

BEFORE THE HON'BLE NATIONAL GREEN TRIBUNAL
 EASTERN ZONE BENCH AT KOLKATA
 ORIGINAL APPLICATION NO. 49/2024/EZ

In the mater of :

Ankur Sharma

..... Applicant

Versus

The State of West Bengal & Ors.

..... Respondents

**AFFIDAVIT-IN-REJOINDER ON BEHALF OF THE APPLICANT TO
 THE AFFIDAVIT DATED 09.07.2024 FILED ON BEHALF OF THE
 RESPONDENT NO. 11**

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1.	Rejoinder		



Ankur Sharma

Ankur Sharma

(Applicant in person)

Mob: 9433883322

Email: Adv.ankursharma

9@gmail.com

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Versus

The State of West Bengal & Ors.

..... Respondents

SL NO 22-1149/2024

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THE AFFIDAVIT DATED 09.07.2024 FILED ON BEHALF OF THE
RESPONDENT NO. 11**

I, Ankur Sharma, the Applicant aged about 27 years by occupation Advocate residing at 13/3, Dr. P. K. Banerjee Road, Howrah - 711101 do hereby solemnly affirm and state as under :

1. I am the Applicant in the abovementioned Original Application. I have received a copy of the Affidavit filed on behalf of the Respondent no. 11 affirmed on 09.07.2024. I have gone through the contents and purports of the Affidavit (hereinafter for the sake of brevity referred to as the 'said Affidavit'), and I am making the present Affidavit in Rejoinder thereto.



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2. I deny the contents and averments made in the Affidavit on behalf of the Respondent No. 11 those are contrary to and/or inconsistent with anything stated in the abovementioned Original Application and the present Affidavit in Rejoinder.
3. At the outset I say the following :
4. That the Committee constituted by the Hon'ble Tribunal visited the site in question on 25.06.2024 and found serious violations of environmental norms. The Affidavit of the West Bengal Pollution Control Board dated 28.10.2024 containing the report of the Committee constituted by this Hon'ble Tribunal, inter alia, reveals the following :
- i. That storm water drains in the KLC were found carrying untreated effluents, presence of greyish, turbid effluent in the storm water drains indicating unauthorized / direct discharge of tannery effluents into storm water drains bypassing the CETP and eventually to the Basanti canal ;
 - ii. That the treated effluents from the CETP is not complying with the prescribed standards for TSS and TDS. On the day of inspection only module no. 5 (out of total 8 modules) of 5 MLD capacity was in operation, CETP was not treating the entire effluent that was being received.
 - iii. Not all the effluents generated by the tanneries was reaching CETP with some being discharged directly



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through storm water drains, as seen from the coloured turbid appearance as well as the analysis results.

- iv. Leather pieces were seen in the CETP inlet causing clogging of screens. The CETP is designed to receive only pretreated tannery effluent and domestic effluent. Presence of leather pieces in the influent suggests that storm water run off carrying leather pieces is either being pumped to the CETP or are getting mixed with pretreated or domestic effluent enroute transportation to the CETP.
- v. There are 10 Effluent Pumping Station (EPS) units designed to channel effluent from tanneries to the CETP. However, the CETP was not receiving the designed load (20 MLD for four modules) which may be attributed to poor networking, clogging or leakage of pipe lines, and/or unauthorised direct illegal discharge in EPS or by individual units bypassing EPS.
- vi. Effluent discharge through storm water canal indicates that tannery units might be using more water than permitted or processing more hides than their consented capacity. This suggests, there is a need for metering water consumption to prevent excess groundwater extraction and wastewater generation.



The leather processing activities at KLC are highly water-intensive, with groundwater being the primary

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source. As per the initial planning the overhead tanks were built with pumping facilities to supply ground water centrally to the individual units. In spite of that most individual units withdraw groundwater through own borewells claiming that the centralised water supply is inadequate. Therefore, the implementation of consent conditions limiting the water consumption up to 30m³/tonne of raw hide processed is not monitorable without having in line flow meters at each point of extraction.

- viii. As per documents from SWID, permissions have been given to 27 individual units and 27 borewells to M/s. M.L. Dalmiya & Co Ltd. to extract ground water.
- ix. The CETP is equipped with an OCEMS device for modules 5, 6, 7, and 8 connected to the Central Pollution Control Board (CPCB) server. However, the last data received was on 27th June 2022. Since then, it appeared offline. Last direction was issued by WBPCB during the hearing conducted on 22/06/2023 wherein it was decided that KMDA will ensure online flow monitoring and transmission of inlet and outlet OCEMS data of the new modules of the CETP to WBPCB.
- x. The absence of flow meters at the CETP inlet further complicates the monitoring of incoming flow, and the existing system might get upset due to the variation of incoming load.



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- xi. There was no mechanism to measure the flow at the inlet or the outlet despite decision was made during the hearing conducted by WBPCB on 22nd June, 2023. The Kolkata Metropolitan Development Authority (KMDA) has still not implemented online flow monitoring and transmission devices at the CEIP inlet and outlet.
- xii. Waterlogged areas were observed near some tannery clusters within the complex, leading to generation of foul smells and potential environmental harm, indicating spillage and/or pipeline leakage of untreated effluent.
- xiii. It was observed that some of the areas are without boundary wall posing threat to security.
- xiv. The Joint Committee randomly inspected M/s Pious Leather tannery to understand the Primary Effluent Treatment Plant (PETP) system installed in the individual tannery.
- xv. It was found that in the PETP the concentration of Chromium (Cr) higher at outlet than inlet which may be due to mixing of Cr bearing effluent and other effluent generated in intermittent batch process. The proper segregation of effluent and continuous operation of PETP may resolve this problem.



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xvi. Green belt developed within the project site was extremely poor. All the ECs mandate the development of green belt in the project site. However, except for plantation in the main approach road trees were hardly visible in the project site.

5. All the allegations made by the Applicant have been corroborated in the Affidavit of the West Bengal Pollution Control Board dated 28.10.2024 containing the report of the Committee.

6. Now I shall deal with Affidavit in seriatim :

7. As regard paragraph no. 1 & 2 of the said Affidavit I say that the same does not require any specific reply.

8. As regard paragraph no. 3 of the said Affidavit I deny and dispute all contents, contentions, averments statements and allegations made therein.

9. As regard paragraph no. 4 (i), 4(ii), 4(iii), 4(iv), 4(v) and 4 (vi), 4 (vii), 4 (viii), and 4 (ix) of the said Affidavit I deny and dispute all contents, contentions, averments statements and allegations made therein. On contrary, I say that the photographs annexed with the Original Application, and the report of the Committee filed on Affidavit dated 28.10.2024 by West Bengal Pollution Control proves that gross pollution is being caused by Kolkata Leather Complex. As regards the question on discharge of effluents generated from KLC into Bidyadhari river I rely upon point no. 1.2.2 (page no. 617) of the report of the Committee which clearly says that Basanti Canal flows into Vidyadhari River.



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The river ultimately leads into the Sundarbans. The report further says that there is potential risk for the Vidyadhari River and the Sundarbans to become significantly polluted if the tannery effluent released by KLC members without being adequately treated both at the primary and secondary levels onsite and at the CETP.

10. As regard paragraph no. 4 (x) of the said Affidavit I deny and dispute all contents, contentions, averments statements and allegations made therein. I deny that the Applicant is also guilty of abusing some of the photographs of unidentified location other than CLC. On contrary, I say that contradictory statement has been made by the Deponent of the said Affidavit, in the first lines of paragraph no. 4(x) of the said Affidavit the Deponent is saying that the photographs are of unidentified locations other than CLC and in the next line the Deponent is stating that water-logging shown in the tannery zone of CLC. The menace of water-logging has been confirmed by the Committee Report.

11. As regard paragraph no. 4 (x) (a) of the said Affidavit I deny and dispute all contents, contentions, averments statements and allegations made therein. On contrary, I say that the complaints against Kolkata Leather Complex in the Original Application are all endorsed by the report of the Committee constituted by this Hon'ble Tribunal as has been annexed to the Affidavit affirmed on 28.10.2024 on behalf of West Bengal Pollution Control Board. I am inclined to rely upon the said Affidavit. Workers strike, etc. as narrated are just an excuse and their administrative issues that too existed only upto end of 2023 as alleged.



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12. As regard paragraph no. 4 (xi) and 4 (xii) of the said Affidavit I deny and dispute all desperately false contents, contentions, averments statements and allegations made therein. On contrary, I say that the Applicant has moved many Applications before this Hon'ble Tribunal and before the Hon'ble High Court at Calcutta against destruction of the environment by real estate projects. I also say that the Applicant is not against any particular industry but is against pollution caused by KLC, no prayer has been made in the Original Application praying for shutting down KLC. The Applicant has also highlighted the importance of industries in paragraph no. 28 of the Original Application.
13. As regard paragraph no. 4 (xiii) of the said Affidavit I deny and dispute all contents, contentions, averments statements and allegations made therein. On contrary, I say that the complaints against Kolkata Leather Complex in the Original Application are all endorsed by the report of the Committee constituted by this Hon'ble Tribunal as has been annexed to the Affidavit affirmed on 28.10.2024 on behalf of West Bengal Pollution Control Board. I am inclined to rely upon the said Affidavit.
14. As regard paragraph no. 4 (xiv) of the said Affidavit I deny and dispute all contents, contentions, averments statements and allegations made therein. On contrary, I say that any possible business nexus with, apathy once shown, transactions had or foiled and break up finally by and between Respondent No. 11 and said Shri Subhas Dutta has no relevance in the present context, and have been brought in on affidavit only as an imprudent hasty malicious attempt of connecting the Applicant falsely with one who once might have harmonious relationship

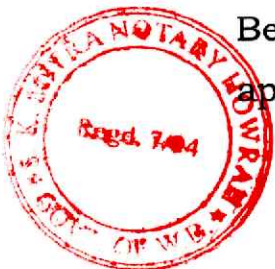


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with Respondent No. 11. I crave leave of the Hon'ble Tribunal to pass an order for a deep rooted investigation by Enforcement Directorate of the Central Government into the allegations raised which in all probability will unearth true nature and extent of possible transactions in cash or kind Respondent No. 11 once had with said Shri Dutta.

15. As regard paragraph no. 4 (xv) of the said Affidavit I deny and dispute all contents, contentions, averments statements and allegations made therein. On contrary, I say that the complaints against Kolkata Leather Complex in the Original Application are all endorsed by the report of the Committee constituted by this Hon'ble tribunal as has been annexed to the Affidavit affirmed on 28.10.2024 on behalf of West Bengal Pollution Control Board. I am inclined to rely upon the said Affidavit. The report categorically states that SWID has granted permission for groundwater extraction for only 27 units and 27 nos. of permissions to M/s. M L Dalmiya & Co. totaling to 54 nos. only. However, there are about 350 active tanneries within the KLC, the report further says that there is excess extraction of groundwater by tanneries located within KLC. The report further says that during inspection only one module of 5 MLD was in operation and that it was unable to treat entire effluent generated by the tanneries.

16. As regard paragraph no. 4 (xvi) of the said Affidavit I deny and dispute all contents, contentions, averments statements and allegations made therein. On contrary, I say that the SEIAA, West Bengal erred in granting EC for expansion of KLC without appreciating the fact that KLC is an environmental mess and is



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grossly flouting environmental norms and laws, without ensuring that the conditions of the previous EC are properly complied with. SEIAA, West Bengal resorted to grant EC for further expansion which is morally incorrect.

17. As regard paragraph no. 4 (xvii), 4 (xviii), 4(xix) and 4 (xx) of the said Affidavit I deny and dispute all contents, contentions, averments statements and allegations made therein. On contrary, I say that the statements made therein is only an attempt of passing the buck and needs be countermand in toto. I deny that the Application is otherwise bad and barred by limitation and the same is liable to be dismissed with exemplary cost.

18. As regard paragraph no. 5(i) and 5(ii) of the said Affidavit I deny and dispute all contents, contentions, averments statements and allegations made therein. On contrary, I say that though KLC was established to curb pollution by tanneries yet due to inaction and lackadaisical approach of the statutory authorities KLC is causing environmental degradation and posing threat to the ecology of the East Kolkata Wetlands and the Sundarbans both being RAMSAR sites. On the other hand Respondent No. 11 is admittedly a Company within the scope of Companies Act 1956. Only by production of their Article of Association (AoA) with the RoC can prove the paramount object of forming the company.

19. As regard paragraph no. 5 (iii) of the said Affidavit I deny and dispute all contents, contentions, averments statements and allegations made therein. On contrary, I say that no agreement can empower Respondent No. 11 to devastate the environment as



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elaborated in the Original Application. Hence, by discussing on any alleged agreement of 2005 the Respondent No. 11 otherwise trying to impress that Government of West Bengal has endorsed their acts of devastation of the environment. It is unfortunate that present state of the state of West Bengal is such that not only flouters of law but also proclaimed criminals are relying upon apathy of public servants who welcome severe incidents involving general law and order and even environment with impact on climate of the state making future of human lives in the state intolerable and paralytic permanently.

20. As regard paragraph no. 5 (iv) of the said Affidavit I deny and dispute all contents, contentions, averments statements and allegations made therein. On contrary, I say that the Deponent might not have received any statutory notice because of the apathetic approach adopted by functionaries of the state government occupying high places as described in the foregoing paragraph. This is how the flouters law in the state feeling comfortable and joyous of their acts of flouting laws.

21. As regard paragraph no. 5 (v) of the said Affidavit I deny and dispute all contents, contentions, averments statements and allegations made therein. On contrary, I say that the complaints against Kolkata Leather Complex in the Original Application are all endorsed by the report of the Committee constituted by this Hon'ble tribunal as has been annexed to the Affidavit affirmed on 28.10.2024 on behalf of West Bengal Pollution Control Board. I am inclined to rely upon the Affidavit filed by report of the Committee which elaborately discloses to what extent Respondent Association is reluctant in fulfilling statutory



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requirements and guidelines prescribed by law in force and the authorities under environment laws.

22. As regard paragraph no. 5 (vi), 5 (vii) and 5 (viii) of the said Affidavit I deny and dispute all contents, contentions, averments statements and allegations made therein. On the contrary, I say that Respondent's contribution in bringing growth in the leather sector earning increasing foreign exchange revenue etc. or their incurring hundreds of crores of rupees in last two decades are not subject matter of the Original Application. I have already relied upon the report of report of the Committee in the foregoing paragraph that reflected true position how Respondent has taken care of environment around the complex.
23. As regard paragraph no. 5 (ix) of the said Affidavit I say that the statements made therein have no bearing with the instant case.
24. As regard paragraph no. 5 (x) of the said Affidavit I say that no prayer has been made for relocation of KLC. I tender my thanks to the Deponent of the said Affidavit for admitting on affidavit that East Calcutta Wetlands is "no construction" zone.
25. As regard paragraph no. 5 (xi) of the said Affidavit I deny and dispute all contents, contentions, averments statements and allegations made therein. On contrary, I say that had the Deponent any knowledge about my standing before this Hon'ble Tribunal on subjects involving environment he would not have attached any blame of me of benefiting land sharks, rather he has



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the liberty wide enough to sue any land shark polluting environment anywhere in the state including CLC.

26. As regard paragraph no. 5 (xii) of the said Affidavit I deny and dispute all contents, contentions, averments statements and allegations made therein. On contrary, I say that the report of the Committee confirms that there is deficit tree plantation within KLC.
27. As regard paragraph no. 5 (xiii) of the said Affidavit I say that it is good that the Deponent aborted an alleged attempt of encroachment of a water body.
28. As regard paragraph no. 5 (xiv) of the said Affidavit I deny and dispute all contents, contentions, averments statements and allegations made therein. On contrary, I say that the report of the Committee upon due inspection at the site proves that KLC is grossly polluting the environment. Hence, anything merely written on pen and paper that too in or about 2016-17 cannot be relied upon.
29. As regard paragraph no. 5 (xv), 5 (xvi), 5 (xvii) and 5 (xviii) and 5 (xix) of the said Affidavit I deny and dispute all contents, contentions, averments statements and allegations made therein. On contrary, I say that the complaints against Kolkata Leather Complex in the Original Application are all endorsed by the report of the Committee constituted by this Hon'ble Tribunal as has been annexed to the Affidavit affirmed on 28.10.2024 on behalf of West Bengal Pollution Control Board. I am inclined once afresh to rely upon the said Affidavit. **30 NOV 2024**



30. As regard paragraph no. 5 (xx) of the said Affidavit I deny and dispute all contents, contentions, averments statements and allegations made therein. On contrary, I say that the report of the Committee categorically states that TDS was 6736 mg/l as against 2100 mg/l stated in the CTO. This is how the Respondent is endeavoring in that direction.
31. As regard paragraph no. 5 (xxi) of the said Affidavit I deny and dispute all contents, contentions, averments statements and allegations made therein. On contrary, I say that all big words stated in 5 (xxi) viz. "process of adopting", "scalable pilot projects", "constructive initiatives taken" etc. add no value more because plain look within KLC reveals a hell like situation. Nothing stated by Respondent in their affidavit has any reflection in the report of report of the Committee constituted by the Hon'ble Tribunal.
32. As regard paragraph no. 6 and 7 of the said Affidavit I deny and dispute all contents, contentions, averments statements and allegations made therein. On contrary, I say that the Deponent is put to the strictest proof of even imaginary nexus of any so called mentor that the Applicant may have anywhere in the state of West Bengal, Applicant is only 27 years of age. Hence, question of not lodging complaint against KLC in last 20 years does not arise. Applicant supports contention of deponent regarding rapid urbanization around KLC. Such urbanization should stop.
33. As regard paragraph no. 8 of the said Affidavit I say that the Applicant was not aware that Principal Secretary to the



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Government of West Bengal, MSME&T Department is nodal officer of KLC. Hence, did not add him as a party.

34. As regard paragraph nos. 9, 10, and 11 of the said Affidavit I deny and dispute all contents, contentions, averments statements and allegations made therein. On contrary, I say that the complaints against Kolkata Leather Complex in the Original Application are all endorsed by the report of the Committee constituted by this Hon'ble Tribunal as has been annexed to the Affidavit affirmed on 28.10.2024 on behalf of West Bengal Pollution Control Board. I am inclined to rely upon the said Affidavit.
35. As regard paragraph no. 12 of the said Affidavit I deny and dispute all contents, contentions, averments statements and allegations made therein. On contrary, I repeat and reiterate the statements made in paragraph no. 9 of the Original Application. It is imprudent for the Applicant to discuss alleged events and/or non-events of last two decades as he is only 27 years old by now.
36. As regard paragraph no. 13 of the said Affidavit I deny and dispute all contents, contentions, averments statements and allegations made therein. On contrary, I say that the complaints against Kolkata Leather Complex in the Original Application are all endorsed by the report of the Committee constituted by this Hon'ble Tribunal as has been annexed to the Affidavit affirmed on 28.10.2024 on behalf of West Bengal Pollution Control Board. I am inclined to rely upon the said Affidavit. The Applicant came across such news article only while after searching for details of KLC over the internet after observing serious environmental



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violations, at the material time of publication of the news article the Applicant was only 10 years old.

37. As regard paragraph nos. 14 & 15 of the said Affidavit I deny and dispute all contents, contentions, averments statements and allegations made therein. On contrary, I say that the complaints against Kolkata Leather Complex in the Original Application are all endorsed by the report of the Committee constituted by this Hon'ble Tribunal as has been annexed to the Affidavit affirmed on 28.10.2024 on behalf of West Bengal Pollution Control Board. I am inclined to rely upon the said Affidavit. I specially deny and dispute the logic of renewing Consent to Establish and Consent to Operate on alleged regular basis, more because the report of the Committee constituted by the Hon'ble Tribunal itself speaks otherwise, canvassing that such renewals are being obtained illegally. It is denied that the photographs annexed with the Original Application are not of KLC area.

38. As regard paragraph no. 16 of the said Affidavit I deny and dispute all contents, contentions, averments statements and allegations made therein.

39. As regard paragraph no. 17 of the said Affidavit I deny and dispute all contents, contentions, averments statements and allegations made therein. On contrary, I say that the Respondent is put of strictest proof of the 'mentor theory' once again simply to misguide the Hon'ble Tribunal on concocted aspersions which is otherwise a clear case of defaming Your Applicant as their last recourse. The Applicant has or never had any business with any pending legal proceeding against any alleged and imaginary



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mentor where law will take its own course without hindering any possible result of the present Application.

40. As regard paragraph nos. 18 and 19 of the said Affidavit I deny and dispute all contents, contentions, averments statements and allegations made therein. The Respondent by importing the fact of same political party in U.P. and in the Central which resulted into shutting down of erring tanneries in Kanpur causing pollution and flouting environmental norms due to constant vigil of environmental bodies of two governments of the same political party, also admitted the fact of their rehabilitation in a hub for freedom of illegalities.
41. As regard paragraph no. 20 of the said Affidavit I deny and dispute all contents, contentions, averments statements and allegations made therein. On contrary, I reiterate that CETP is not properly functional nor tanneries within KLC are maintaining environmental norms.
42. As regard paragraph nos. 21 and 22 of the said Affidavit I deny and dispute all contents, contentions, averments statements and allegations made therein. On contrary, I repeat that untreated effluents discharged by KLC flows into Bidyadhari river through Karaidanga or Basanti Canal which ultimately drains such effluents near Sundarbans. This is corroborated also in the report of report of the Committee constituted by the order of this Hon'ble Tribunal.



As regard paragraph nos. 23, 24, 25, and 26 of the said Affidavit I deny and dispute all contents, contentions, averments

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statements and allegations made therein. On contrary, I say that the complaints against Kolkata Leather Complex in the Original Application are all endorsed by the report of the Committee constituted by this Hon'ble Tribunal as has been annexed to the Affidavit affirmed on 28.10.2024 on behalf of West Bengal Pollution Control Board. I am inclined to rely upon the said Affidavit.

44. As regard paragraph no. 27 of the said Affidavit I deny and dispute all contents, contentions, averments statements and allegations made therein. On contrary, I say that the Deponent of the said Affidavit is silent about "different direction" where Basanti or Karaidanga Canal flows where effluents are discharged first. The reason being everybody's guess.
45. As regard paragraph nos. 28 to 37 of the said Affidavit I deny and dispute all contents, contentions, averments statements and allegations made therein. On contrary, I say that these are all routine denials and not specific. Hence, newer comment is warranted in the circumstance. I still hold that the report of the Committee is a complete document as to state of affairs in KLC.
46. As regard paragraph no. 38 of the said Affidavit I say that the same does not require any specific reply.



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In view of what is stated herein above, I humbly pray before this Hon'ble Tribunal to pass necessary orders.

Solemnly affirmed at Howrah

On this 30th day of November, 2024

Ankur Sharma

Applicant

Identified by
Ayushi Kakarasia
F/498/37/202

VERIFICATION

I, Ankur Sharma, the abovenamed Applicant do hereby verify that the contents of the above Affidavit in Rejoinder are true and correct to the best of my knowledge, no part of it is false and nothing material has been concealed there from.

Verified at Howrah on this day of 30th day of November, 2024.

Ankur Sharma

Applicant



SOLEMNLY AFFIRMED & DECLARED
BEFORE ME ON IDENTIFICATION.

SRIYAMAL SR. MITRA
NOTARY HOWRAH

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