

29/2024
 Serial No.....
 As per Register of Notary

BEFORE THE HON'BLE NATIONAL GREEN TRIBUNAL
 EASTERN ZONE BENCH, KOLKATA
 ORIGINAL APPLICATION NO. 161/2024/EZ

In the matter of:

Jagriti Bhattacharya

... Applicant

Versus

The State of West Bengal & Ors.

... Respondents

COUNTER AFFIDAVIT ON BEHALF OF THE RESPONDENT NO. 7

INDEX

Sl. No.	Particulars	Annexure	Page
1.	Counter affidavit on behalf of the respondent no. 7		1 - 4
2.	A copy of the inspection report dated 05.09.2024 and photographs	"R/1"	5-8

Filed By

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 Enrolment no. WB/1170/2007.



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COUNTER AFFIDAVIT ON BEHALF OF THE RESPONDENT NO. 7

I, Lovely Mukherjee, wife of Subhajyoti Mukherjee, aged about 61 years, by occupation – Service, by religion – Hindu, residing at BL-R, Flat-3, 40/1, Tangra Road, Government Housing Estate, Kolkata-700015, do hereby solemnly affirm and say as follows:

1. I am at present holding the post of the Executive Officer, South Dum Dum Municipality. I have made myself acquainted with facts and circumstances of the present case. I am competent to affirm this affidavit.

2. I have gone through the copy of the original application being O.A. No. 161 of 2024, purported to have been affirmed by one Jagriti Bhattacharya, the petitioner and understood the contents and purports thereof.

26 SEP 2024





3. Save and except what are matters of record and what are admitted facts, I deny and dispute each and every allegation made in the said original application. I traverse only those statements which are relevant for adjudication of the dispute, involved in the instant case.

4(a). The Concerned Assistant Engineer, South Dum Dum Municipality caused an inspection at Emami City of 2, Jessore Road, Golpark, Kolkata – 700 028 on 05.09.2024.

4(b). From the inspection report, caused by the concerned Assistant Engineer, South Dum Dum Municipality, the following has, inter alia, been appeared:

- i) The Assistant Engineer, South Dum Dum Municipality found total 5 nos. old deep tube well pump which are all in working condition.
- ii) Out of 5 (five) old pump, one pump is covered by concrete slab in children park because of children's safety.
- iii) He did not find any new deep tube well pump digging process in the area explored.
- iv) The Municipality did not provide any permission for deep tube well boring.

4(c). A copy of the inspection report dated 05.09.2024 and photographs are annexed hereto and marked as "R/1.

5(a). The applicant filed the instant original application before the Hon'ble Tribunal alleging that digging process has been initiated and construction of operations for installation of borewell has been commenced at Emami City, situated at 2, Jessore Road, Golpark, Kolkata.



26 SEP 2024

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5(b). In respect of such allegations, percolated in the instant original application, the contention of the Municipal authorities is that the West Bengal State Level Ground Water Resources Development Authority is the appropriate authority to deal with the allegations raised by the applicant in the present case. In terms of the West Bengal Ground Water Resources (Management, Control and Regulation) Act, 2005, South Dum Dum Municipality has no jurisdiction to deal with the allegations raised in the present case.

Ad
Adv

Para wise reply:

6. With reference to the statements made in paragraph 5(a) of the original application, I have no comments.

7. With reference to the statements made in paragraph 5(b), 5(c), 5(d), 5(e), 5(g), 5(h) of the original application, I say that the Municipality is not concerned with these statements.

8. With reference to the statements made in paragraphs 5(i), 5(j), 5(l) and 5(m) of the original application, I say that these are matters of record and do not admit anything which are contrary thereto and inconsistent therewith.

9. With reference to the statements made in paragraphs 5(k), 5(n), 5(o), 5(p), 5(q), 5(r), 5(s) and 5(t) of the original application, I say that the Municipality is not concerned with the same. In this context, I repeat and reiterate the statements made in paragraph 5(b) of the Counter Affidavit.

10. With reference to the statements made in paragraphs 5(u), 5(v), 5(w), 5(x), 5(y) of the said original application, I repeat and reiterate the statements made in paragraph 5(b) of the Counter Affidavit.

26 SEP 2024





11. With reference to the statements made in paragraphs 5(z), 5(aa), 5(bb), 5(cc), 5(dd), 5(ee) of the said original application, I have no comments.

12. The statements made in paragraphs 1, 2, 3, 4(a), 4(c), 5(a), 5(b), 6, 7, 8, 9, 10 and 11 are true to my knowledge and those made in paragraphs 4(b) are information derived from the records.

Lovely Mukherjee

Deponent

Prepared in my office
IDENTIFY THE PERSONS
WHO SIGN IN MY PRESENCE

Monsumi Bhowal
Advocate

ADVOCATE
ENRCLL NO
MI NO

Identified by me

Monsumi Bhowal
Advocate

Date:

Place:



ABDUL HAMID MOLLA
NOTARY
Advocate, High Court, Calcutta
Reged. No. 9380 / 2011
Government of India
High Court Calcutta
Gate No 'E'
M:- 9831104098

26 SEP 2024





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R/1

South Dum Dum Municipality
Nager Bazaar, Dum Dum Road, Kolkata-74

Phone: 2560 2357, 2560 2743; Fax: 2560 8388, 2560 6001
E-mail: southdumdum74@gmail.com

Date. 05/09/2024

Inspection Report

Ref:- 161/2024/EZ (National Green Tribunal, Eastern Zone Branch, Kolkata)

With reference to the above mentioned case that we inspected on 05.09.2024 at Emami City of 2 Jessore Road, Golpark, Kolkata-700028 in Ward no.07 hereby inform you we found total 5 nos. old Deep Tube Well Pump which all are in working condition.

Out of the 5(five) old pumps, 1 no. pump is covered by concrete slab in children park because of children's safety. We did not find any new Deep Tube Well Pump digging process in the area we explored.

Our Municipality does not provide any permission for Deep Tube Well boring. The permission in under state water investigation directorate (SWID).

Enclosed:- 5 nos. Tube Well Pictures attached herewith

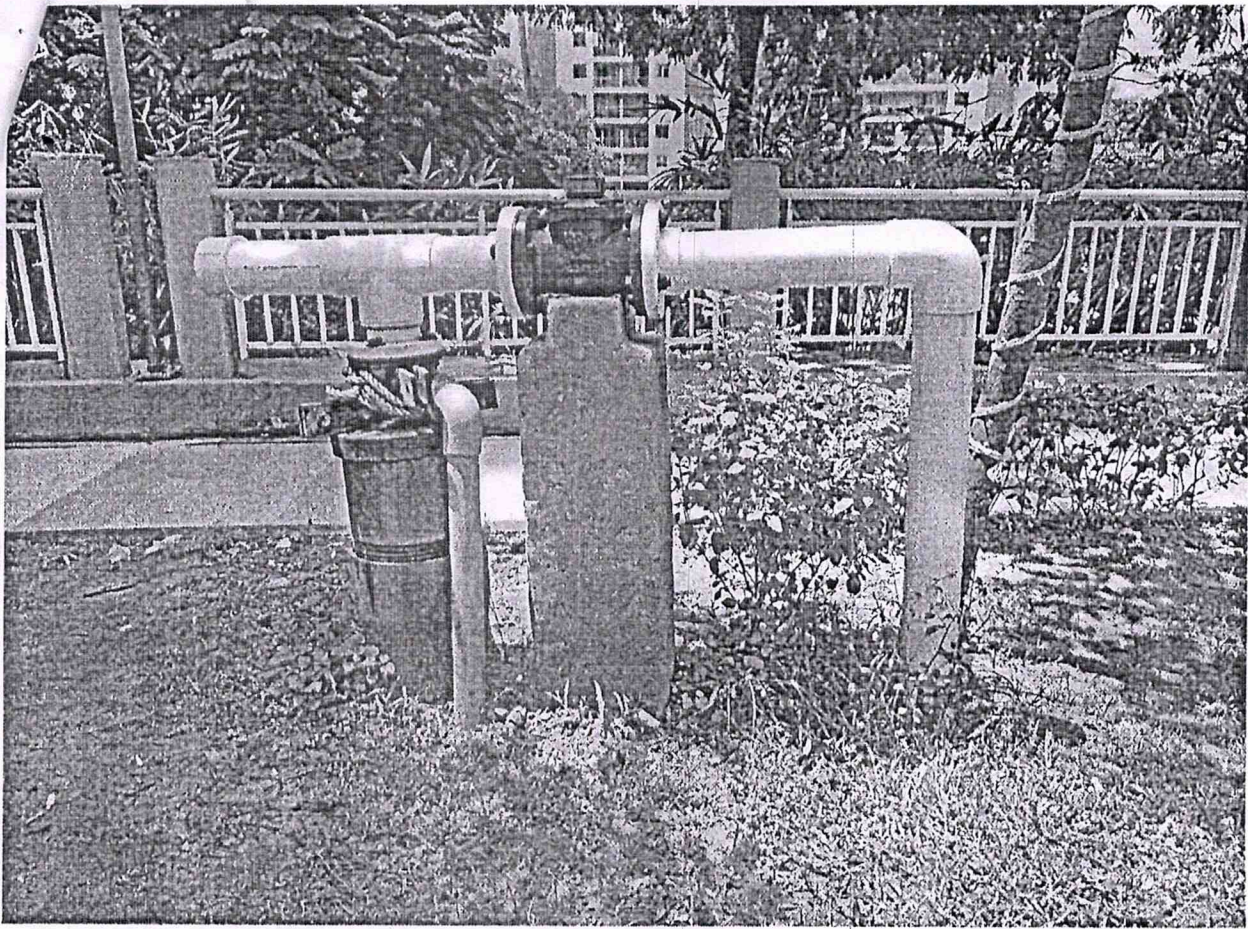
Lm
05/09/24

Executive Officer
South Dum Dum Municipality

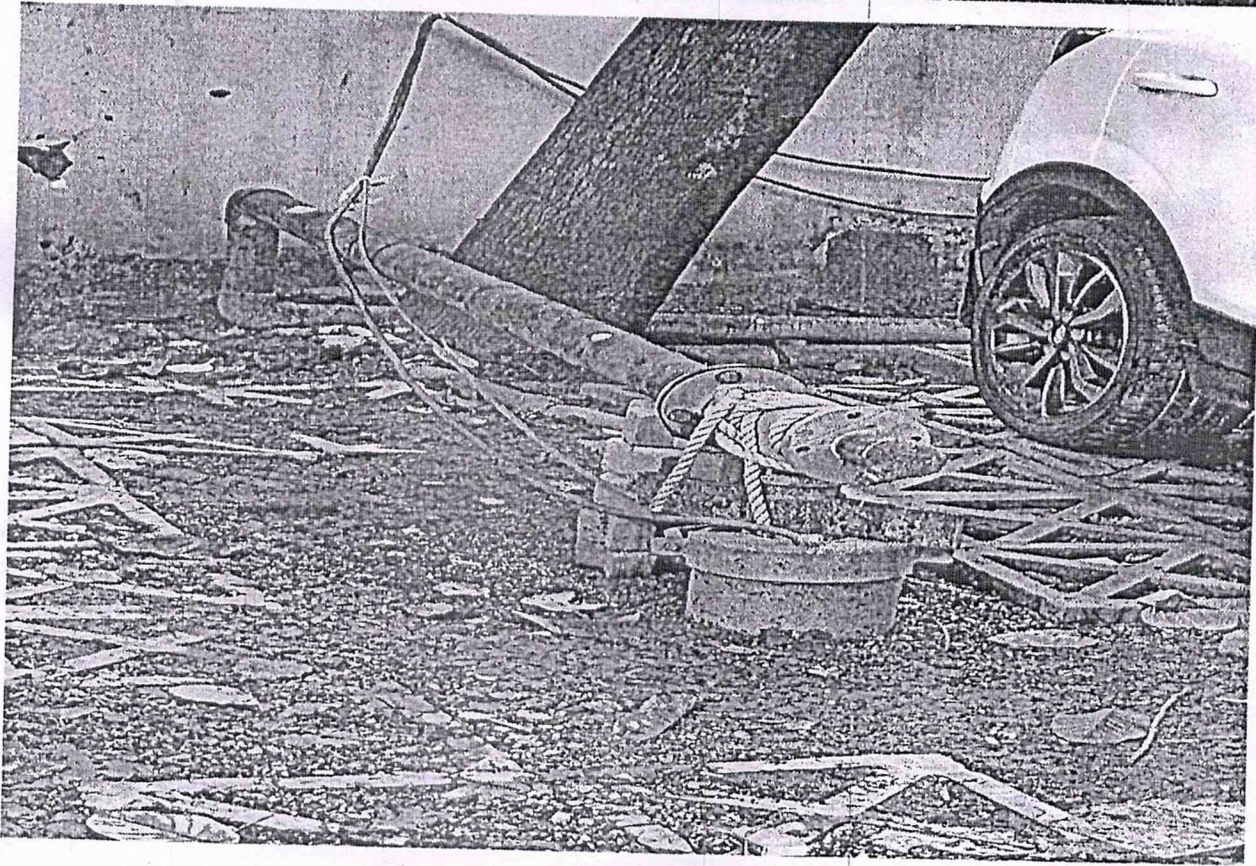
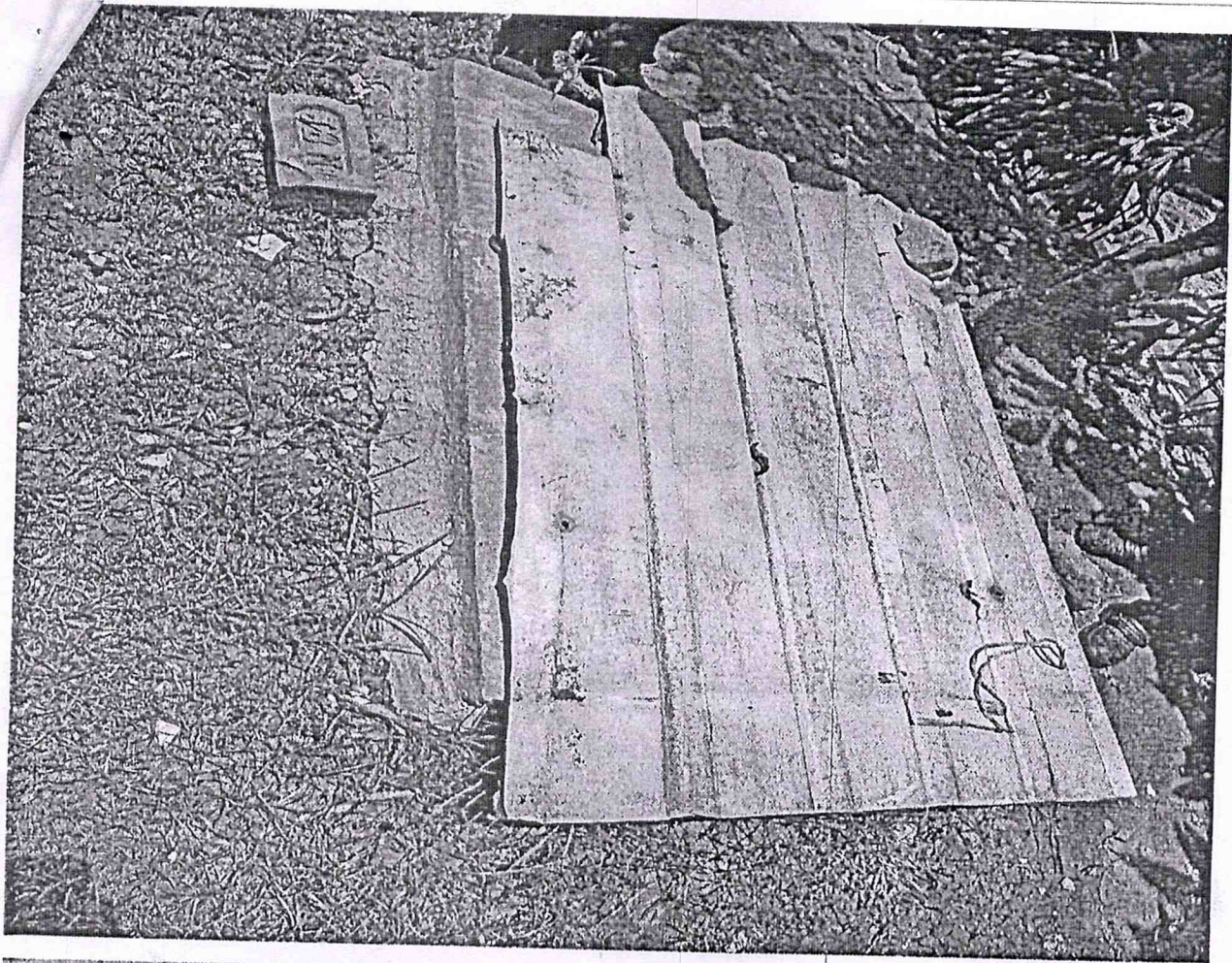
AP
05/09/2024
Sri Ananda Chakraborty
Assistant Engineer
South Dum Dum Municipality
Assistant Engineer
South Dum Dum Municipality



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- 8 -



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THE RESPONDENT NO. 7

Advocate-on-Record:
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Mr. Amales Ray, Advocate
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