

Serial No. 07/2024

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
NOS. 10 & 11.**

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12 JUN 2024

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AFFIDAVIT-IN-REJOINDER ON BEHALF OF THE APPLICANT
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NOS. 10 & 11.

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 Nos. 10 & 11 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. 10 and 11 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 and 2 of the said Affidavit the same does not require any reply.

b) As regard Paragraph No. 3 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 the unit is not only run by the family members of the Respondent Nos. 10 & 11 but also there are other workers.

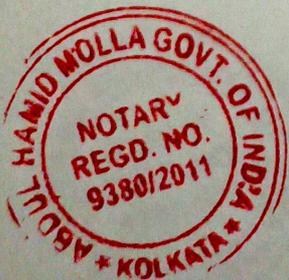
c) As regard Paragraph No. 4 of the said Affidavit, I deny and dispute the statements made therein save and except what are matter of records. I further state and reiterate the contentions as made in Paragraph Nos.



1 to 5 of the Original Application. I further state that the private respondents are operating such business which causing pollution on daily basis and they have violated the statutory principles of rules as they are constructing clay made latrine ring and the same is also admitted by the West Bengal Pollution Control Board in their Committee Report.

d) As regard Paragraph No. 5 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. 6 to 11 of the Original Application which the deponent has referred to and relied upon.

e) As regard Paragraph No. 6 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. 1 to 5 of the Original Application. On contrary, I say



that I rely upon findings of the committee formed by the Hon'ble Tribunal.

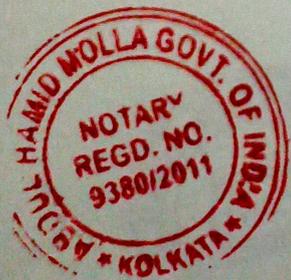
- f) As regard Paragraph No. 7 of the said Affidavit, I deny and dispute the statements made therein save and except what are matter of records. I further state and reiterate the contentions as made in Paragraph Nos. 1 to 5 of the Original Application. On contrary, I say that I rely upon findings of the committee formed by the Hon'ble Tribunal. I further state that prior of filling of the said Application mass petition was submitted before the appropriate authority as well as a legal notice was sent to the private respondents where it was clearly mentioned that the villagers were suffering from serious health issues.
- g) 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 Nos. 12 to 17 of the Original Application.



h) 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. 18 to 29 of the Original Application. On contrary, I say that this is repetition of earlier paragraph and does not call for any specific reply.

i) 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. 27 to 30 of the Original Application. On contrary, I say that the Hon'ble Tribunal is competent enough to decide if the applicant has other adequate or alternative remedy. It is denied that the said application is filed to harass the private respondents.

j) 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 Hon'ble Tribunal is competent enough to decide if the Original Application is at all maintainable and liable to be dismissed with cost.

k) As regard Paragraph No. 12 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 respondent unit has not been complying with the conditions as issued by the State following the laws of the land and maintaining all criterions and the same has been admitted in the committee report submitted by the West Bengal Pollution Control Board.

l) As regard Paragraph Nos. 13 and 14 of the said Affidavit, I deny and dispute the statements made therein save and except what are matter of records.



7. That the private respondents did not comply the Order dated 13.05.2024 passed by this Hon'ble Tribunal and their business are still now operated on daily basis.

Photographs of the said vata/kiln are annexed herewith and marked as Annexure "P/1".

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

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

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

Prakash Ghosh

Deponent

Identified by me
IDENTIFY THE PERSONS
WHO SIGN IN MY PRESENCE

Jayashree Patra

Advocate
ENROLL NO
MI NO

F/1557/1531/2018



Abdul Hamid Molla
ABDUL HAMID MOLLA
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12 JUN 2024

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NOTARY
REGD. NO.
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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



12 JUN 2024

AFFIDAVIT-IN-OPPOSITION ON BEHALF
OF THE APPLICANT TO THE COUNTER
AFFIDAVIT FILED BY THE
RESPONDENT NOS. 10 & 11.

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