

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

O.A. No. 155/2024/EZ

IN THE MATTER OF:

SALBONI APARTMENT OWNER'S ASSOCIATION ... APPELLANT(S)

VERSUS

STATE OF WEST BENGAL & ORS. ...RESPONDENTS(S)

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Through :

Ashok Prasad
(Ashok Prasad)

Advocate,
Counsel for U.O.I.

Place : KOLKATA

Dated : 18/12/24

18 DEC 2024

96 18.12.2024
S. No. 96 18.12.2024

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**COUNTER AFFIDAVIT / REPLY FOR AND ON BEHALF OF THE
RESPONDENT NO. 4**

MOST RESPECTFULLY SHOWETH:

I, Shri Abhay Kumar, Son of Shri Ashok Kumar Verma aged about 33 Years, employed / appointed as presently posted as a Sr. Divisional Engineer-1, Eastern Railway, Sealdah Division, Sealdah, do hereby solemnly affirm and declare as under:-

1. That I am well conversant with the facts and circumstances of the case, and as such, I am duly authorized and competent to swear this affidavit on behalf of R-4, hereinafter referred to as Answering Respondent in the above matter.



2. That I have read and understood the original application and have been advised to traverse by way of this Counter Affidavit as reply thereto.

3. That have and except those which are matter of record and those which are specifically admitted hereto the contents of the OA that have not been specifically admitted hereunder or are a matter of record be deemed denied.

4. That the deponent craves liberty to raise additional submission or file supplementary affidavits in case need arises during the course of arguments.

PARA-WISE REPLY

5. That the averments made under Paras 1 to 4 are relating to matter of record and hence, do not warrant any reply from this answering respondent(s) in the present Original Application. Hence, need no comments from answering Respondent(s).

6. That with regards to the para 5 of the original application, it does not pertain to answering respondent(s) hence, does not warrant any reply.



7. That with regards to the paras 6 of the original application, it is humbly submitted that the no objection was issued on 27.01.2023 based on railway board's No. PMOPG/E/2023/0021374 Dated 24.01.2023. Further a Joint survey was conducted on 19.08.2024 and the survey was conducted based on Railway Land Plan No. CE/LP 540/3 of 2-3 Mile.

A copy of the NOC letter dated 27.01.2023, Joint Survey Report, with Railway Land Plan are annexed here and Collectively Marked as Annexure- R-1.

8. That with regards to the paras 7 to 15 of the original application, it does not pertain to answering respondent(s) hence, does not warrant any reply.

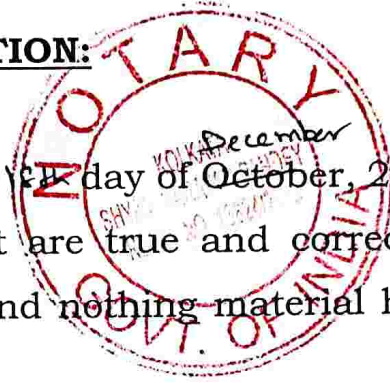
8. In the light of aforesaid facts and circumstances, Hon'ble Tribunal may Pass such other order as may be deemed fit and proper in the interest of justice.



Ashay kumar
Sr. Divisional Engineer (1)
पूर्व रेलवे, सियालदह
E. Railway, Sealdah

VERIFICATION:

Verified at Kolkata, on this the ~~12~~ ¹⁸ day of October, 2024 that the contents of the above Affidavit are true and correct to my knowledge. No part of it is false and nothing material has been concealed there from.



Abhay Kumar
Sr. Divisional Engineer (1)
पूर्व रेलवे, सुपुलिस
E. Railway, Su...

DEPONENT

Identified by me

Aswathan

Advocate

**Solemnly Affirm & Declared
Before Me on Identification
of Ld. Advocate**

Shyam Narayan Pandey
**SHYAM NARAYAN PANDEY
NOTARY, GOVT. OF INDIA
REGN. NO. 12824/2018**

18.12.2024

18 DEC 2024

Annex-I (Copy)

6.

CPGRAM Registration No.PMOPG/E/2023/0021374.

In connection with the above, previously one NOC was seeking by Councilor, Ward No.3, Kolkata Municipal Corporation for renovation of Lake. Accordingly, Railway authority has given NOC with the following observations-

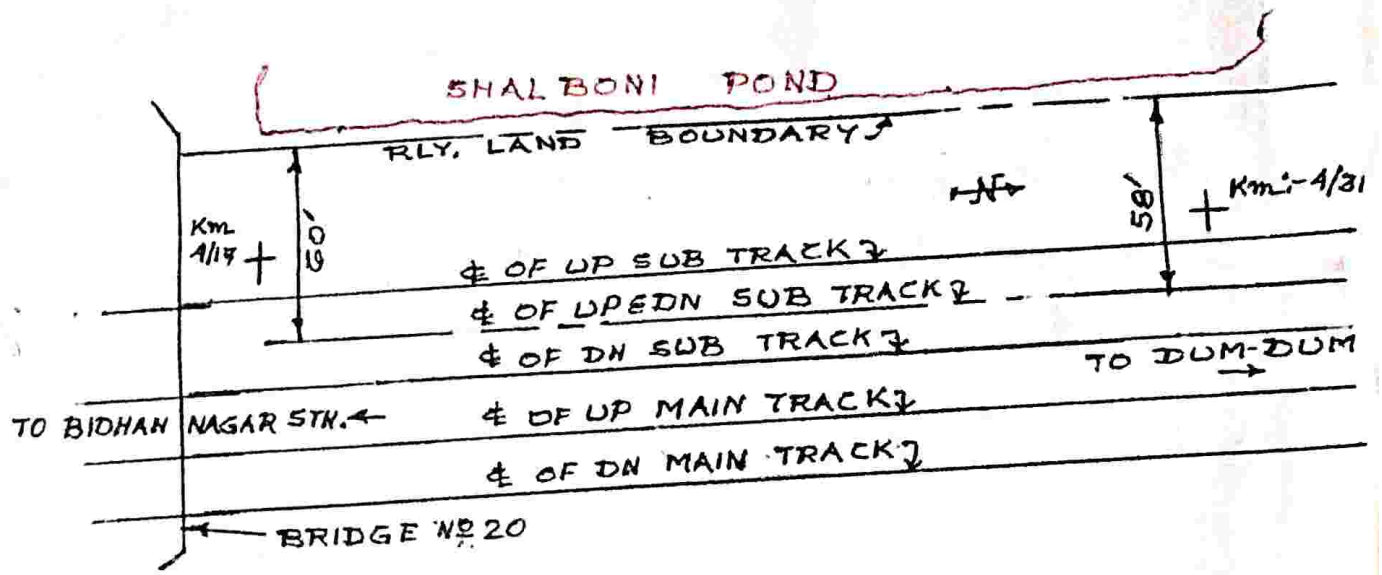
- i) The area of the Lake on Railway land by no way should be disturbed.
- ii) There safety and security of Railway assets should be ensured.
- iii) The desilting work has to be carried out under supervision of Assistant Engineer, Sealdah and Sr.Section Engineer/Works, Eastern Railway, Barrackpore.
- iv) The renovation work of the Lake by no way should effect Railway track, Post, Pillars and land marks available.
- v) The title of the Lake as well as Railway land surrounding the Lake shall be with Railway.
- vi) No permanent or temporary structure should be erected on the Railway land as well as the pond.
- vii) The muck and mud obtain after cleaning and desilting of Lake should not be dumped on Railway or beside Railway Track.
- viii) The area should not be issued for any Commercial purpose.

Kashish
4.7.23
Sr.Divl. Engineer, I,
Eastern Railway, Sealdah.

JOINT NOTE

DATE: -19.08.2024.

7.



Sub: - Demarcation of land boundary of Rly inbetween Km: 2 to 3 mile, the undersigned jointly inspected and measured site at Km:-4/17 to Km:-4/31 near Bridge NO. 20 adjacent to Shalboni pond.

Bidhannagar Stn and Dum-Dum In. and found the Shalboni Pond is Red colour. This site is surveyed as per Rly. land plan NO. ~~540~~ $\frac{CE}{LP} \frac{540}{3}$

2-3 mile. But during joint inspection the representative of State Authority such as KMC Surveyor and local police were.

19.08.24
 (Shiv Prasad Rajak)
 SSE/WORKS/BP
 E. RAILWAY.

Sinha
 19.08.2024
 (SOUMYADEEP SINHA)
 SSE/DRG/LAND/SDAH
 E. RAILWAY.

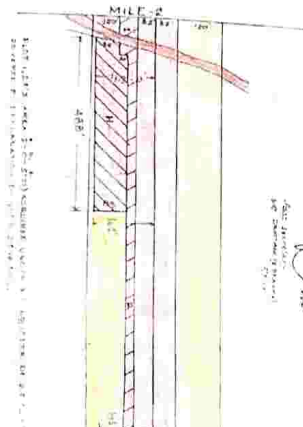
CE 540
LP 2

THE LAND AT SHOWN IN THIS PLAN IS THE PROPERTY OF THE
STATE OF MICHIGAN AND IS BEING OFFERED FOR SALE BY
PUBLIC AUCTION ON THE 15th DAY OF MARCH 1915.

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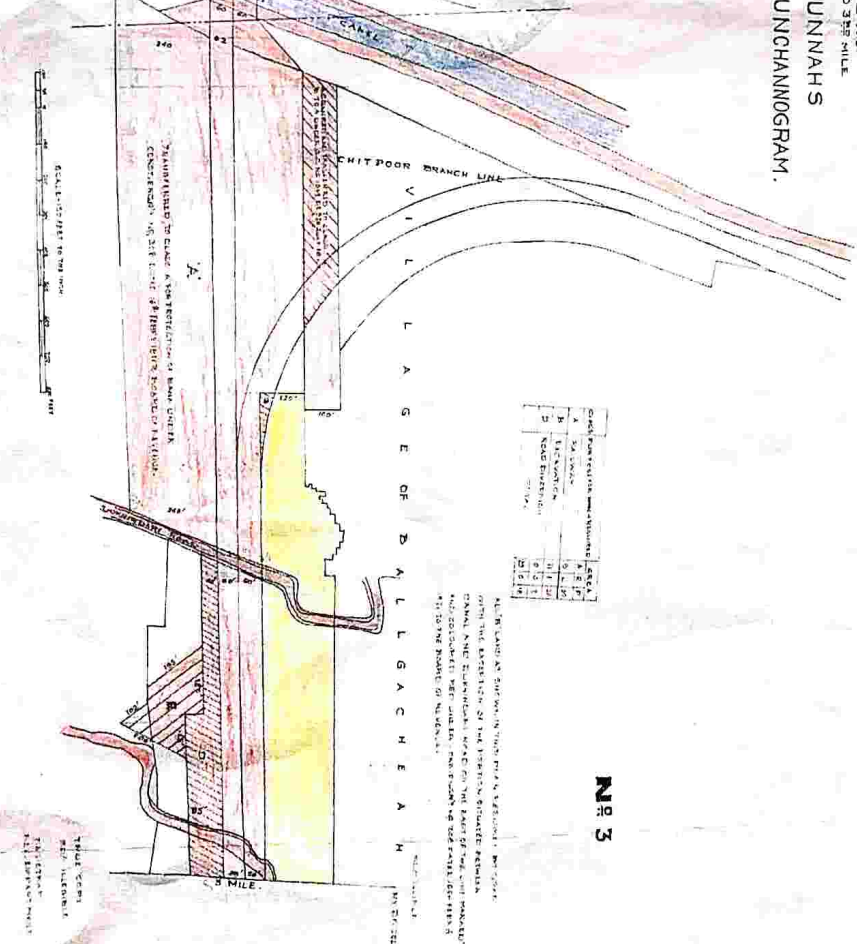
THE LAND AT SHOWN IN THIS PLAN IS THE PROPERTY OF THE
STATE OF MICHIGAN AND IS BEING OFFERED FOR SALE BY
PUBLIC AUCTION ON THE 15th DAY OF MARCH 1915.



VILLAGE OF MARRICKTOWN
ON SECTION 24

CLASS	AREA
A. BUILT UP	1.15
B. UNBUILT	1.15
C. WATER	1.15
D. TOTAL	3.45

E.B.R.
2 1/2 TO 3 1/2 MILE
ZILLA 24 HERGUNNAH
DEHEE PUNCHANNODGRAM.



VILLAGE OF DALLGACHAN
ON SECTION 24

CLASS	AREA
A. BUILT UP	1.15
B. UNBUILT	1.15
C. WATER	1.15
D. TOTAL	3.45

NR 3

VAKALATNAMA

In the

Suit Case No.

of 20

Signature

-Versus -

Plaintiff
Applicant
Appellant

Defendant
Opp. Party
Respondent

KNOW ALL MEN by these

that I/We

do hereby in my/our name and my/our behalf constitute and appoint Sri ASHOK PRASAD ADVOCATE High Court, Calcutta true and lawfull pleader/Advocate & attorney to appear and act for me/us in the matter noted above to file suit written statement conduct suit appeal from original suit order etc. and for that purpose to do all acts and thinks, whatsoever in that connection including compromise of the above matter depositing in or withdrawing money from filling or taking out of appear, document and payment order from Court referring matter in dispute between the parties here to arbitration released from attachment filling execution or miscellaneous cases and other petitions belding at execution sale, obtaining payment from us out of court withdrawing custody and other fees and doing on my/our behalf such other acts in the above matters as are necessary and proper

I/We hereby agreeing to ratify and confirm all acts so done by the said Advocate or attorneys as my/our own acts and as if done by my/us to all Intents and purposes.

Date.

ADVOCATE

*Vakalatnama
Received and accepted
Ashok Prasad
Advocate
9883089407*

Ashok Kumar
Sr. Divisional Engineer (I)
पुणे रेलवे, वियालपड
C. Bellary, Secidah