



BEFORE THE NATIONAL GREEN TRIBUNAL,
EASTERN ZONE BENCH, KOLKATA

O.A. No. 161/2024 (EZ).

IN THE MATTER OF:

JAGRITI BHATTACHARAYA

...APPLICANT

VERSUS

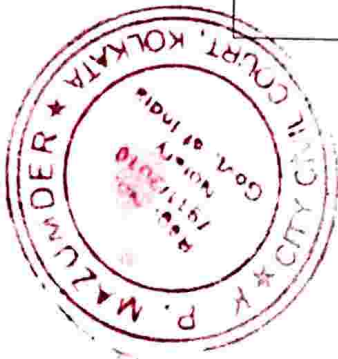
STATE OF WEST BENGAL & ORS.

...RESPONDENT(S)

Dr. Anadi Gayen
Dr. Anadi Gayen / Regional Director
Water & Power / Government of India
West Bengal / Ministry of Jal Shakti
Department of Water Resources, RD & GR
Kolkata

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Through:

Ashok Prasad
(ASHOK PRASAD)

ADVOCATE

Place: Kolkata

Dated: 25/09/24

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P. Mazumder
P. Mazumder, Notary
Govt. of India
Reg. No 7911/2010

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**BEFORE THE NATIONAL GREEN TRIBUNAL,
EASTERN ZONE BENCH, KOLKATA**

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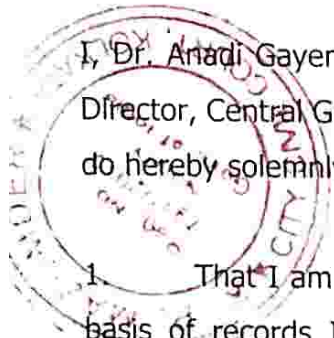
**COUNTER AFFIDAVIT/REPLY FOR AND ON BEHALF OF THE CENTRAL
GROUND WATER BOARD (CGWB), KOLKATA**

MOST RESPECTFULLY SHOWETH:

I, Dr. Anadi Gayen, aged about ⁵⁶ years, employed / appointed as the Regional Director, Central Ground Water Board, Kolkata, functioning / officiating at Kolkata, do hereby solemnly affirm and declare as under:-

1. That I am the authorised signatory in the aforementioned matter. On the basis of records I am well conversant with the facts of the case and hence, competent to swear this affidavit.
2. That I have read and understood the order dated 12.08.2024 of Hon'ble NGT, Eastern Zone Bench and filing this Counter Affidavit in compliance of directions under Para 5 of the order.
3. That I have read and understood the contents of the present Affidavit and state that the contents mentioned in the Affidavit are true and correct to the best of my knowledge.

Dr. Anadi Gayen
 24/09/2024
 Regional Director
 Central Ground Water Board
 Government of India
 Ministry of Jal Shakti
 Department of Water Resources, RD & GR
 Central Ground Water Board



ATTESTED BY ME
K. P. Mazumder
 K. P. Mazumder, Notary
 Govt. of India
 Reg. No. 7911/2010

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BRIEF SUBMISSIONS

4. That the O.A. No. 161/2024 (EZ) was filed seeking directions from this Hon'ble Tribunal to restrain Respondent No. 13 from proceeding any further in the matter of installation of borewell; to direct respondent authorities not to grant any 'Consent to Operate' or 'Consent to Establish' Certificate and to inspect the premises or take appropriate action against Respondent No. 13; and to pass such further order(s) as deemed fit in the circumstances of the case.

5. That the Hon'ble Tribunal under its order dated 12.08.2024 passed the following direction-:

14. "All the Respondents shall file their counter-affidavits within four weeks".

6. That in this connection, the respectful submission is that **NOC/permission for ground water abstraction is not granted by Central Ground Water Authority (CGWA) in those States where a State Authority has been constituted for this purpose.** In the State of West Bengal, the responsibility to grant "No Objection Certificate"/ "permit" for Ground Water abstraction has been delegated to a State Authority viz. **State Water Investigation Directorate, (SWID)**, Water Resource investigation and Development Department, Govt. of West Bengal, since 2005.

7. That for proper utilization of ground water resources through effective management, control and regulation in West Bengal, an Act titled 'West Bengal Ground Water Resources (Management, Control & Regulation) Act, 2005' was enacted which came into force with effect from 1st August 2006. In Section 5(3) of the said Act, the **State Water Investigation Directorate (SWID)** has been declared as the functional organ of the State Level Ground Water Resources Development Authority. The functions of the SWID involve investigation and assessment of the ground water resources of the state and is responsible for providing mandatory permit for installation of ground water extraction structures or

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 Reg No 7011/2010

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certificate of registration for all such structures. According to Section 6 of the Act, the State Level Authority shall –

(a) take into consideration every aspect to manage the ground water resources in West Bengal including issuing of certificate of registration or permit in accordance with the provisions of the Act.

PARA WISE REPLY

8. That the averments under para 1 to 3 are matter of record and need no comments from the answering respondent.
9. That the averments under para 4 (Point of Law) are related to the actions of the Respondent No. 13 which the applicant has a reason to believe would result in environmental pollution. The averments are pertinent to other respondents. Hence, no comments are being offered.
10. That the averments under paragraphs 5 a to g (Fact of the case) are related to the actions of the other Respondents and need no comments from the answering respondent.
11. That reply to the averments under para 5 h, l, & o (Fact of the case) may be taken from the State Water Investigation Directorate (SWID) which is responsible for the effective management, control and regulation of ground water resources in West Bengal, as submitted in the afore-mentioned paragraphs. Hence, the respectful submission is that the SWID can be in a better position to counter the averments to the satisfaction of this Hon'ble Tribunal.
12. That the averments under para 5 I, j, k, m, n, & p to ff (Fact of the case) are pertinent to other respondents 6 & 13. There is no issue pertinent to the answering respondents. Hence, no comments are being offered.
13. That the averments under para 6 (Ground) & 7 (Limitation) are matter of record.

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[Signature]
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Govt. of India
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14. That in reply to averments under para i.e. Prayer, the respectful submission is that the averments are pertinent to other respondents, as submitted in the aforementioned paragraphs.

In view of above submissions, this Hon'ble Tribunal may like to pass appropriate orders as deemed fit and proper in the interest of justice and on the basis of replies of other respondents. The answering respondent may kindly be exempted from further appearance in the case.

(Handwritten signature)
24/09/2014

DEPONENT

डॉ. अनादि गायेन / Dr. Anadi Gayen
 क्षेत्रीय निदेशक / Regional Director
 भारत सरकार / Government of India
 जल शक्ति मंत्रालय / Ministry of Jal Shakti
 जल संसाधन, जलोत्पत्ति और नगा संरक्षण विभाग
 Department of Water Resources, RD & GR
 केंद्रीय भूमि जल बोर्ड / Central Ground Water Board
 पूर्वी क्षेत्र, कोलकाता / Eastern Region, Kolkata



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(Handwritten signature)
 P. Mazumder, Notary
 Kolkata, 700016
 INDIA

250024



VERIFICATION

I, the above named deponent, do hereby verify the contents of above this Counter Affidavit as true and correct and state that neither any material has been concealed there from nor is any part of it false.

Verified at Kolkata on this 25th day of September, 2024.

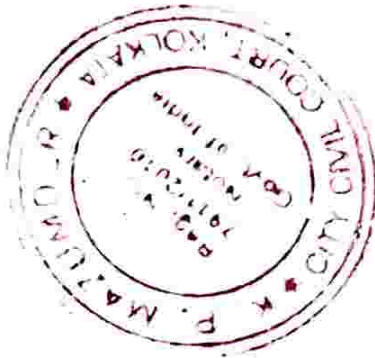
Handwritten signature and date: 24/09/2024

Identified by me

Handwritten signature of Advocate
Advocate

DEPONENT

डॉ. अनादि गायेन / Dr. Anadi Gayen
क्षेत्रीय निदेशक / Regional Director
भारत सरकार / Government of India
जल शक्ति मंत्रालय / Ministry of Jal Shakti
जल संवर्धन, जलो विकास और जल संरक्षण विभाग
Department of Water Resources, RD & GR
केंद्रीय भूमि जल बोर्ड / Central Ground Water Board
पूर्वी क्षेत्र, कोलकाता / Eastern Region, Kolkata



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K. P. Mazumder, Notary
Gov. of India
Reg. No. 757/2009

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