

S.L. No. 31/24

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BEFORE THE HON'BLE NATIONAL GREEN TRIBUNAL
EASTERN ZONE BENCH, KOLKATA, WEST BENGAL
ORIGINAL APPLICATION No. 129/ 2024/EZ

In The Matter of:

Milan Kundu & Ors.

... Applicants

Versus

State of West Bengal & Ors.

... Respondents

COUNTER AFFIDAVIT ON BEHALF OF THE RESPONDENT NUMBER 01, MANIK KUNDU.

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Filed by

DEBOLINA CHAKRABORTY

Advocate

For Respondent Number 01

Email: advdebolinachakraborty1013@gmail.com

(M): 9831968379

18 NOV 2024

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**BEFORE THE HON'BLE NATIONAL GREEN TRIBUNAL
EASTERN ZONE BENCH, KOLKATA, WEST BENGAL
ORIGINAL APPLICATION No. 129/ 2024/EZ**

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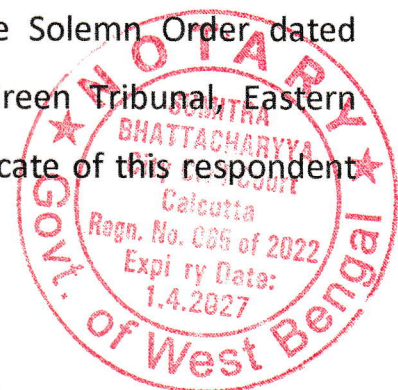
State of West Bengal & Ors.

..... Respondents

COUNTER AFFIDAVIT ON BEHALF OF THE RESPONDENT NUMBER 01, MANIK KUNDU

I, Sri Manik Kundu, S/o Nimai Kundu, aged about 61 years, by faith-Hindu, by occupation-business, and residing at Village & Post-Janta, District: Bankura, Pin: 722122, do hereby solemnly affirm and submit as follows:-

1. That, I have been impleaded as respondent number 01, vide order dated 06.08.2024 passed by the Hon'ble Tribunal and I am well acquainted with the facts and circumstances of the case and as such I am competent to swear, sign and affirm this counter affidavit.
2. That this affidavit is filed in obedience to the Solemn Order dated 10.09.2024, passed by the Hon'ble National Green Tribunal, Eastern Zone Bench, Kolkata, wherein the Learned Advocate of this respondent had prayed for time for filing counter affidavit.



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3. That the instant original application has been filed by the applicant interalia with the grievance that the respondent number 01 is running a poultry farm in the village Janta and it is causing environmental pollution and health hazards.
4. That at the outset it is humbly submitted that the respondent number 01, is not running a poultry farm, only poultry is sold here and trading is done and it is not at all a poultry farm as alleged for raising poultry.
5. That for trading poultry the respondent has obtained trade license issued by the Radhanagar Gram Panchayat and is also having the requisite land record in his name.

Photocopies of Trade License and Porcha (Land Record) are collectively annexed herewith and marked with the letter 'A'.

6. That the District Veterinary Officer, Bankura and the District Magistrate, Bankura have filed their affidavits and this respondent has received copy of the same.

From the inspection report dated 24.07.2024 enclosed along with the Affidavit dated 27.08.2024 filed by the District Veterinary Officer, Bankura as well as the District Magistrate's Affidavit dated 05.09.2024 it is crystal clear that the unit of this respondent is not all a poultry farm



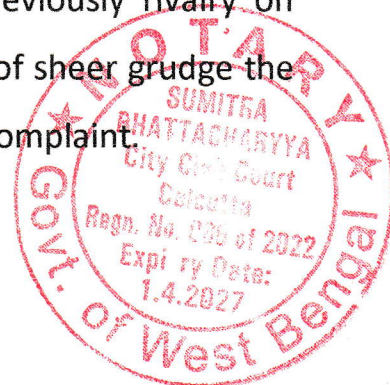
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but a stock shed with feeding arrangement for adult broiler birds only to be sold in live state on wholesale basis to chicken meat selling outlets.

7. That during inspection it has been observed by the officials that the stocking/storage capacity of the shed is much less than 5000 broiler birds at a time and no littering outside the shed was seen to have been done by the unit.
8. That it is very pertinent to state that during inspection one of the complainant's has admitted that he has no convenience due to broiler shed and that he had put his signature on the complaint letter which is the subject matter of the instant original application without actually understanding the theme of the complaint.
9. That it has also been observed in the inspection report that since the capacity of the broiler is much less than 5000 birds and hence it does not come under the consent administration of the State Pollution Control Board and since the unit was established in the year 1994 Guidelines for Poultry Farms promulgated in January, 2022 is not applicable for this unit. It is also stated further that the respondent no. 1 regularly cleaning the stock shed of the Unit with bleaching powder.
10. That this respondent states that being neighbours the applicant/complainant namely Milan Kundu had previously rivalry on property related issue with this respondent and out of sheer grudge the applicant/complainant has filed the instant letter of complaint.

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11. That the instant case has been filed is absolutely false, frivolous and vexatious and is liable to be dismissed with costs.

12. That it is therefore humbly prayed that Hon'ble Tribunal may pass such order/orders as it deems fit and proper for the ends of justice.

Identified by me

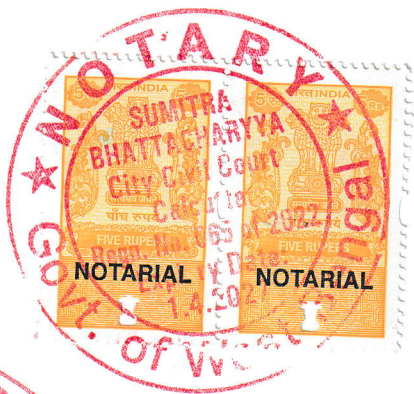
Debolina Chakraborty
Advocate

Sumitra Bhattacharyya

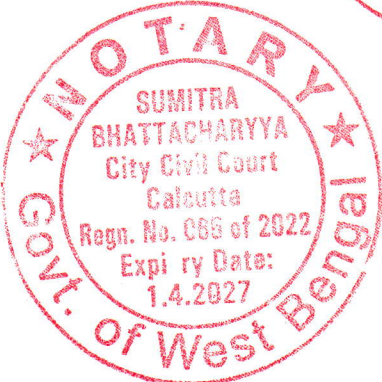
Deponent

Solely Affirmed and
Declared before me U/S 139
CPC, (C)

Sumitra Bhattacharyya
Notary



Sumitra Bhattacharyya
Notary, Govt. of W.B.
Regd. No. 065 of 2022
City Civil Court, Calcutta



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VERIFICATION

I, Manik Kundu, Son of Nimai Kundu, the deponent within named state that this affidavit is verified at Kolkata by the deponent above named on this the ^{18th} day of November, 2024 and say that the contents of this affidavit made in paragraph nos. 1 is true to my knowledge and those made in paragraphs no. 2 to 12, are true to my information as derived and rest are my respectful submission before this Hon'ble Tribunal.

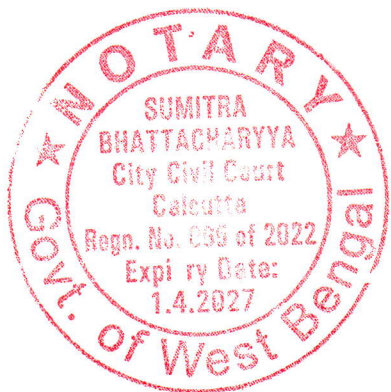
Identified by me

Debolina Chakraborty

Advocate

Manik Kundu

Deponent



18 NOV 2024

Amxw-A

Office of the

Sl. No.:

093

Radhanagar Gram Panchayat

Vill.-Radhanagar, P.O.-Bon-Radhanagar,

P.S.-Bishnupur, Dist.-Bankura, Pin.-722157

[Name of the Panchayat Samiti] BISHNUPUR]

FORM-11

[SEE RULE 58 (2)]

Trade Registration Issue No. 93/2017-18 Date ... 6.7.17

Trade Registration No. 37/2010-11 Date ... 7.2.2011

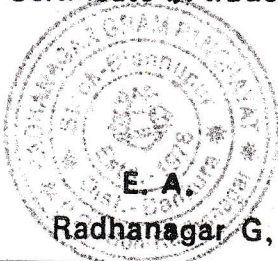
Provisional Certificate for Trade for enlistment for the period of ... 31.07.2018 (31st March 2018)

The Gram Panchayat is satisfied to Issue Provisional Certificate of Trade for enlistment of :

Manik Kundu S/o Nimai Kundu
(Name of Proprietor / Partner / Director)Description of Trade Kundu Feed CentreGram Samsad : JantaMouza : Janta

J.L. No. . 83 Plot No. : 1359

Khatien No. :

Full Address : Vill.- JantaP.O.- JantaGram Panchayat acknowledges to received a sum of Rs 1000/ (one thousand only) only, from Manik Kundu in consideration of enlistment fee for Provisional Certificate of trade vide Miscellaneous Receipt No 851/H/091 Date 6.7.2017

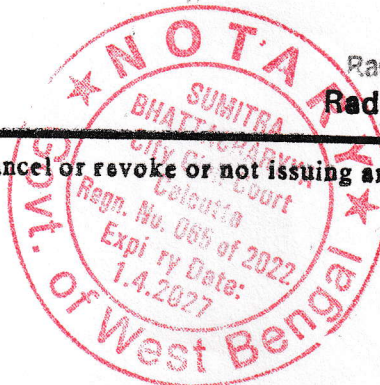
Radhanagar G. P.

Bosanti
Pradhan

Radhanagar Gram Panchayat

Radhanagar Gram Panchayat

N.B. : The Pradhan of G.P. as every right to cancel or revoke or not issuing any fresh enlistment paper at any time.



FORM 11**&****[See rule 58(2)]**Name Of District : **BANKURA**Name Of Block : **BISHNUPUR**Name Of Gram Panchayat : **RADHANAGAR**Trade Registration No:- **637**Trade Registration Date:-**01-Aug-2018**Trade Registration Certificate issue No:- **1**Issue Date:-**13-Jul-2022**Trade Registration Certificate issued for the period of: **2022-2023,2023-2024,2024-2025**To **MANIK KUNDU**

(Name of Prop/partner/Director)

Full Address :

VILLAGE - JANTA

PARA - KUNDU PARA

POLICE STATION - BISHNUPUR

POST OFFICE - JANTA

MOUZA - 83

DAG - 1359

PIN NO - 722122

Gram Sansad/ Part No. JANTA

Description of Trade : **FEED STORES AND FARM**Gram panchayat acknowledges a sum of **Rs. 1500** (Rupees One Thousand Five Hundred Only)From **KUNDU FEED CANTRE**

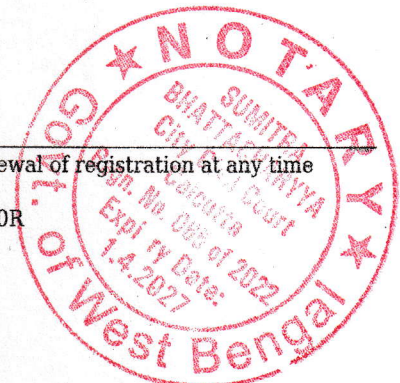
(Name of Trade)

Grant of this certificate shall not absolve the applicant from the requirement of procuring all the statutory clearances to be obtained from the appropriate authority before actual commencement of the trade. If any violation/default is noted later is, the certificate shall be liable to be cancelled and the trade/business shall be closed down with immediate effect.

This Certificate Is Electronically Generated

N.B.: Gram Panchayat has every right to cancel or revoke or not allowing renewal of registration at any time

Ref. Application Docket No. NOCMFZM72083740R
<https://wbprd.gov.in/>

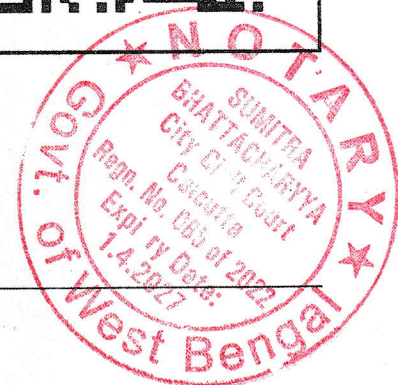


Acknowledgement Of Receipt Of Trade Registration Application



Acknowledgement No - NOCMFZM72083740R || Dated - 01-Aug-2018

DISTRICT: BANKURA BLOCK: BISHNUPUR GRAM PANCHYATS: RADHANAGAR			
NAME OF APPLICAN	MANIK KUNDU		
FATHER'S NAME	NIMAI KUNDU		
ADDRESS	VILL - JANTA, SAMSAD - JANTA, PARA - KUNDU PARA, P.O. - JANTA, P.S. - BISHNUPUR, PIN - 722122 WB		
CONTACT No	9734770902	APPLICANT'S ID DETAILS	AADHAR-328892216713
TRADE NAME	KUNDU FEED CANTRE		
TRADE ADDRESS	VILLAGE: JANTA, PARA : KUNDU PARA, SAMSAD : JANTA, P.O. : JANTA, PIN : 722122, /SPAN>		
BOUNDARY DETAILS	EAST - MADAN KUNDU LAND WEST - SITARAM KUNDU LAND NORTH - VILLAGE ROAD SOUTH - ATCHALA		
TYPE		PROPRIETOR CATEGORY	GP CITIZEN
NATURE OF BUSINESS	FEED STORES AND FARM		
ATTACHED DOCUMENTS	ID PROOF, LAND RECORDS		
STATUS OF APPLICATION	SUBJECT TO VERIFICATION OF GIVEN RECORDS		
DATED	01-Aug-2018		



জেলা- বাঁকুড়া	খতিয়ান নং- ৭২৫	[০১১৭০৮৩]	
মৌজা- জল্লা	জে.এল.নং- ৮৩	থানা- বিষ্ণুপুর	



(১) রাজস্ব- ০.০০ টাকা

(২) জমির পরিমাণ(এ)- ০.০৫

(৩) মোট দাগের সংখ্যা- ১

	(৪) অগ্রস্বত্বের দখলকারের বিবরণ	(৫) স্বত্ব	(৬) মন্তব্য
নাম-	মানিক কুণ্ডু	রায়ত	
পিতা-	নিমাই		
ঠিকানা-	নিজ		

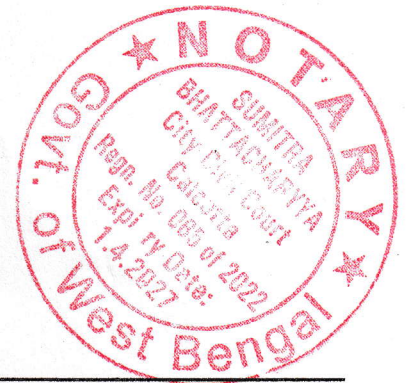
(৭) অগ্রস্বত্বের নিজ দখলীয় জমি

দাগ নং	জমির শ্রেণী	মন্তব্য	দাগের মোট পরিমাণ(এ)	দাগের মধ্যে অগ্রস্বত্বের অংশ	দাগের মধ্যে অগ্রস্বত্বের জমির অংশের পরিমাণ
					একর হেক্টর
১৩৫৯	ডাঙ্গা		২.৫৮	০.০১৯৪	০.০৫

গত খং নং - 1187

হস্তান্তরের ধরণ - রে: ক: মূলে

মোট দাগের সংখ্যা- এক মাত্র



Certified to be true copy u/s 76 of Indian Evidence Act,1872 (Act 1 of 1872)

Fees Received : Application Fee : Rs. 10, Authentication Fee : Rs. 10 x 1, Total fee : Rs. 20, Copy No.:23551

Digitally signed by SRIDIP SAHA PODDAR
Date: 2021.11.17 18:01:43 IST

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Translated Copy



District – Bankura

Khatian No. 725

[0117083]

Mouza- Janta

J.L. No. 83

P.S- Bishnupur

(1) Tax- 0.00 Rs.

(2) Land Area (A)- 0.05

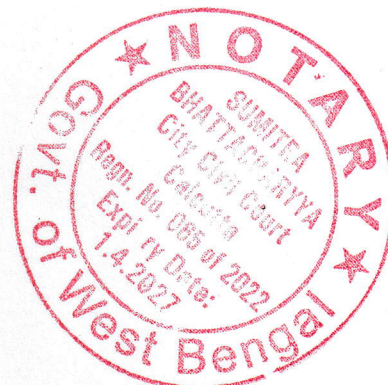
(3) Total no. of Dag- 1

	(4) Details	(5) Share	(6) Remarks
Name-	Manik Kundu	Rayat	
Father-	Nimai		
Address-	Own		

(7) Own land

Dag no.	Class	Remarks	Area	Share	Share
1359	Danga	Last Kh No. 1187	2.58	0.0194	0.05Acre

Total Dag no. 01



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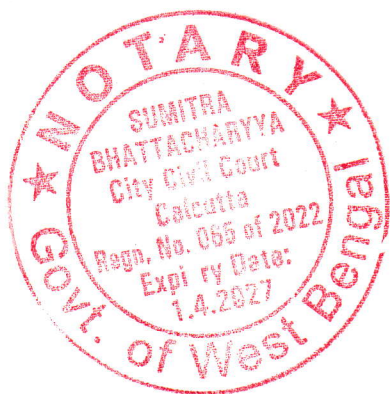
Milan Kundu & Ors.

.....Applicant

-Versus-

State of West Bengal & Ors.

....Respondents.



COUNTER AFFIDAVIT ON BEHALF
OF RESPONDENT NO. 1

Debolina Chakraborty
Advocate, High Court, Calcutta
6, Haralal Mitra Street, Kolkata- 700003.
9831968379 (M)

Email : advdebolinachakraborty1013@gmail.com