

Serial No. 15 29/07/2024

BEFORE THE HON'BLE NATIONAL GREEN TRIBUNAL

EASTERN ZONE BENCH AT KOLKATA

In Original Application No. 82/2023/EZ

In the matter of:

Santoshpur Mitali Sangha

....Applicant

-Versus-

The State of West Bengal and Ors.

....Respondent



COMPLIANCE AFFIDAVIT ON BEHALF OF THE RESPONDENTS NO.

7 & 8 IN PURSUANCE TO THE ORDER DATED 2ND APRIL, 2024 AS

PASSED BY THE HON'BLE BENCH

I, Prakash Chandra Kedia, son of Late Durga Dutt Kedia, aged about 63 years, by religion- Hindu, by occupation – Business, residing at 194D Satin Sen Sarani, Kolkata – 700054, do hereby solemnly affirm and say as follows:

1. I am the authorized representative of the respondents No. 7 & 8 in the above application and by virtue of dealing with the case, I am well acquainted with the facts and circumstances of the case. I have been duly authorized by the respondents No. 7 & 8 to affirm this affidavit on their behalf and being competent to do so, I do hereby make and affirm this affidavit on their behalf. A copy of the authorization letter is annexed hereto and marked as **Annexure "A"**.

29 JUL 2024

For SURAM SADAN GAUSWALA
Authorized Signatory

For RAJASTAN GOKALYAN
Authorized Signatory

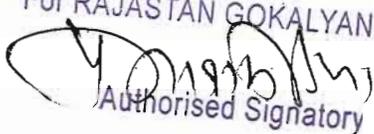


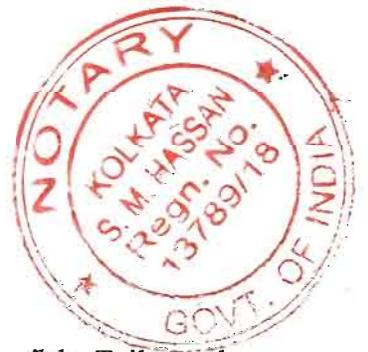
2. That the original application has been served upon me wherein vide an order dated 2nd April, 2024 in O.A. No. 82 of 2023, I have been directed by the Hon'ble Tribunal to file a affidavit of compliance along with photographs as to the clearance of the bovine waste from the adjoining areas.

3. The order dated 2nd April, 2024 lays emphasis on the construction of the boundary wall in the interregnum period by the Gaushala, which needs to be constructed on an urgent basis to ensure that there is no outflow of Cow Dung, Bovine Urine, Sewage, Waste Water into the adjoining areas and further directed the respondents No. 7 & 8 to construct a Garland Drain to contain the outflow of Bovine Sewage, Urine, Cow Dung etc. within 2 months i.e. by 31st May, 2024 and it further directed the respondents No. 7 & 8 to take immediate steps to clear all the Bovine Waste which may have poured out into the adjoining areas outside the boundary of the Gaushala within 1 month and to file an affidavit of compliance with photographs by the next date of listing. By the said order dated 2nd April, 2024 the Hon'ble Tribunal further directed the Pollution Control Board i.e. the respondent no. 2 to carry out a fresh inspection by 10th June, 2024 particularly bearing in mind the compliances of the conditions given in the consent to operate with reference to the CPCB Guidelines dated July, 2021 and to file a fresh inspection report with regard to the compliance of the conditions mentioned in the consent to operate, particularly with reference to the findings of the Enquiry Committee of the inspection dated 29th August, 2023.

For SURAM SADAN GAUSHALA

Authorised Signatory

For RAJASTAN GOKALYAN

Authorised Signatory



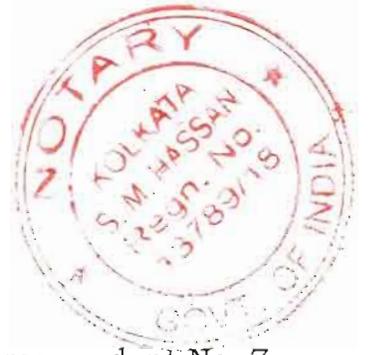
4. It is stated that all the directives as given by the Hon'ble Tribunal had been complied with or at the verge of completion to be complied with as it requires a long time for completion of such compliance as given by the Hon'ble Tribunal as hindrances are being deliberately caused by the applicant herein with the help and in nexus with the local hooligans of the area who are directly controlled by the applicant herein.

5. It is stated that the adjoining areas where initially a very small quantity of Bovine waste may have scattered, had already been restored and the boundary wall was constructed along the periphery of the Gaushala and the Garland Drain had already been fully executed and constructed by the respondents No. 7 & 8 in compliance of the order of this Hon'ble Tribunal and the photographs as taken by the applicant on 21st May, 2024 are moffed fabricated and was projected in such a way to mislead this Hon'ble Tribunal as if, the respondents No. 7 & 8 have not taken any initiative and/or steps to comply with the order of the Hon'ble Tribunal dated 2nd April, 2024. On the contrary the respondents No. 7 & 8 relies upon the most updated and current photographs as was captured by them on 26.07.2024 wherefrom it reveals that all the directions as given by the Hon'ble Tribunal has duly been complied with or at the verge of completion to be complied with. Copies of the images as taken by the respondents No. 7 & 8 on 26.07.2024 are annexed herewith as **Annexure "B"**.

6. The aspersion as raised by the applicant before the Hon'ble Tribunal on 2nd April, 2024 had already proven to be wrong in as much as the rainy season is about to get over but there is no pouring of

For SURAVI SADAN GAUSHALA
20/19/2024
Authorised Signatory

For RAJASTAN BOKALYAN
20/19/2024
Authorised Signatory



bovine waste into the adjoining areas till date after the respondent No. 7 and 8 took positive steps to construct the boundary wall and to built inland garland drain. It is stated that till now it is almost the end of the month of July, 2024 and monsoon in its full swing but till date there has been no complications and/or the assertions which were raised by the applicant had not turned right.

7. Now I specifically state the actions which have been taken by the respondents No. 7 & 8 in compliance with the solemn order of the Hon'ble Tribunal dated 2nd April, 2024;

- i) Reconstruction of the drainage network internally running through the Gaushala including the Garland Drain for maintaining the proper slope towards the effluent treatment plant for ensuring collection and diversion of waste water to effluent treatment plant has already been completed as per the order of the Hon'ble Tribunal and a very minimum portion of such construction work of the garland drain is remaining which could be completed within a very short period of time.
- ii) The construction of the boundary wall of the entire boundary of the Gaushala had duly been constructed along with the drainage system in such a way that the waste water does not flow outside the boundary wall and do not pollute the adjoining land of the Gaushala and further extra efforts have been taken by the respondents No. 7 & 8 to fill up all the holes in the boundary wall so that there arises no

For SURAMI SADAN GAUSHALA

Authorised Signatory

For RAJASTAN SOKALYAN

Authorised Signatory

question what so ever for the waste water to flow outside the Gaushala under any circumstances and further the height of the boundary wall was raised to such an extent that under no situation and /or under no emergency condition during the monsoon no rain water could flow outside the Gaushala.

- iii) The respondents No. 7 & 8 had further constructed few underground collection sumps for holding the waste water and settling of the solid waste and after such waste water is settled, it is being sent to the effluent treatment plant for further treatment.
- iv) The external drainage line is yet to be laid down by the Local Panchayat Authority, though through external drainage, cow dung may not be permitted to be discharged, external drainage is required for discharge of overflow of rain water and filtered water from ETP. The respondents No. 7 & 8 have deployed dedicated workers for removal of cow dung on a regular basis and that the slurry of Bio Gas Plant is collected by the local people and used as fertilizer.



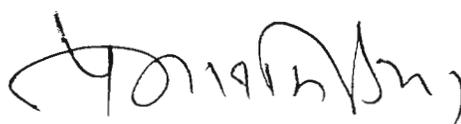
The respondents No. 7 & 8 had already taken initiative to clear and restore the adjoining areas wherein minimal waste water and bovine waste may have poured and as of date, there is no waste water and/or bovine waste in the adjoining areas which would be evidenced from the latest

For SURM SADAN GAUSHALA
 4/01/19/12/15/17
 Authorised Signatory

For RAJASTAN GOKALYAN
 4/01/19/12/15/17
 Authorised Signatory

photographs as being taken by the respondents No. 7 & 8 is annexed hereto as **Annexure "C"**.

8. The respondents No. 7 & 8 state that the order as given by the Hon'ble Tribunal on 2nd April, 2024 could easily be complied with and could be completed before the returnable date only, but for the hindrance and/or obstruction as deliberately caused and/or created by the local hooligans as instigated by the applicant herein had caused the delay in complying with such order which was duly mentioned before the Hon'ble Tribunal on 8th July, 2024. Such fact of causing hindrance was also mentioned and/or submitted before the Hon'ble Tribunal on 2nd April, 2024 pursuant to which directions were issued for seeking police help in case of any obstruction being caused by the petitioner as against the respondents No. 7 & 8 for acting in terms of complying with the orders. It is pertinent to mention herein that the Respondent Nos. 7 & 8 had duly intimated the Police authority about such hindrances being caused by the Applicant herein but surprisingly Police Authorities did not take any action on the pleas and pretext that police assistance was valid till 31.05.2024.



DEPONENT

Identified and Prepared in my office



Advocate

Before

Notary Public

Kolkata



SOLEMNLY AFFIRMED AND DECLARED
BEFORE ME ON IDENTIFICATION



S. M. HASSAN
NOTARY

29 JUL 2024

ANNEXURE - A

ॐ गावो विश्वस्य मातरः ॐ

Phone : (033) 2414 8121
2282 4241

Rajasthan Gokalyan

138/1, Prince Gulam Hussain Shah Road, Kolkata - 700 032

Ref. No.

Date.....

EXTRACT OF THE MINUTES OF THE BOARD OF TRUSTEES OF RAJASTHAN GOKALYAN HELD AT 138/1, PRINCE GULAM HUSSAIN SHAH ROAD, KOLKATA-700032 ON 1ST DAY SEPTEMBER, 2023 AT 10.00 A.M.

“RESOLVED THAT Mr. Prakash Chandra Kedia, the authorised representative be and is hereby authorised to take all steps necessary for the purpose of signature and/or filing petition, claims, affidavits and defending any proceedings on behalf of the Trust before any Courts / Authorities / Tribunal(s) and to do all or any acts in connection therewith on behalf of the Trust including but not limited to the following:-

- Execute, sign, affirm, declare, swear and file plaint(s), petition(s), notice(s), Vakalatnamas(s), appeal(s), application(s), declaration(s), affidavit(s), counter affidavit(s), rejoinder(s), counter-rejoinder(s), as well as all other documents and papers as may be required to be filed before the Hon'ble National Green Tribunal / Hon'ble High Courts / Hon'ble Supreme Court of India / Courts / Authorities / Tribunal(s) anywhere in India and/or any other place as may be necessary;
- Represent the Trust, make depositions, submissions or averments, give evidence, submit and receive papers, proceedings, documents, enforce orders on behalf of the Trust;
- Do all such things / acts / deeds / matters and things as he may, in his absolute discretion, deem necessary, expedient, usual or proper.

RESOLVED FURTHER THAT all acts, deeds, things, matters, as aforesaid shall be deemed to be valid and enforceable only if they are consistent with the instant resolution as may be relevant in this case and that the Trust shall not be responsible for any acts beyond the scope of the aforesaid done by Mr. Prakash Chandra Kedia and such invalid, illegal acts, and acts done beyond the scope of powers granted in this Resolution shall not bind the Trust against any third parties before any authorities in any manner and that the Trust shall not be answerable in that behalf.

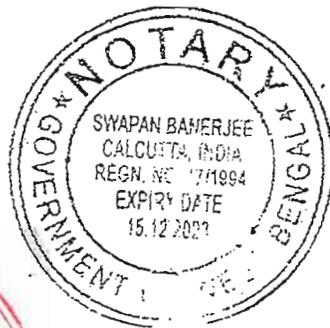
RESOLVED FURTHER THAT a certified copy of this Resolution be given to anyone concerned or interested in the matter under signature of one Trustee of the Trust.”

Certified to be True Copy.

For Rajasthan Gokalyan
RAJASTHAN GOKALYAN

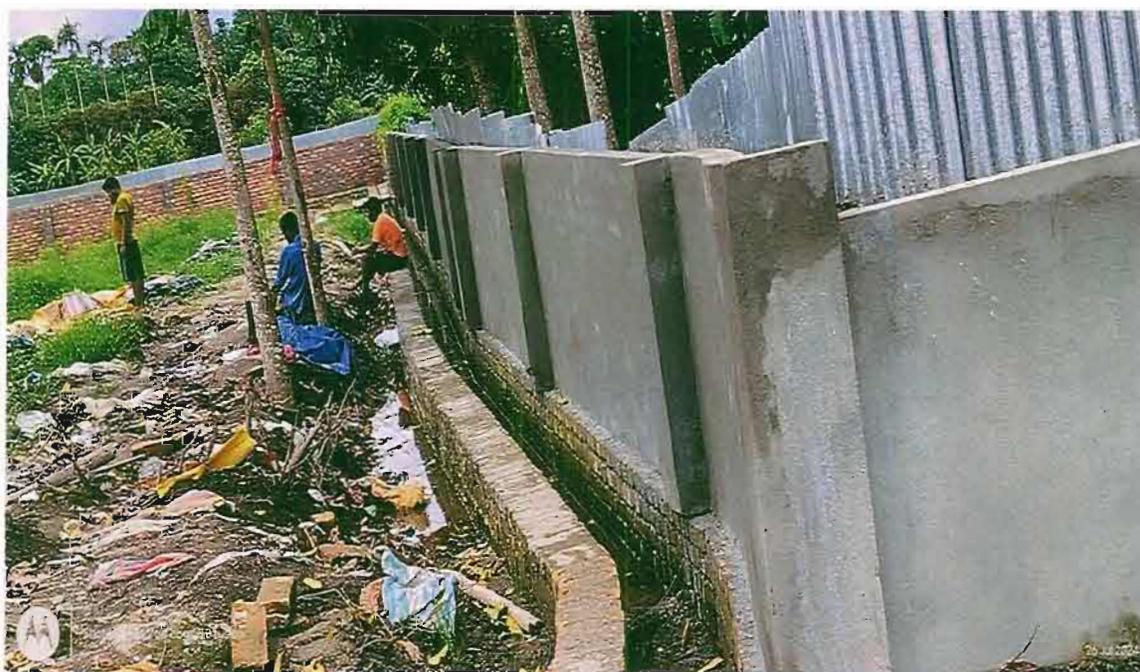
Prakash Chandra Kedia
Trustee

Trustee



- 0 -

PHOTOS DATED 26.07.2024 SHOWING CONSTRUCTION WORK of BOUNDARY WALLS & GARLAND DRAINS





NOTARY
KOLKATA
S. M. H.



Shri G. M. Das, Advocate, Kolkata

26 Jul 2019 12:59 pm

c/1/r



NO
KOLVA
S. M. HAS
Regn. No.
13789/18
GOVT. OF INDIA

-12-





HR

Annexure - C







NOTARY
KOLKATA
S. M. HASSAN
Regn. No.
13789/18
GOVT. OF INDIA



NOTARY
KOLKATA
S. M. HASSAN
Regn. No.
13789/18
GOVT. OF INDIA



NOTARY
KOLKATA
S. M. HASSAN
Regn. No.
13/189/18
GOVT. OF INDIA

-105-

PHOTOGRAPHS DATED 28.07.2024, SHOWING OUTSIDE THE BOUNDARY WALLS OF THE GAUSHALA



INDIA
KOLKATA
S. M. HASSAN
Regn. No.
13789/18
GOVT. OF INDIA

BEFORE THE HON'BLE NATIONAL GREEN
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**COMPLIANCE AFFIDAVIT ON BEHALF OF
THE RESPONDENTS NO. 7 & 8**



29 JUL 2024

Shipra Naskar
Advocate
C/o. Amritam Mandal, Advocate
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Kolkata-700001
Ph No: 9123396520
Email: shipranaskar.law@gmail.com
Enrolment No.F/3495/2021