

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

**Original Application No. 67/2024/EZ  
(Earlier Original Application No. 22/2024/PB)**

**Krishna Mandal**

..... Applicant(s)

**Versus**

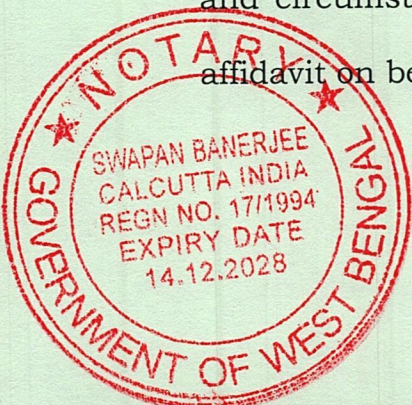
**State of Jharkhand & Ors.**

..... Respondent(s)

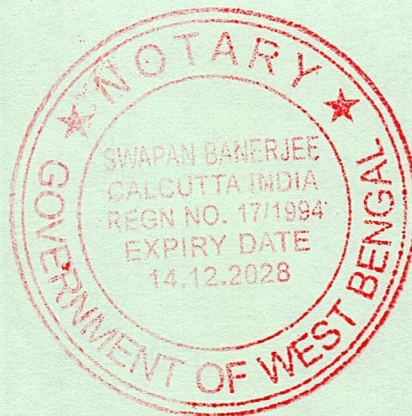
**REJOINDER ON BEHALF OF THE APPLICANT TO THE AFFIDAVIT-  
IN-REPLY FILED BY THE RESPONDENT NO 3 & 4.**

I, Krishna Mandal, w/o: Swapan Mandal, aged about 63 years, by faith Hindu, resident of Sarsajol, P.O. Bankijore, P.S. Shikaripara, Dumka, Jharkhand - 816118, presently camping at Nicco House, 2, Hare Street, Kolkata - 700001 do hereby solemnly affirm and say as follows: -

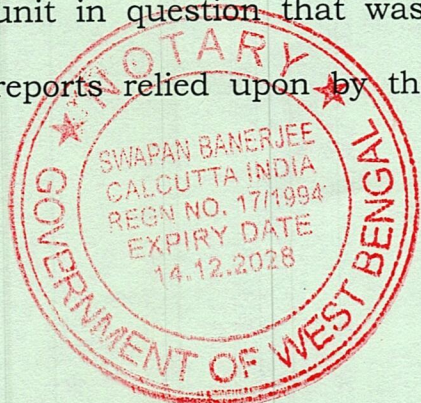
1. That I am the applicant herein and I am well conversant with the facts and circumstances of the instant case. I am competent to affirm this affidavit on behalf of myself.



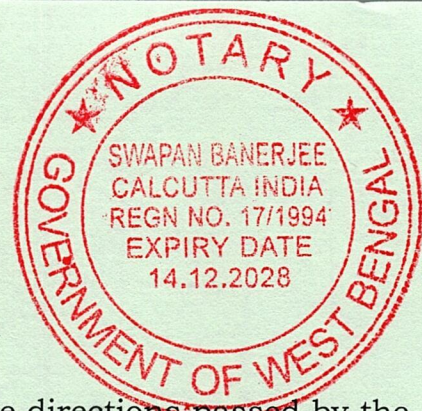
*Krishna Mandal*



2. I have received and read the copies of affidavit and replies filed on behalf of the Respondent No. 2 & 3 in the instant matter (herein after referred to as the "said replies"). Purportedly affirmed by 1. Mr. Kamlakant Pathak and 2. Mr. Mrinal Kanti Biswas authorized representatives of the Respondent No. 2 & 3 and understood its scope, meaning and purport thereof.
3. I say that every statement, averment, contention contained in the Affidavit in Reply filed on behalf of the Respondent Nos. 3 and 4 (hereinafter referred to as the said "Replies") is denied in toto. Nothing contained in the said replies ought to be deemed to be admitted for want of traverse, or unless specifically admitted herein.
4. The affidavit in replies has been filed in separation of material facts and should be rejected on this ground alone and the Respondent No. 2 & 3 has approached this Hon'ble Tribunal with unclean hands.
5. At the very outset, I deny that the result of the ambient air quality which was monitored nearby the unit in question were observed to be within National Ambient Air Quality Standards as prescribed by CPCB. I state and submit that the test reports relied upon by the Respondents are of a prior date from the date of direction to visit site and inspect the unit in question that was passed on 19.02.2024 as such, the test reports relied upon by the Respondents is malafide and cannot be



*Krishna Mondal*



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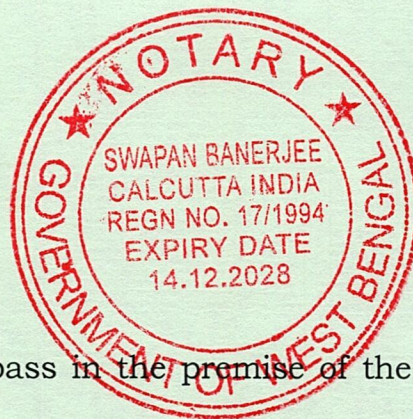
relied upon and the same as in violation of the directions passed by the Hon'ble National Green Tribunal Principal Bench, New Delhi. It may be noted that the air quality as on date is outside the permissible limit as prescribed by CPCB. Further the outlet of the chimney/exhausts of the flour mill is directed towards the house of the complainant herein due to which the pollutants are flowing inside the premises of the complainant thereby degrading the quality of air on a continuous basis. The complainant along with her family members are facing immense difficulties in breathing inside their house premise which is in serious prejudice to the rights of the complainant and her family members to enjoy their Right to Life and Liberty, as the air pollutants may lead to causing heinous and incurable diseases to the complainant and her family members including her father-in-law who is a senior citizen who is above 70 years. It is submitted that he is already facing difficulties in breathing due to the outlet of the chimney that is directed towards the complainant house.

6. I deny that the noise level which was monitored on dated. 16/04/2024, was observed within permissible limit. I further deny that the unit is installed on an RCC (Reinforced Cement Concrete) foundation and in an enclosed area/inside the permanent structure (Pucca House) the chances of vibration and other air pollutants entering the applicant's house are negligible. I state and submit the flour mill is installed adjacent to the wall of the complainants' house and the same is in close contact with complainants premise due to which the vibrations and



*Krishna Mondal*

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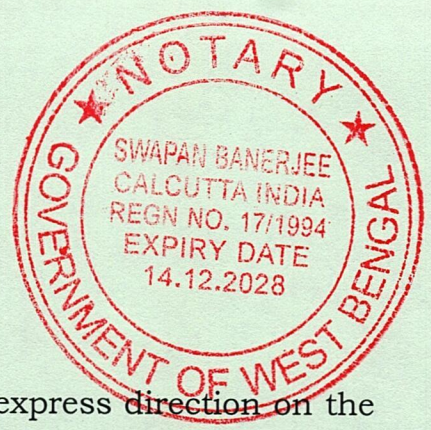


noise of the flour mill is in continuous trespass in the premise of the complainant. It may be noted that the complainant and her family members are unable to communicate smoothly within themselves in their house/premise. The complainant's daughter is facing immense difficulties in her day-to-day studies due to the loud sound of the flour mill. It is pertinent to bring to the kind attention of this Hon'ble Tribunal that during the exams of the complainant's daughter recently, the issue was brought to the notice of the accused wherein the complainant requested to regulate the sound of the flour mill when she along with her family members were manhandled by the accused and their men/agent using criminal force against the complainant and her family members including in particular her daughter. The most recent photographs of the concerned premises evidencing the contentions of the Complainant is annexed and marked as **Annexure A**.

7. I state and submit that the accused/project proponent was advised to use the flour mill only during day time and in close premises which is not followed by the accused/project proponent and they are running the flour mill day and night including operation of the flour mill in odd hours (at 4am in the morning) without any check and regulations. Further the accused/project proponent is using diesel engine instead of electric power supply despite there being clear instruction to remove the diesel engine and use electric power supply for running the flour mill.

*Krishna Mondal*

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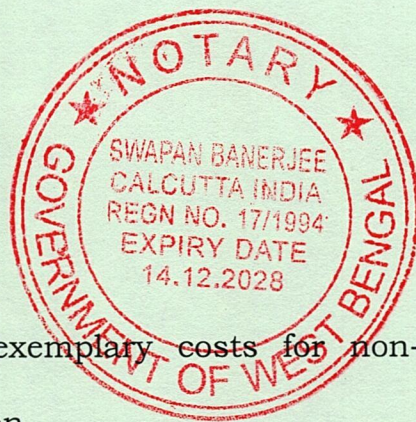


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8. I state and submit that despite there being an express direction on the accused/project proponent for closing the window facing towards the complainant's house permanently, the accused/project proponent has not closed the same till date which is in serious contravention of the directions and against the law.
9. I state and submit that the joint committee report is a sham and a complete eyewash to blanket the illegal acts of the accused before this Hon'ble Tribunal which is made and submitted in separation of material facts and in collusion with the accused/project proponent.
10. It is pertinent to mention that the CTO was obtained from the JSPCB on 10.10.2023 whereas the rice huller was in use from January, 2022. Thus, the obtaining of CTO is a total sham and an attempt to eyewash this Hon'ble Tribunal in order to frustrate the proceedings.
11. The Complainant further craves leave to refer and rely upon further documents at the time of hearing, as and when necessary.
12. I say that in view of the aforesaid facts and evidences placed on record by the Complainant, this Hon'ble Tribunal should allow the prayers of the Complainant by directed the Accused to shift the rice mill/huller to a separate place sufficiently far from the residence of the Complainant

*Kushe Mondal*

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and further direct the Accused to pay exemplary costs for non-compliance of this Hon'ble Tribunal's direction.

13. The statements made in paragraphs 5 to 10 of the foregoing affidavit are true to my knowledge and those stated in paragraphs 1 to 4 are information derived from records which I verily believe to be true and the rest are my humble submissions before this Hon'ble Tribunal.

Identified by:

*Krishna Mondal*

Deponent

*Aman Kataruk*

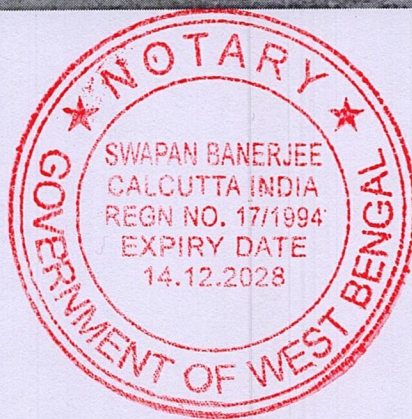
Advocate

*D/2387/2021*

Solemnly affirmed and declared before me on identification  
*Swapan Banerjee*  
S. Banerjee, Notary, Calcutta, India  
Govt. of W.B. Regn. No. 17/1994  
City Civil Court, Bar Association  
(2nd Floor), Calcutta-700 001

07 OCT 2024



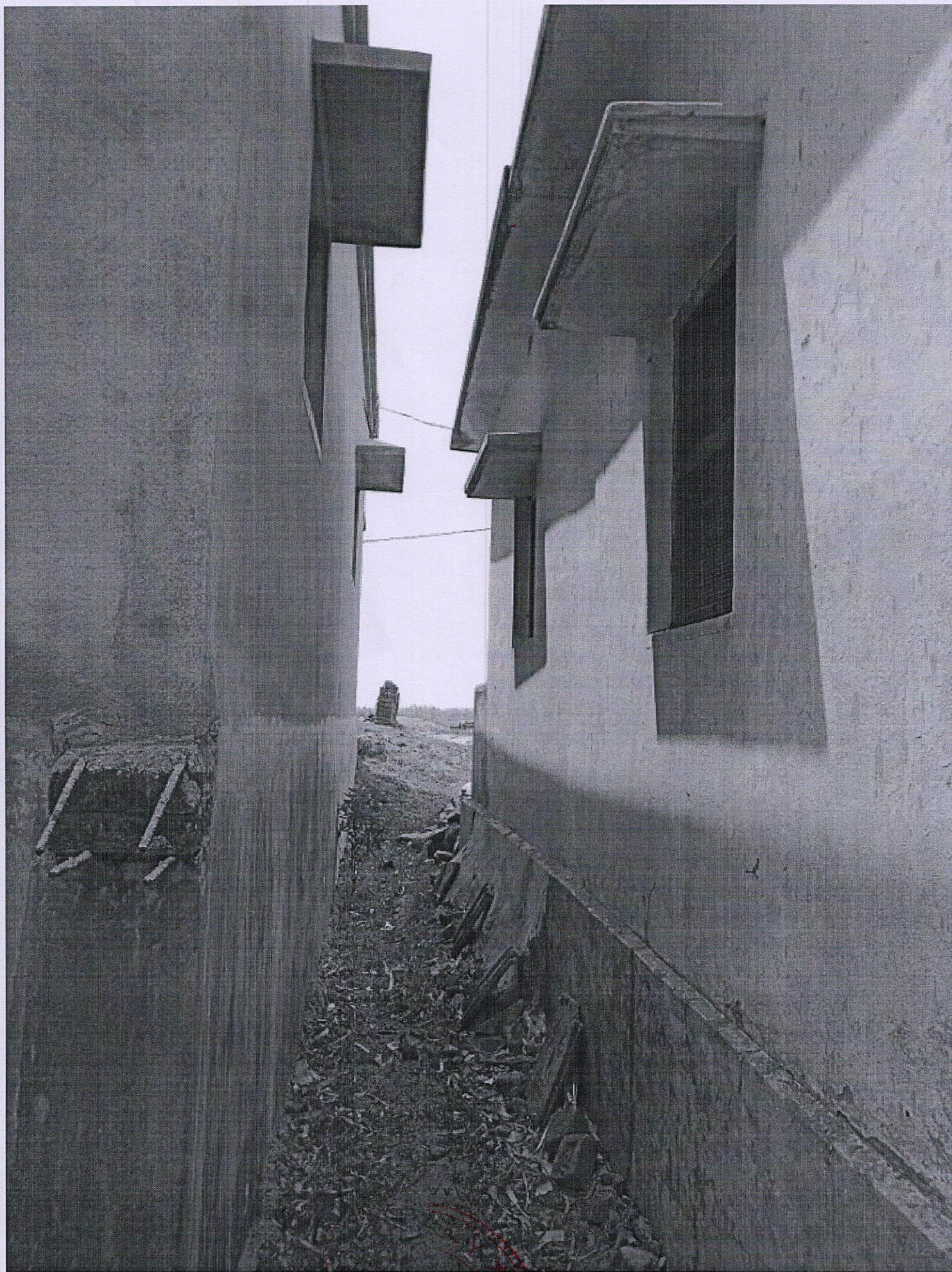


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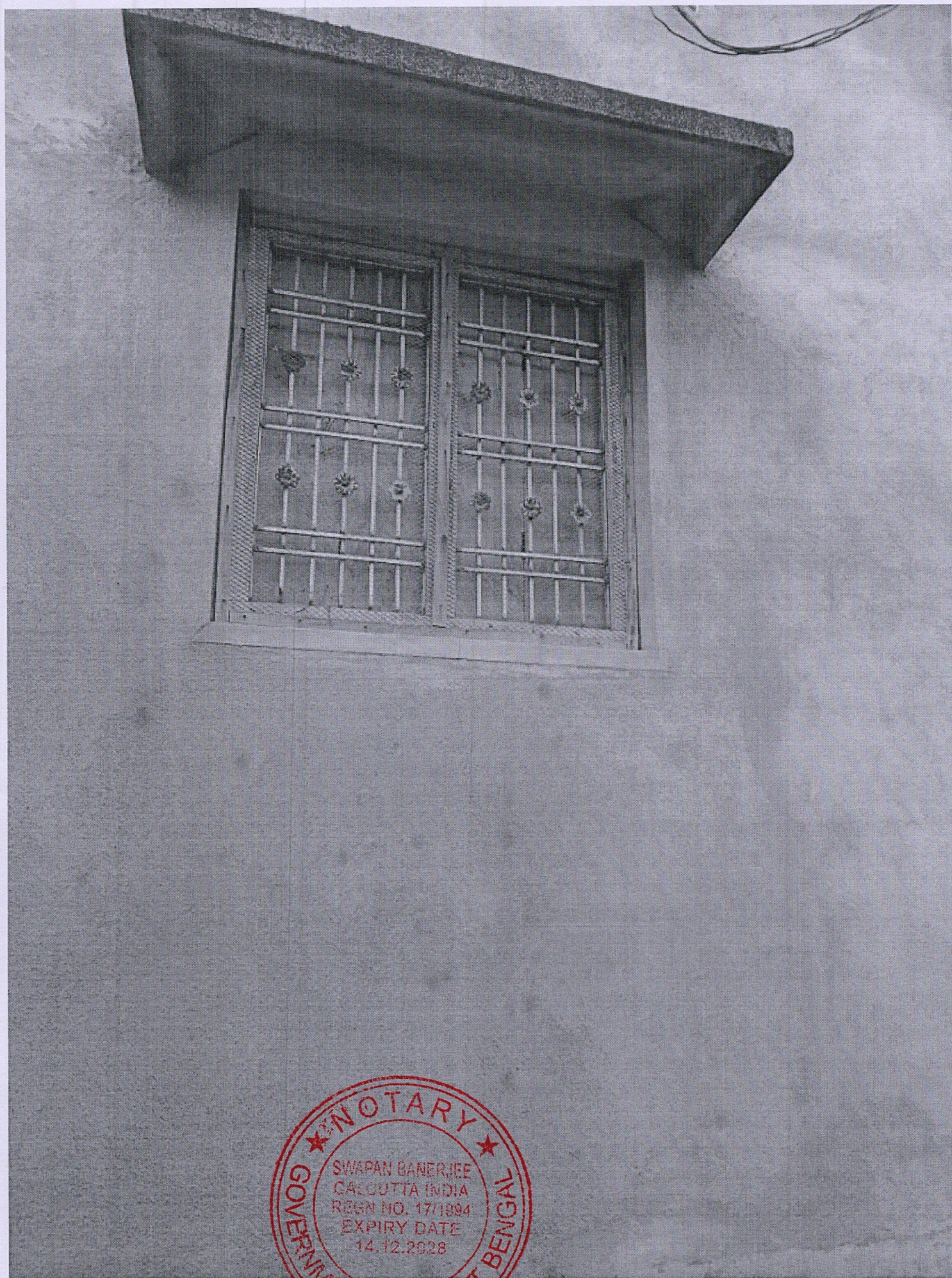
NOTARY  
★ ★  
SWAPAN BANERJEE  
CALCUTTA INDIA  
REGN NO. 17/1994  
EXPIRY DATE  
14.12.2028  
GOVERNMENT OF WEST BENGAL

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