No-681/23 Dated- 05.06.2023.

Sub: Report of enquiry

Sir,

With due respect, I beg to report that, the letter was received at Baranagar PS on 05.06.2023 and was enquired into by ASI Kaltu Choubey of Baranagar PS. During enquiry he had been to M/S Ayush Yaman Furniture at Nibhrita Abakash, Housing Society, Ground Floor, G- 3A, 105, Neogipara Road, KOI - 36, PS- Baranagar.

During enquiry it was found that the concerned person Mr. Sikander Sharma, owner of M/S Ayush Yaman Furniture had trade license issued by Baranagar Municipality, Barrackpore, District- 24 Parganas(North) being certificate No.0917P20123137613, Date of issue 12.06.2023 and valid up to 11.06.2024 (Copy attached). The concerned person was also asked to take precaution from causing any noise pollution or air pollution.

The concerned person is handicapped, vide certificate number- ORTHO/106 dt: 14.03.2019. issued by Orthopaedic Surgeon of Dr. B.N.Bose S.D Hospital, Barrackpore, District- 24 Parganas (North),(Photocopy of handicapped certificate attached). He is dependent on this shop for his livelihood. Local people also sympathize with him.

On 02.05.2024 the matter was further enquired into pursuing the Solemn order dated 30.04.24 passed by the Hon'ble National Green Tribunal, Eastern Zone Bench, Kolkata in c/w Original Application Number- 87/2024/EZ, in the matter of Rajat Chowdhury -Vs- State of West Bengal & ors. SI Ashif Ahmed of Baranagar Police Station had been to the spot and enquired the matter locally. He communicated with the petitioner, Mr. Rajat Chowdhury and he stated that the sound of the wood cutter machine used by the respondent Sikandar Sharma for his business causes disturbance to him. The said officer also communicated with the respondent Sikandar Sharma over phone (as he was not available) and said respondent answered that he abides by the norms while doing the business. It was also ascertained from the petitioner that officials of West Bengal Pollution Control Board have visited the said shop on 02.05.24 itself. This refers to Baranagar Police Station General Diary Entry Number- 141 dated- 02.05.2024.

This is for your kind information.

Certified copy

Officer-In-charge  
Baranagar Police Station  
Barrackpore Police  
Commissionerate

DR. NO  
= 262/24.

03.05.24

Yours faithfully,

Atish Chatterjee  
Officer In-Charge  
Baranagar Police Station  
Barrackpore Police Commissionerate  
Officer-in-charge  
Baranagar Police Station  
Barrackpore Police  
Commissionerate



Certificate No. 001/P20123137813

Form 12  
(Under Rule 62)**PERMANENT CERTIFICATE OF ENLISTMENT**

West Bengal Municipal Act, 1993  
[See Section 118]  
(Duplicate to be filled up)

Baranagar Municipality  
Barrackpur, North 24 Parganas

The Board of Councilors of Baranagar Municipality hereby grant unto Sikandar Sharma, the proprietor of Ayush Yaman Furniture, residing and / or carrying on or intending to carry on business at holding Premises No. 105 Main Gandhipathya Sarani, Pincode- 700035 in Ward No. 11 and exercising or intending to exercise the Profession, Trade or Callings of Enterprises dealing with non food Items(Category), WORKSHOP / FACTORY OF NON FOOD ITEMS ( AREA UPTO 200 SQ.FT.)(Nature of Business), Furniture Maker this Permanent Certificate of Enlistment under Section 118 of the West Bengal Municipal Act, 1993 and acknowledge to have received in consideration thereof, a total fee of ₹ 500/- (Rupees : Five Hundred) only.

This Certificate of Enlistment will be in force until the 11th day of June, 2024 and to be produced at the time of renewal.

Date of issuance : 12-06-2023



Baranagar Municipality[WORKSHOP / FACTORY OF NON FOOD ITEMS ( AREA UPTO 200 SQ.FT.)0917P20123137813|12-06-2023|11-06-2024

(Scan QR Code with QR Reader)

**Disclaimer :** This document is auto-generated through Computer system as per data submitted by the applicant himself in online procedure. Respective Department / Authority/ Institution/ Office may verify the documents /credentials from the CE holder , if so deem fit.

Authenticity of this document can be verified by accessing the URL: [e-governance.gov.in](http://e-governance.gov.in) and then clicking on the 'Third Party Verification for Final Certificate' link and keying in the Unique Number 010882311088047

**Form - VII HANDICAPPED CAMP  
DISABILITY CERTIFICATE  
DR. B. N. BOSE SUB-DIVISIONAL HOSPITAL  
Barrackpore, North 24 Parganas (N), Pin - 700123**



Certificate No. 0240/108 Date 16/3/19  
(See Rule 5)

This is to certify that I have carefully examined Shri/Smt/Mr. Srikandar Sharma  
Laddu Sharma Son/Wife/Daughter of Shri/Late Laddu Sharma  
Date of Birth 09/07/1985 Age 34 Years, Male/Female, Registration No. \_\_\_\_\_  
Permanent resident of House No. 128 Ward/Village \_\_\_\_\_ Street S.P. Bomerice  
P.O. Alambazar P.S. Baranagar District N. 24 Pgs  
State W.B Pin 700035

Whose photograph is affixed above and am satisfied that He/She is a case of Acromotor  
Disability. His/Her extent of percentage for physical impairment/Disability has been evaluated as per guidelines (to be specified) is shown against the relevant disability in the table below.

| Sl No. | Disability           | Affected Part of Body               | Diagnosis | Permanent Physical Impairment / Mental Disability (in %) |
|--------|----------------------|-------------------------------------|-----------|--|
| 1.     | Locomotor Disability | <input checked="" type="checkbox"/> |           | 50%  |
| 2.     | Low Vision           | <input type="checkbox"/>            |           |  |
| 3.     | Blindness            | <input type="checkbox"/>            |           |  |
| 4.     | Hearing Impairment   | <input type="checkbox"/>            |           |  |
| 5.     | Mental Retardation   | <input type="checkbox"/>            |           |  |
| 6.     | Mental illness       | <input type="checkbox"/>            |           |  |

(Please strike out the disabilities which are applicable)

- (B) In the light of the above, his/her over all permanent physical impairment as per guidelines (to be specified), is as follows :  
In figures 50% Percent. In words Fifty Percent.  
2. This condition is progressive / non-progressive / likely to improve / not like to improve.  
3. Reassessment of Disability is  
i) ~~Not necessary~~  
or  
ii) Is Recommended / after 05 Years 00 Months and therefore this certificate shall be valid till 12/03/2021  
(dd) (mm) (yyyy)  
4. He / She can / Can-not travel without assistance of escort.  
5. He / She able / Unable to earn His / Her Livelihood.  
6. The applicant has submitted the following documents as Proof of Residence.

| Nature of Document               | Date of Issue | Details of Authority issuing certificate |
|----------------------------------|---------------|--|
| <u>Author Card - 78615806873</u> |               |  |

Signature / Thumb Impression of the person in whose favour disability certificate is issued



7. Signature of the Medical Authority :

| Name & Seal of Board Member  | Name & Seal of Board Member | Name & Seal of Chairman of Board   |
|--|-----------------------------|--|
| <u>Orthopedic (Surgeon)</u><br><u>Dr. B. N. Bose S.D. Hospital</u><br><u>24 Parganas (N)</u> |                             | <u>Superintendent</u><br><u>Dr. B. N. Bose S.D. Hospital</u><br><u>24 Parganas (N)</u> |

h Anupure - R-1 4 12

BARANAGAR PS <psbaranagar@gmail.com>

ur Office Memo No.602 – PG/LD/03/2020 Date – 31.05.2023 and Baranagar PS Part IV  
(received paper) SI No-681/23 Dated- 05.06.2023.

1 message

BARANAGAR PS <psbaranagar@gmail.com>

Fri, May 3, 2024 at 4:08 PM

To: net.wbpcb-wb@bangla.gov.in, Siboyoti Chakrabarti <subho.advocate@gmail.com>

To  
The Sr. Scientist and In- Charge  
Public Grievance Cell  
West Bengal Pollution Control Board

Ref:- Your Office Memo No.602 – PG/LD/03/2020 Date – 31.05.2023 and Baranagar PS Part IV (received paper) SI No-681/23 Dated- 05.06.2023.

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This is for your kind information.

Certified copy

Officer-In-charge  
Baranagar Police Station  
Barrackpore Police  
Commissionerate

Yours faithfully,

Atish Chatterjee  
Officer In-Charge  
Baranagar Police Station  
Barrackpore Police Commissionerate

"Annexure - R-2"

LB

To  
The Sr. Scientist and In-Charge  
Public Grievance Cell  
West Bengal Pollution Control Board

Ref: Your Office Memo No. 602 – PG/LD/03/2020 Date- 31.05.2023 and  
Baranagar PS Part IV (received paper) SI No-681/23 Dated-05.06.2023.

**Sub: Report of enquiry**

Sir,

With due respect, I beg to report that, in continuation to our earlier report Dt- 03.05.2024 vide DR. No- 2862 Dt- 03.05.2024. I would further like to submit this report before your authority.

Today on 04.05.2024 the Mr. Sikandar Sharma owner of the concerned furniture shop styled as M/s Ayush Yaman furniture was again contacted and he was asked to provide if he has any permission of the West Bengal Pollution Control Board or Certificate of MSME. The said person submitted that he does not have any such permission.

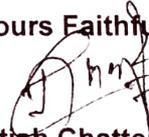
Accordingly he was asked to keep his shop closed till the disposal of the matter before the Hon'ble National Green Tribunal, Eastern Bench, Kolkata or till getting any approval from the competent authority. This refers to Baranagar PS G.D.E No- 296 Dt- 04.05.2024

This is for your kind information.

**Certified copy**

  
Officer-In-charge  
Baranagar Police Station  
Barrackpore Police  
Commissionerate

Yours Faithfully,

  
Atish Chatterjee

Officer-In-Charge

Baranagar Police Station  
Barrackpore Police Commissionerate

Officer-in-charge  
Baranagar Police Station  
Barrackpore Police  
Commissionerate

DR. NIO  
2872/24

Annexure 2

14



Shop:- Mrs. Anush Yamam Furniture,  
105, Teogji pure road, Baranagar, Kolkata-36 PS. Barrackpore.

Ref: RFA sale order dt. 30/04/24 passed by Hon'ble Justice  
Suren Tribhuvan, Eastern Bench, Kolkata in EW  
original application number - 87/2024/EC in the  
matter of ~~Prayal Chatterjee~~ Chowdhury vs the state  
of West Bengal and Ors.

Sub: Requesting to provide MSME and pollution  
certificate in EW above noted order.

Respected,

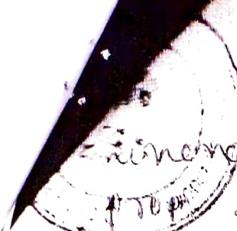
You are hereby asked to produce the  
MSME and pollution certificate in  
respect of your business at Mrs. Anush  
Yamam Furniture at 105 Teogji pure Lane  
Kolkata-36 PS. Baranagar.

Certified copy  
  
Officer-in-charge  
Baranagar Police Station  
Barrackpore Police  
Commissionerate

y/f  
Ashraf Shames  
S.O. Police  
04/05/24

दिनांक 22/5/24

4/5/24



Shri. Anand Singh Sharma

Shop Yammen Furniture

105, Neogi Park Road, No. 36 PS-Baranagar

Sub: Salem order dt. 30/04/24 passed by the Hon'ble National Green Tribunal, Eastern Bench, Kolkata in the original application number - 82/2024/1-2 in the matter of Rajat Choudhary vs the State of WB and ors.

Respected:

You are hereby asked to keep your business shop styled as M/s. Anand Singh Sharma Furniture at 105 Neogi Park Road, Baranagar No. 36 PS-Baranagar <sup>closed</sup> till pendency of the above noted proceeding before the Hon'ble National Green Tribunal Eastern Bench Kolkata and/or till getting clearance from the competent authority.

Certified copy

Officer-in-Charge  
Baranagar Police Station  
Barrackpore Police  
Commissionerate

1/1  
Anand Singh  
S/o: Anand  
Baranagar PS  
04/05/24

27/5/24

4, 5, 24

Vertical text on the left margin: ... to Baranagar ...

Gmail

" Annexure-R-2 "

16

BARANAGAR PS &lt;psbaranagar@gmail.com&gt;

Your Office Memo No. 602 – PG/LD/03/2020 Date- 31.05.2023 and Baranagar PS Part IV (received paper) SI No-681/23 Dated-05.06.2023.

BARANAGAR PS &lt;psbaranagar@gmail.com&gt;

Sat, May 4, 2024 at 6:02 PM

To: net.wbpcb-wb@bangla.gov.in, Sibojyoti Chakrabarti &lt;subho.advocate@gmail.com&gt;

To  
The Sr. Scientist and In-Charge  
Public Grievance Cell  
West Bengal Pollution Control Board

Ref: Your Office Memo No. 602 – PG/LD/03/2020 Date- 31.05.2023 and Baranagar PS Part IV (received paper) SI No-681/23 Dated-05.06.2023.

Sub: Report of enquiry

Sir,

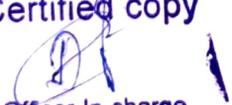
With due respect, I beg to report that, in continuation to our earlier report Dt- 03.05.2024 vide DR. No- 2862 Dt- 03.05.2024. I would further like to submit this report before your authority.

Today on 04.05.2024 the Mr. Sikandar Sharma owner of the concerned furniture shop styled as M/s Ayush Yaman furniture was again contacted and he was asked to provide if he has any permission of the West Bengal Pollution Control Board or Certificate of MSME. The said person submitted that he does not have any such permission.

Accordingly he was asked to keep his shop closed till the disposal of the matter before the Hon'ble National Green Tribunal, Eastern Bench, Kolkata or till getting any approval from the competent authority. This refers to Baranagar PS G.D.E No- 296 Dt- 04.05.2024

This is for your kind information.

Certified copy

  
Officer-In-charge  
Baranagar Police Station  
Barrackpore Police  
Commissionerate

Yours Faithfully,

Atish Chatterjee  
Officer-In-Charge  
Baranagar Police Station  
Barrackpore Police Commissionerate

Report of enquiry.pdf  
150K

# Register of Letters' Received

Department ..... 171

20

| 1.<br>En-<br>cive<br>No. | 2.<br>Date of<br>receipt<br>in office | 3.<br>Letters, etc.   |             |      | 4.<br>Short Subjects   | 5.<br>To whom<br>endorsed<br>with date                                    | 6.<br>Brief of action taken (To be written & signed with date<br>by endorsed officer) including GDE Reference  | 7.<br>Remarks by<br>officer in charge |
|--------------------------|---------------------------------------|---|-------------|------|--|---|--|---------------------------------------|
|                          |                                       | From whom<br>received   | Num-<br>ber | Date |  |   |  |                                       |
| 68/28                    | 5.6.23                                | West End<br>Police<br>Control<br>Board.<br><br>MEMO NO-<br>602/AG/LD/<br>03/2020. | -           | -    | Complain against<br>M/s Ayush Ramon<br>Furniture at<br>Niharito Abakar<br>Housing Society<br>Ground Floor<br>Shop no-59A<br>105, Neogi Para<br>Road, Koll-36<br>regarding noise<br>and air<br>pollution. | ASST.<br>Kattu<br>Chouhey.<br><br>(N/A &<br>Report<br>with in<br>3 days). | During evening I have back to 105, Neogi<br>Para road, m/s Ayush Ramon Furniture and<br>contacted with the petitioner. During<br>evening I told them to take immediate<br>Precaution against the noise and air<br>Pollution which caused by their shop. A<br>written was also given. |                                       |

Certified to be true copy  
 03/05/2023  
 Officer in charge  
 Baranagar Police Station  
 Barrackpore Police  
 Commissionerate  
 K. Chouhey

Certified copy  
  
 Officer-In-charge  
 Baranagar Police Station  
 Barrackpore Police  
 Commissionerate

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

O. A. NO. 87/2024/EZ

In The Matter of:

Rajat Chowdhury

... Applicant

Versus

The State of West Bengal & Ors.

... Respondents

AFFIDAVIT-IN-OPPOSITION ON  
BEHALF OF THE RESPONDENT  
NUMBER 08, THE OFFICER-IN-  
CHARGE, BARANAGAR POLICE  
STATION.

SIBOJYOTI CHAKRABARTI

Advocate

For The State of West Bengal

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