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BEFORE THE HON'BLE NATIONAL GREEN TRIBUNAL  
EASTERN ZONE BENCH, KOLKATA  
ORIGINAL APPLICATION NO. 143/2024/EZ



In the matter of:  
Ranjana Dutta

...Applicant

-Versus-

The State of West Bengal & Ors.  
...Respondent

AFFIDAVIT-IN-OPPOSITION FILED ON BEHALF RESPONDANT NO. 6  
THE BRANCH MANAGER, HDFC BANK.

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Filed by

  
Mr. Arnab Das, Advocate

For the Respondent No. 6

Email: [contact@daslegal.net.in](mailto:contact@daslegal.net.in)

(M): 9830277087

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**BEFORE THE HON'BLE NATIONAL GREEN TRIBUNAL  
EASTERN ZON BENCH, KOLKATA  
ORIGINAL APPLICATION NO. 143/2024/EZ**

**In the matter of:**

**Ranjana Dutta**

**...Applicant**

**-Versus-**

**The State of West Bengal**

**...Respondent**

**AFFIDAVIT-IN-OPPOSITION FILED ON BEHALF RESPONDANT NO. 6  
i.e. THE BRANCH MANAGER, HDFC BANK.**

I, Babon Paul son of Late Himangshu Paul, aged about 43 years, by faith-Hindu, by occupation - Service presently residing at Debinibash Road, South Dum Dum, Kolkata 700074, do hereby solemnly affirm and say as follows:

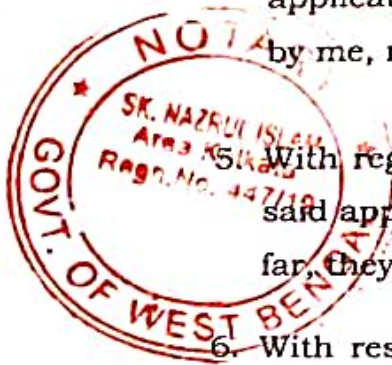
1. That I am presently posted as Senior Project Manager, having office address at Bank House, HDFC Bank Ltd., 3A, Gurusaday Road, Kolkata - 700019, and in the instant original application the Branch Manager, HDFC Bank is being impleaded as respondent no. 6 above mentioned. I am competent to swear and affirm this affidavit for and on behalf of Respondent no. 6 by dint of a Board of Resolution dated. 7th March, 2019 duly authorised by the Vice President - Legal & Company Secretary, HDFC Bank) to conduct the court proceedings in the name and on behalf of the HDFC Bank.



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A photocopy of the Board Resolution dated 7th March, 2019 in which the Vice President - Legal & Company Secretary, HDFC Bank has authorised the Project Manager, West Bengal (Kolkata) to conduct the court proceedings in the name and on behalf of the Bank is annexed herewith and marked as "R-1".

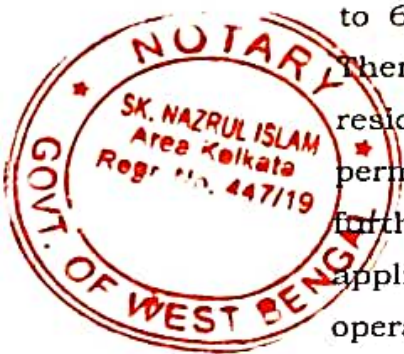
2. That this Affidavit in Opposition/counter affidavit is being filed in compliance and obedience to the solemn order dated 06.09.2024 passed by the Hon'ble National Green Tribunal, Eastern Zone Bench, Kolkata.
3. I have been advised to deal with only those allegations and/or statements which are material for adjudication of the present proceedings and the statement and/or allegations not suitably dealt with or otherwise replied to shall be deemed to have been denied and disputed by me.
4. At the outset, I deny all allegations, contentions and submissions made in the said application by the applicant, which are contrary or inconsistent with what is stated in this Affidavit, I further state that any allegations, contentions or submissions in the said application, which have not been specifically dealt with or denied by me, may not be deemed to be admitted.
5. With regards to the statements made in paragraphs no. 1 of the said application, do not merit any response from me, except in so far, they are matter of records.
6. With respect to the assertions made in paragraph no. 2 of the aforementioned application, the same are vehemently denied and disputed, save and except for what appears to be a matter of



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record. The deponent is put to strict proof thereof. It is specifically denied that Respondent No. 6 has illegally installed the air conditioners as alleged or at all, I state that in the report dated 23.08.2024, produced by Respondent No. 3 (Hereinafter referred to as the "said report") wherein it was observed that the total operating area of respondent no. 6 is about 195.12 sq m and the total tonnage of the AC machines provided is adequate for 195.12 sqm. area. Furthermore, it is categorically denied that the air conditioners installed by Respondent No. 6 are causing noise and air pollution as alleged or at all. Reference is made to the said report which observes that the applicant's residence is situated on the busiest road of the city, where ambient noise levels are approximately 78.20 dB(A). Upon inspection, it was observed that the noise level within the complainant's residence, near the window facing the bank building with all air conditioning units in operation, is approximately 48.17 dB(A). Additionally, the permissible noise levels in residential areas are regulated by the Noise Pollution (Regulation and Control) Rules, 2000, which stipulate that during daytime (6 AM to 10 PM), the noise level should not exceed 55 decibels (dB), and during night times (10 PM to 6 AM), the noise level should not exceed 45 decibels (dB). Therefore, the amount of noise present inside the complainant's residence as evident from the report is much less than the permissible limit. It is also pertinent to mention that the report further observed that no significant heat was felt inside the applicant's residence, even when all air conditioning units were in operation.

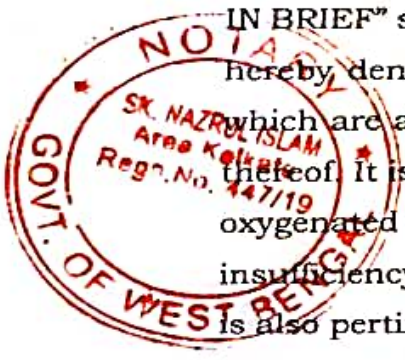
7. With regards to the statements made in paragraphs no. 1 and 2 in the "FACTS IN BRIEF" of the said application do not merit any response from me, except in so far, they are matter of records.



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8. With respect to the assertions made in paragraphs 3 and 4 of the "FACTS IN BRIEF" section of the aforementioned application, the same are hereby vehemently denied and disputed, save and except for those matters which are a matter of record. The deponent is put to strict proof thereof. It is specifically denied that, at any given time, all the air conditioning units are in operation, as alleged or that immense noise is evaded and heat is generated as alleged or that that applicant is unable to open the windows as alleged or that during the day the heat generated from the operation of the air conditioner make it unbearable for the applicant and the neighbours to survive as alleged or at all. It is fact that Respondent No. 6 is operating a branch that is approximately three and a half months old with a total of four staff members. According to the said report, all staff members were observed to be working on the ground floor, while the first floor was found to be closed. During the visit, only two air conditioning units were in operation, as the limited number of staff does not necessitate the operation of all air conditioning units at any given time, therefore it is palpably clear that all the machines were never in operation at a time.

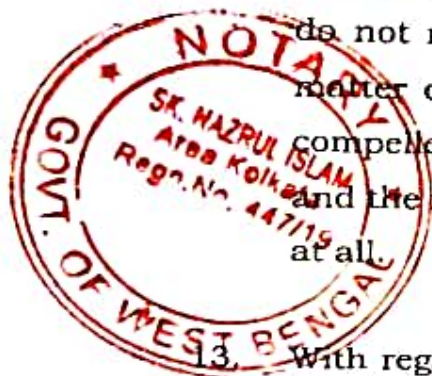
9. With respect to the assertions made in paragraph 5 of the "FACTS IN BRIEF" section of the aforementioned application, the same are hereby denied and disputed, save and except for those matters which are a matter of record. The deponent is put to strict proof thereof. It is specifically denied that the machine for inlet of fresh oxygenated air inside, causes emission of heated air outside as insufficiency of oxygen in the surrounding as alleged or at all. It is also pertinent to mention that the said report does not contain any observations that confirm such allegations of insufficiency of



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oxygen due to any machine therefore such blatant allegations has no legs to stand upon.

10. With regards to the statements made in paragraphs no. 6 in the "FACTS IN BRIEF" of the said application of the said application, do not merit any response from me, except in so far, they are matter of records.
11. With respect to the assertions made in paragraph 7 of the "FACTS IN BRIEF" section of the aforementioned application, the same are hereby denied and disputed, save and except for those matters which are a matter of record. It is denied that during the night-time some of the air conditioners machines are also running and the applicant cannot sleep well due to the heated air and noise emanating from the running of those machines as alleged or at all. It is stated that the respondent 6 commences its business every morning at about 9 AM and concludes its business every day at about 8 PM, and therefore the air conditions are rarely in operation beyond the office hours.
12. With regards to the statements made in paragraphs no. 8 in the "FACTS IN BRIEF" of the said application of the said application, do not merit any response from me, except in so far, they are matter of records. It is specifically denied that the applicant is compelled to live in a very critical condition amidst the heated air and the noise being generated by so many machines as alleged or at all.
13. With regards to the statements made in paragraphs no. 9 in the "FACTS IN BRIEF" of the said application of the said application,



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do not merit any response from me, except in so far, they are matter of records.

14. With respect to the assertions made in paragraph 10 of the "FACTS IN BRIEF" section of the aforementioned application, the same are hereby denied and disputed, save and except for those matters which are a matter of record. It is denied that an identical matter had been decided in O.A No. 74/2024 as alleged or at all. It is humbly submitted that the citation being O.A No 74/2023/EZ relied upon by the applicant is completely contrary and irreverent in taking into account the facts of the case at hand. I state that the dispute in the above mentioned case was majorly regarding noise pollution caused by both air conditioner units and DG sets collectively, however in the current matter the dispute is solely regarding the air conditioners, and taking into account the technical figures with regards to the noise level in dB(A) it is seen that the same are at par with the laws of the land.

15. With respect to the assertions made in paragraph 11 of the said application are hereby denied and disputed, save and except for those matters which are a matter of record. I further state that the grounds as mentioned in the said application are vexatious, malafide and is unsustainable and should be dismissed with exemplary cost and the applicant is not entitled for any relief as prayed for.

16. I further state that after inspection by the engineers the respondent no. 6 has been advised not to install any kind of barrier in front of the air conditioning machine as the same can lead to obstruction of heated air from the air condition causing the machine to dysfunction and may lead to reverse heating



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resulting short circuit which is an imminent danger for the respondent and public at large. I further state that in the said report as submitted before the tribunal some suggestions were provided which are not mandatory in nature and/or against public policy.

A copy of the Air Conditioner Survey report is annexed herewith and marked as "R-2".

Identified by me  
*Pradeep Das*  
Advocate

*[Signature]*  
Deponent B5138

For HDFC BANK LTD.  
*[Signature]*  
BABON PAUL  
Assistant Vice President  
Infrastructure East  
Emp. Code : B5138

Solemnly Affirmed and  
Declared before me U/S 139  
CPC, U/S 297 (C) CRPC

*[Signature]*  
Notary  
SK Nazrul Islam  
Notary, Govt. of W.B.  
Regn. No. 447/19  
City Civil Court, Calcutta

23 SEP 2024



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VERIFICATION:

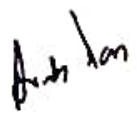
I, Babon Paul, the deponent above named do hereby verify and declare that the statement made in the aforesaid paragraphs are true and correct to the best of my knowledge and information and I believe that nothing material has been concealed there from.

Verified at Kolkata on the..23<sup>rd</sup>....Day of September, 2024

For HDEC BANK LTD.  
  
BABON PAUL  
Assistant Vice President  
Infrastructure East  
Emp. Code : B5138

Identified by me

Deponent

  
Advocate



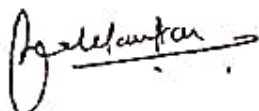
**CERTIFIED TRUE COPY OF THE RESOLUTION PASSED BY THE BOARD OF DIRECTORS OF  
HDFC BANK LIMITED AT THEIR MEETING HELD ON THURSDAY, MARCH 7, 2019**

**AUTHORIZATION OF BANK OFFICERS TO REPRESENT AND CONDUCT THE COURT  
PROCEEDINGS IN THE NAME AND ON BEHALF OF THE BANK**

"RESOLVED THAT consent and approval of the Board be and is hereby given to the 70 bank employees as per list attached to the note circulated amongst the members and reproduced below in this regard, to severally perform and do all or any of the following acts for and on behalf of the Bank as mentioned below in respect of the any legal proceedings (i.e. Civil, Criminal and Consumer) initiated/to be initiated, by and against the Bank, in relation to the premises/properties owned by the Bank and/or acquired and /or in the process of being acquired on lease and/or leave and license basis within the monetary limits indicated against their respective names, in order to safeguard the interest of the Bank:-

1. To institute, prosecute, defend, oppose, depose, appear, represent, withdraw, settle, all legal proceeding being arbitration, civil courts, criminal courts and Consumer Forum/Tribunals, including Debt Recovery Tribunal, Debt Recovery Appellate Tribunal, High Courts and Supreme Court proceedings.
2. To appear for and represent the Bank in all the courts having civil, criminal, original or appellate, revisional or special jurisdiction, including jurisdiction of any High court, Supreme Court, before any tribunal and other authorities.
3. To accept service of summons, notices or processes in respect of such suits, legal proceedings or demands.
4. To deposit and pay any money into the court for the purpose of any such suits, legal proceedings, or demands and to withdraw and obtain payment of any moneys lodged into the court for the purpose of any such suits, legal proceedings or demands..
5. To file Claim Petition, Reply before the Arbitral Tribunal and /or in Arbitration Proceedings, applications for execution of Arbitration Awards or any other awards/orders, decrees or orders by the court in such suits, legal proceedings or demands and to sign and verify such applications and to receive any moneys due to the Bank under such decrees or orders and to certify payments received there under to the court.
6. And for the purpose mentioned hereinabove to appear, sign, seal, swear, affirm, declare, deliver, execute, make, enter into, acknowledge, complete, record and perfect all plaints, written statements, replications and all other documents whatsoever usual, necessary or expedient and all pleadings, affidavits in general and [or Evidence by way of Affidavit, declarations, petitions, appeals, undertakings, receipts before all the courts; including Civil, Criminal, Consumer Forums, State and National Commissions, Debt Recovery Tribunals, Debt Recovery Appellate Tribunal, High Courts and Supreme Court of India.
7. And in connection with any such suits, legal proceedings and demands as aforesaid to engage, employ, appoint, retain Legal Advisors, Counsels, Advocates, Solicitors, Attorneys, Accountants and all other persons and to sign, give and deliver all mandates, Vakalatnama(s) and other authorizations that may be necessary for the above purpose and to cancel the same at any time.

Certified True Copy  
For HDFC Bank Limited



Santosh Haldankar  
Vice President- Legal & Company Secretary



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**HDFC BANK**  
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List of officers, their details and respective monetary limits is as follows:

| S/n | Emp. Code | Name                   | Title           | State                | Location  | Monetary Limit in (Rs.) |
|-----|-----------|------------------------|-----------------|----------------------|-----------|-------------------------|
| 1   | R3016     | Rajeev Sen Gupta       | Sr EVP          | Pan India            | Mumbai    | 25 Crores               |
| 2   | B0090     | Bipin Pal Singh        | SVP             | Pan India            | Gurgaon   | 7 Crores                |
| 3   | M6490     | Madhukar Ramarao       | VP              | Pan India            | Mumbai    | 5 Crores                |
| 4   | A5141     | Ajmal Mohammed Khan    | VP              | Pan India            | Mumbai    | 5 Crores                |
| 5   | R1304     | Rohit Sharan           | VP              | Pan India            | Gurgaon   | 5 Crores                |
| 6   | V0750     | Vinod Kumar Tiwari     | DVP             | Pan India            | Ahmedabad | 4 Crores                |
| 7   | S2927     | Shankar Saha           | DVP             | Karnataka            | Bangalore | 4 Crores                |
| 8   | J1371     | John Philip            | DVP             | Pan India            | Mumbai    | 4 Crores                |
| 9   | A6465     | Amit Deogan            | DVP             | Delhi                | Delhi     | 4 Crores                |
| 10  | D0237     | Deepak Nigam           | DVP             | West Bengal & NE     | Kolkata   | 4 Crores                |
| 11  | M3041     | Molahalli Dilip Kumar  | DVP             | Maharashtra          | Mumbai    | 4 Crores                |
| 12  | R6429     | Rajeev Kumar           | AVP             | UP                   | Noida     | 2 Crores                |
| 13  | M1824     | Murlidhar A Kamath     | AVP             | Maharashtra          | Mumbai    | 2 Crores                |
| 14  | A18071    | Ajay Tikkoo            | AVP             | UP / Haryana         | Lucknow   | 2 Crores                |
| 15  | P1891     | Peter M Fernandes      | AVP             | Maharashtra          | Mumbai    | 2 Crores                |
| 16  | I0352     | Irfan Hassan Sharif    | AVP             | AP & Telengana       | Hyderabad | 2 Crores                |
| 17  | K1761     | Ketan Waman Dabholkar  | AVP             | Maharashtra          | Mumbai    | 2 Crores                |
| 18  | N4501     | Nitin Gajanan Bhoite   | AVP             | Maharashtra          | Pune      | 2 Crores                |
| 19  | S6790     | Satish K Sharma        | AVP             | Haryana              | Gurgaon   | 2 Crores                |
| 20  | K2421     | Kriti Sunder Choudhury | AVP             | West Bengal / Orissa | Kolkata   | 2 Crores                |
| 21  | A5893     | Amit Rustagi           | Project Manager | Haryana              | Gurgaon   | 0.75 Crores             |
| 22  | M6521     | Manoj Kumar Yadav      | Project Manager | Haryana              | Gurgaon   | 0.75 Crores             |
| 23  | N8826     | Neeraj Farashwal       | Project Manager | Pan India            | Gurgaon   | 0.75 Crores             |
| 24  | F0242     | Faisal Habib           | Project Manager | J&K                  | Srinagar  | 0.75 Crores             |
| 25  | A18031    | Adesh Singh            | Project Manager | Chattisgarh          | Raipur    | 0.75 Crores             |

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|    |        |                            |                 |                |            |             |
|----|--------|----------------------------|-----------------|----------------|------------|-------------|
| 27 | M9175  | Md Jamshaid Khan           | Project Manager | Haryana        | Gurgaon    | 0.75 Crores |
| 28 | V3280  | Vijay Hans                 | Project Manager | Chandigarh     | Chandigarh | 0.75 Crores |
| 28 | V5019  | Vijay Singh                | Project Manager | Uttar Pradesh  | Lucknow    | 0.75 Crores |
| 29 | R8411  | Ravi Bajpai                | Project Manager | Uttar Pradesh  | Lucknow    | 0.75 Crores |
| 30 | G3929  | Gopinath Vemuri            | Project Manager | AP & Telengana | Hyderabad  | 0.75 Crores |
| 31 | D5720  | Digambar Bundale           | Project Manager | Maharashtra    | Pune       | 0.75 Crores |
| 32 | A4951  | Ashish Pratapbhai Savani   | Project Manager | Gujarat        | Ahmedabad  | 0.75 Crores |
| 33 | P2671  | Parikshit Dilipkumar Joshi | Project Manager | Gujarat        | Baroda     | 0.75 Crores |
| 34 | A18201 | Anindiya Niyogi            | Project Manager | Maharashtra    | Nagpur     | 0.75 Crores |
| 35 | V1636  | Vivek Thakurdware          | Project Manager | MP             | Indore     | 0.75 Crores |
| 36 | P12370 | Prasad Nikhal              | Project Manager | Maharashtra    | Mumbai     | 0.75 Crores |
| 37 | S23742 | Sagar Nikam                | Project Manager | Maharashtra    | Mumbai     | 0.75 Crores |
| 38 | D5007  | Dinesh Ghodke              | Project Manager | Maharashtra    | Mumbai     | 0.75 Crores |
| 39 | N6515  | Nagendran Narayanan        | Project Manager | Kerala         | Cochin     | 0.75 Crores |
| 40 | A21405 | Ashish raj                 | Project Manager | Karnataka      | Bangalore  | 0.75 Crores |
| 41 | J3266  | Jayesh Agrawal             | Project Manager | Madhya Pradesh | Indore     | 0.75 Crores |
| 42 | M9768  | Manu Saxena                | Project Manager | UP             | Lucknow    | 0.75 Crores |
| 43 | M4402  | Manpreet Hundal            | Project Manager | Punjab         | Amritsar   | 0.75 Crores |
| 44 | S19957 | Satish Seshadri            | Project Manager | Maharashtra    | Mumbai     | 0.75 Crores |
| 45 | F0118  | Francis Louis Sequeira     | Project Manager | Maharashtra    | Mumbai     | 0.75 Crores |
| 46 | S30679 | Sharathkumar Srinivas      | Project Manager | Karnataka      | Bangalore  | 0.75 Crores |
| 47 | P12523 | Prashant Khedkar           | Project Manager | Karnataka      | Hubli      | 0.75 Crores |
| 48 | B1064  | Benedict David             | Project Manager | Tamilnadu      | Chennai    | 0.75 Crores |
| 49 | R5662  | Ramesh Babu A              | Project Manager | Tamilnadu      | Chennai    | 0.75 Crores |
| 50 | A11458 | Anand Naik                 | Project Manager | Goa            | Panjim     | 0.75 Crores |
| 51 | M9121  | Madesha Annamalai          | Project Manager | Karnataka      | Bangalore  | 0.75 Crores |
| 52 | T2808  | Tapanta Mukherjee          | Project Manager | West Bengal    | Kolkata    | 0.75 Crores |
| 53 | S33917 | Saurabh Banerjee           | Project Manager | West Bengal    | Kolkata    | 0.75 Crores |
| 54 | S24062 | Shantanu Mukherjee         | Project Manager | Bihar          | Patna      | 0.75 Crores |
| 55 | B5138  | Babon Paul                 | Project Manager | West Bengal    | Kolkata    | 0.75 Crores |



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HDFC BANK

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|    |        |                    |                 |            |             |             |
|----|--------|--------------------|-----------------|------------|-------------|-------------|
|    | S30734 | Subhansu Chamupati | Project Manager | Orissa     | Bhubaneswar | 0.75 Crores |
| 57 | P12730 | Pankaj Sarma       | Project Manager | Assam & NE | Guwahati    | 0.75 Crores |
| 58 | K5664  | Kuldeep Sharma     | Project Manager | Rajasthan  | Jaipur      | 0.75 Crores |
| 59 | S30471 | Saurab Srivasatava | Project Manager | UP         | Noida       | 0.75 Crores |
| 60 | D8170  | Deepak Pandey      | Project Manager | UP         | Noida       | 0.75 Crores |
| 61 | M10282 | Md Imran Raem      | Project Manager | UP         | Noida       | 0.75 Crores |
| 62 | M11450 | Mayank Singh       | Project Manager | Dehi       | Delhi       | 0.75 Crores |
| 63 | A21024 | Ashish Sharma      | Project Manager | Delhi      | Delhi       | 0.75 Crores |
| 64 | A17780 | Amandeep Kaur      | Project Manager | Punjab     | Ludhiana    | 0.75 Crores |
| 65 | R13906 | Rajesh Thakur      | Project Manager | Punjab     | Chandigarh  | 0.75 Crores |
| 66 | H3160  | Harpreet Singh     | Project Manager | Punjab     | Chandigarh  | 0.75 Crores |
| 67 | S23572 | Sudhakara Bhavanam | Project Manager | Telangana  | Hyderabad   | 0.75 Crores |
| 68 | A18372 | Arvind Kumar Singh | Project Manager | Gujarat    | Surat       | 0.75 Crores |
| 69 | K5341  | Kunal Marvaniya    | Project Manager | Gujarat    | Rajkot      | 0.75 Crores |
| 70 | H3870  | Harsh Mittal       | Project Manager | Gujarat    | Ahmedabad   | 0.75 Crores |

*Agasthankar*



- ~~M~~ - Annexure - R/2<sup>75</sup>



Authorized Sales & Service Dealer



# MONSOON AIRCON

## AC Survey Report

To,  
The HDFC BANK LTD  
Monoharpukur Branch  
Kol - 700029

As per the request from Monoharpukur Branch, we have conducted a survey on 12/09/2024 to check AC outdoor units. It was informed that AC Outdoor units are creating noise and releasing hot air which are disturbing the neighbors. Please refer our observation as under;

- 1) Total AC Tonnage installed in the branch - 14.5 TR (1.0tr - 7Nos, 1.5tr - 5Nos) & TFA Unit (For Fresh Air) Tonnage installed in the branch - 4.0 TR
- 2) We have observed that all the AC's are not running at the same time & hardly a few machines are running in the working hour time. In the night time, only 2Nos of 1TR AC runs for Server Room & ATM Room.
- 3) We have also been informed by the bank to check if we can put a cover/guard in front of the Outdoor unit machines, so that hot air can be restricted. But our suggestion is not to provide any kind of obstruction/Berrier as it may defunct the machines and increase it's noise level.



For Monsoon Aircon

MONSOON AIRCON  
*Pradeep Shyamal*  
Proprietor

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BEFORE THE HON'BLE NATIONAL  
GREEN TRIBUNALEASTERN ZONE  
BENCH, KOLKATA

ORIGINAL APPLICATION NO.  
143/2024/EZ

In the matter of:  
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...Respondents



AFFIDAVIT-IN-OPPOSITION FILED  
ON BEHALF RESPONDANT NO. 6  
i.e. THE BRANCH MANAGER,  
HDFC BANK.

ARNAB DAS

Advocate

C/o. DASLEGAL

Advocates

10, OLD POST OFFICE STREET,  
2<sup>nd</sup> Floor, Left Block, Room No. 51  
Kolkata- 700001

Phone: 033-22623813

(M) 9830277087

Email: [contact@daslegal.net.in](mailto:contact@daslegal.net.in)