

Serial No. 09/2024

As per Registrar 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. 6.**

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. 6.		1-6



12 JUN 2024

BEFORE THE NATIONAL GREEN TRIBUNAL,  
EASTERN ZONE BENCH, KOLKATA  
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**AFFIDAVIT-IN-REJOINDER ON BEHALF OF THE APPLICANT**  
**TO THE COUNTER AFFIDAVIT FILED BY THE RESPONDENT**

**NO. 6.**

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. 6 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. 6 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.

c) As regard Paragraph No. 6 of the said Affidavit the same does not require any reply.

d) As regard Paragraph No. 7 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. 2, 3, 4, 6, 11, 21 to 30 of the Original Application which the deponent has referred to and relied upon.

- e) 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. I further state and reiterate the contentions as made in Paragraph No. 5 of the Original Application.
- f) 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 Nos. 7 to 10 of the Original Application. On contrary, I say that I rely upon findings of the committee formed by the Hon'ble Tribunal.



g) 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. I further state and reiterate the contentions as made in Paragraph Nos. 12 to 20 of the Original Application.

h) As regard Paragraph No. 11 & 12 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.



Identified by me  
IDENTITY THE PERSONS  
WHO SIGN IN MY PRESENCE

*Jayashree Patra*

ADVOCATE  
ENROLL NO  
'M' NO

F/1557/1531/2018

*Prakash Ghosh*

Deponent

AEDUL HAMID MOLLA  
NOTARY  
Advocate, High Court, Calcutta  
Regd. No 9380 / 2011  
Government of India  
High Court Calcutta  
Gate No 'E'

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. 6.



12 JUN 2024

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Enrolment No. F/1557/1531/2018