

24/3/23

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

IN

OA. No. 151/2022/EZ

IN THE MATTER OF:

SUBHAS DUTTA

...APPLICANT

VERSUS

STATE OF WEST BENGAL & ORS.

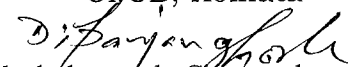
...RESPONDENTS

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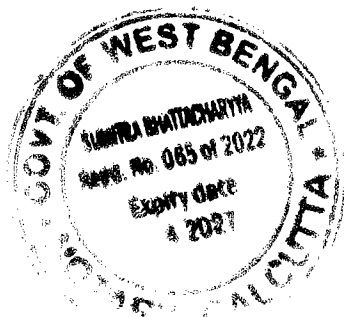
Sl.No.	Particulars	Annexure	Page No.
1.	Affidavit on behalf of Central Pollution Control Board, Respondent No. 12		1-5


Mrinal Kanti Biswas

Regional Director & Scientist E,
CPCB, Kolkata


Filed through Counsel

Dated: 10/3/2023, 2023
Place: Kolkata



10 MAR 2023

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

IN

OA. No. 151/2022/EZ

IN THE MATTER OF:

SUBHAS DUTTA

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VERSUS

STATE OF WEST BENGAL & ORS.

...RESPONDENTS

**REPLY AFFIDAVIT ON BEHALF OF THE RESPONDENT NO. 12 i.e.,
CENTRAL POLLUTION CONTROL BOARD**

I, Mrinal Kanti Biswas S/o Shri Saroj Biswas, aged about 41, by Religion-Hindu, by Occupation-Service, having office at the Regional Directorate, Central Pollution Control Board, 1582, Rajdanga Main Road, Kolkata-700107 do hereby solemnly affirm and declare as under:

1. That I, in the capacity of Regional Director and Scientist 'E', Regional Directorate, Central Pollution Control Board (hereinafter referred to as 'CPCB'), Kolkata, and have been authorized to file this present reply affidavit. I am fully conversant with the facts of the case and hence, competent and authorized to depose and swear this present reply affidavit as under.
2. That the averments made under Para 1 to 4 are matter of record and hence need no comments from this Answering Respondent.
3. That in reply to the averments made under Para 5 to 13 it is submitted that the Clause 5.2 of the CRZ Notification 2019

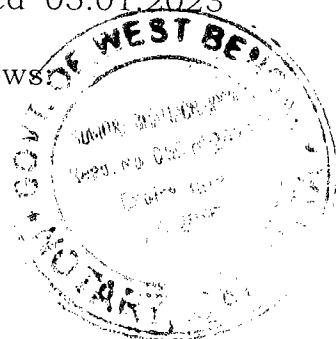
10 MAR 2023



provides for "Regulation of permissible activities in CRZ II" and the matter pertains to the implementing authorities i.e. West Bengal State Coastal Zone Management Authority (hereinafter referred to as 'WBSCZMA'), National Coastal Zone Management Authority (hereinafter referred to as 'NCZMA') & National Centre for Sustainable Coastal Management (hereinafter referred to as 'NCSCM').

4. That in reply to the averments made under Para 14 it is submitted that the matter pertains to Urban Local Bodies (hereinafter referred to as 'ULBs'), UD & MA, Govt. of West Bengal & West Bengal State Pollution Control Board (hereinafter referred to as 'WBPCB').
5. That the averments made under Para 15 to 18 are matter of record and hence need no comments from this Answering Respondent.
6. That in reply to the averments made under Para 19 to 21 it is submitted that the matter pertains to Urban Local Bodies and West Bengal State Pollution Control Board.
7. That in reply to the averments made under Para 22 it is submitted that the matter pertains to Central Ground Water Board (hereinafter referred to as 'CGWB').
8. That the averments made under Para 23 to 25 pertains to Urban Local Bodies, UD & MA, Govt. of West Bengal & West Bengal State Pollution Control Board.
9. That further, the Hon'ble Tribunal vide order dated 05.01.2023 was pleased to direct the present Respondent as follows:

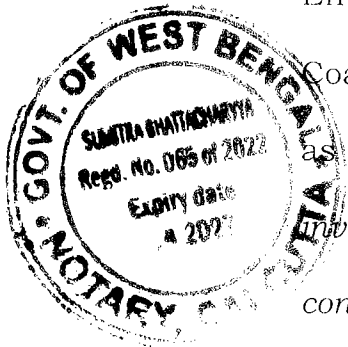
10 MAR 2023



"19. Mr. Rajib Ray, learned Counsel shall serve e-copy/soft copy of the affidavit upon Mr. Prithwish Basu as well as Mr. Dipanjan Ghosh today itself who shall submit their reply specifically with reference to the averments made in paragraph-5 of the affidavit and the annexures appended thereto."

10. Therefore, as per the paragraph 5 of the Affidavit submitted by the Respondent No. 3 & 11 i.e. the Principal Secretary, Environment Department & Member Secretary, West Bengal Coastal Zone Management Authority, it is humbly submitted that as per the Para 4(d) of the CRZ Notification, 2011, "Construction involving more than 20,000sq mts built-up area in CRZ-II shall be considered [for approval] in accordance with EIA notification, 2006 [however, for] projects less than 20,000sq mts built-up area shall be approved by the concerned State or Union territory Planning authorities in accordance with this notification after obtaining recommendations from the concerned CZMA and prior recommendations of the concern CZMA shall be essential for considering the grant of environmental clearance under EIA notification, 2006 or grant of approval by the relevant planning authority."

11. In view of the above facts indicated in earlier paras, it is respectfully prayed that this Answering Respondent No. 12 shall abide by any order or direction, passed by this Hon'ble Tribunal.



32/11/23 by me
Dipanjan Ghosh
Adv.
CPCB
F/1154/2007

Solemnly Affirmed and
Declared before me U/S-139
CPC (O) CRPC

Sumitra Bhattacharyya
Notary

A. K. S. S.
DEPONENT

Sumitra Bhattacharyya
Notary, Govt. of W.B.
Regd. No. 065 of 2022
City Civil Court, Calcutta

0 MAR 2023

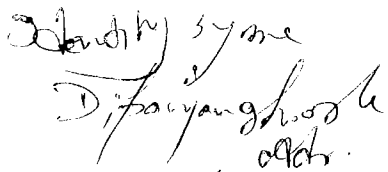
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VERIFICATION

I, Mrinal Kanti Biswas, the above-named deponent do hereby verify that, the contents of the above affidavit are true and correct to my knowledge based on official records, no part of it is false and nothing material has been concealed there from.

Signed and verified on this  day of March, 2023 at Kolkata.


DEPONENT


Dipak Chandra Ghosh
officer.
CP 613
F/1159/2017

10 MAR 2023