

Serial No. 18/2024
As per Register of Notary

BEFORE THE NATIONAL GREEN TRIBUNAL,
EASTERN ZONE BENCH, KOLKATA
ORIGINAL APPLICATION NO. 184/2023/EZ

Prakash Ghosh

.....Applicant

-Versus-

The State of West Bengal & Ors.

.....Respondents

**AFFIDAVIT-IN-REJOINDER ON BEHALF OF THE APPLICANT
TO THE COUNTER AFFIDAVIT FILED BY THE RESPONDENT
NO. 4.**

INDEX

SL. NO.	PARTICULARS	ANNEXURE	PAGE NO
1.	AFFIDAVIT-IN-REJOINDER ON BEHALF OF THE APPLICANT TO THE COUNTER AFFIDAVIT FILED BY THE RESPONDENT NO. 4.		1-9



12 JUN 2024

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AFFIDAVIT-IN-REJOINDER ON BEHALF OF THE APPLICANT
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NO. 4.

I, Prakash Ghosh, Son of late Nripendranath Ghosh, aged about – 50 years, by faith – Hindu, by Occupation -Business, residing at Village - Udayanpally, Post Office- Prithiba, Police Station - Habra, District - North 24 Parganas, Pin-743704 do hereby solemnly affirm and state as follows:

1. That I am the Applicant in the above-mentioned Original Application and being aware of the facts thereof, I am competent to swear the present affidavit.

2. That I have gone through the averments made in the Counter Affidavit filed by the Respondent No. 4 and have understood the contents therein and I am making the present Affidavit in Rejoinder thereto.

3. That I deny the contents and averments made in the Affidavit on behalf of the Respondent No. 4 that are contrary to and/or inconsistent with anything stated in the above-mentioned Original Application and the present Affidavit in Rejoinder.

4. That the afore-mentioned Original Application has been filed with the following prayers:
 - I. An order directing the West Bengal Pollution Control Board to take appropriate penal measures and immediately issue orders for closure of the vata/kiln of the Private Respondents in order to protect the environment and to protect the Applicant and his co-villagers from suffering;



- II. An order directing the Respondent authorities to immediately cancel the Consent to Establish and/or Consent to operate for such vata/kiln if any granted to the Private Respondents;
- III. An order directing the WB, PCB's to assess the pollution caused also to take appropriate measures and to immediately issue orders for closure of the vata/kiln in the densely populated residential area.
5. Before dealing with the paragraphs of the said Affidavit in seriatim I say that the West Bengal Pollution Control Board being the Respondent Nos. 2 & 3 filed a committee report of the committee formed by the Hon'ble Tribunal in the form of an Affidavit dated 06.04.2024 which is, inter alia, exhaustive enough to gather the present comprehensive status of the unit operated by the Respondent Nos. 10 and 11 in question, wherein, however, expressly stated how the Respondent Nos. 10 and 11 are operating their unit



without taking any permission from the West Bengal Pollution Control Board and violated the provisions of conversion of land. The Committee in its report filed by the West Bengal Pollution Control Board nowhere encountered any single point taken in the Original Application. Rather endorsed the allegations brought in by the Applicant.

6. Now I shall deal with Affidavit in seriatim :

a) As regard Paragraph Nos. 1, 2, 3 & 4 of the said Affidavit the same does not require any reply.

b) As regard Paragraph No. 5 of the said Affidavit, I deny and dispute and disavow the statements made therein save and except what are matter of records. On contrary, I say that I along with other villagers are suffering from many respiratory illness and heart diseases owing to Carbon dioxide (CO₂), Carbon oxide (CO), Sulfur dioxide (SO₂) emissions and others harmful gases emitted from the kilns of the manufacturing unit operated by the Respondent Nos.



10 & 11. Therefore, I deny that the Health and Family Welfare Department has no role or bearing.

c) As regard Paragraph Nos. 6& 7 of the said Affidavit
On contrary, I say that the paragraph does not call for any reply because it hardly relates to statement made in Paragraph Nos. 1 to 11, 18, 21 to 30 of the Original Application which the deponent has referred to and relied upon.

d) As regard Paragraph No. 8 of the said Affidavit, I deny and dispute the statements made therein save and except what are matter of records. On contrary, I say that the paragraph does not call for any reply because it hardly relates to statement made in Paragraph Nos. 12 to 16 of the Original Application which the deponent has referred to and relied upon.

e) As regard Paragraph No. 9 of the said Affidavit, I deny and dispute the statements made therein save and except what are matter of records. I further state and



reiterate the contentions as made in Paragraph No. 14 & 17 of the Original Application.

f) As regard Paragraph No. 10 of the said Affidavit, I deny and dispute the statements made therein save and except what are matter of records. On contrary, I say that the paragraph does not call for any reply because it hardly relates to statement made in Paragraph No. 19 of the Original Application which the deponent has referred to and relied upon.

g) As regard Paragraph No. 11 of the said Affidavit, I deny and dispute the statements made therein save and except what are matter of records. On contrary, I say that the paragraph does not call for any reply because it hardly relates to statement made in Paragraph No. 20 of the Original Application which the deponent has referred to and relied upon.



- h) As regard Paragraph Nos. 12 and 13 of the said Affidavit, I deny and dispute the statements made therein save and except what are matter of records.
- i) As regard Paragraph Nos. 14 & 17 of the said Affidavit, I deny and dispute the statements made therein save and except what are matter of records. On contrary, I say that I rely upon findings of the committee formed by the Hon'ble Tribunal and the Hon'ble Tribunal is competent enough to decide if the Original Application is at all maintainable and liable to be dismissed with cost.
- j) As regard Paragraph No. 15 of the said Affidavit, I deny and dispute the statements made therein save and except what are matter of records. On contrary, I say that the Hon'ble Tribunal is competent enough to decide if the Applicant has been made out any case against the Respondent No. 4 being the Department of Health and Family Welfare.



k) As regard Paragraph No. 16 of the said Affidavit, I deny and dispute the statements made therein save and except what are matter of records. On contrary, I say that the Hon'ble Tribunal is competent enough to decide if the Respondent No. 4 being the Department of Health and Family Welfare is a necessary party. It is also submitted that the private respondents are operating such business which causing pollution on daily basis. I further state that I along with other villagers are suffering from respiratory diseases for such pollution, therefore no question arises to omit the Respondent No. 4 being the Department of Health and Family Welfare from the Original Application.

l) As regard Paragraph Nos. 17, 18 & 19 of the said Affidavit the same does not require any reply.

7. That the averments which are not specifically denied are hereby denied.



8. That the applicant humbly craves leave to file further affidavit-in-reply as may be required in the facts and circumstances of the case.

9. That the facts stated above are true to the best of my knowledge and belief.

Prakash Prash

Deponent

Identified by me =
WHO SIGN IN MY PRESENCE

Jayashree Patra

ADVOCATE
ENROLL NO
MI NO

F/1557/1531/2018

ABDUL HAMID MOLLA
NOTARY
Advocate, High Court, Calcutta
Reged. No 9380 / 2011
Government of India
High Court Calcutta
Gate No 'E'
M:- 9831104098

12 JUN 2024



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

O.A. NO. 184/2023/EZ

In the matter of:
Prakash Ghosh

...Applicant

Versus

The State of West Bengal & Others

...Opposite Parties

AFFIDAVIT-IN-OPPOSITION ON
BEHALF OF THE APPLICANT TO THE
COUNTER AFFIDAVIT FILED BY THE
RESPONDENT NO. 4.

Jayashree Patra,
Advocate
C/O Jayanta Narayan Chatterjee,
Advocate
Bar Association Room No. 14
High Court at Calcutta
Mobile: 7044224494
Email: jayashreepatra134@gmail.com
Enrolment No. F/1557/1531/2018