

Before the Hon'ble National Green Tribunal  
Eastern Zone Bench, Kolkata  
Original Application No. 203/2024/EZ  
In the matter of :-



Mr. Arindam Lahiri.

.... Applicant

-Versus-

West Bengal Pollution Control Board &  
Others.

.... Respondents

Counter Affidavit on behalf of the Respondent  
No. 4, Panihati Municipality  
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**Identified by me**

Filed by Soumyajit Bhatta,  
Soumyajit Bhatta. **Advocate**

Advocate

High Court, Calcutta,

Bar Association

Room No.-13

9830413068, 9874944303

[bhatta.soumyajit69@gmail.com](mailto:bhatta.soumyajit69@gmail.com)

*As him Kumar Das*

13 DEC 2024

Before the Hon'ble National Green Tribunal  
Eastern Zone Bench, Kolkata

Original Application No. 203/2024/EZ

In the matter of :-

Mr. Arindam Lahiri.

.... Applicant

-Versus-

West Bengal Pollution Control Board &  
Others.

.... Respondents

Counter Affidavit on behalf of the Respondent

No. 4, Panihati Municipality



I, Ashim Kumar Biswas, son of Late Khagendra Nath Biswas, aged about 62 years, by faith- Hindu, by occupation – Service in Panihati Municipality as Executive Officer, by Nationality Indian, residing at 41/16/A, Shibtala Road, P.O. Non Chandanpukur, P.S. Titagarh, District – North 24-Parganas, Pin- 700 122, do hereby solemnly affirm and say as follows :-

1. That I am working as Executive Officer since 14<sup>th</sup> December, 2023 of Panihati Municipality and as such I am well aware of the facts and circumstances the instant case. Upon proper enquiry from the department from which the instant application arises, I prepared a report with the help of the other concerned staff and sent to the District Magistrate. I have been also duly authorised to affirm this affidavit on behalf of the Panihati Municipality and I am competent to do so.
2. That a copy of a letter dated November 22, 2024 was served to the Municipality annexing order passed in the O.A by the Learned Advocate Debrup Chowdhury, High Court, Calcutta. After going through the order and necessary documents, I collected the copy of the O.A application and understood the contents of the instant case. Immediately thereafter I talk with my officer regarding the subject issue of the instant case, so

Sd/-  
Nov

Ashim Kumar Biswas

that I can deal with and prepare the counter affidavit in compliance of solemn order dated 03.10.2024. After collecting the copy of the Original Application, I proceed with the instant case upon discussion with the concerned department and Chairman of the Panihati Municipality.

Photo copy of Communication dated November 22, 2024, is annexed herewith and marked by the Letter - "A"

3. That this affidavit is filed in compliance to the solemn order dated 03.10.2024 passed by the Hon'ble National Green Tribunal, Eastern Zone Bench, Kolkata. I submit that there is no intentional laches and negligence on the part of the Municipality to discharge all duties to clear and remove the dump garbage and solid waste.
4. That in compliance of the order dated 03.10.2024, I prepared and communicated my report upon inspection into the spot in question and by taking necessary information, to the District Magistrate dated 04.12.2024 vide Memo. No. PM/Genl/Misc./2024-25/259, and the Municipality is very much in line with the concern and a rapid solution is in the pipeline in the Government scheme and once it is finalised it would resolve the said problem forever.

The Contents of the report is as follows;

"To

Date: 04.12.2024

The District Magistrate,  
North 24 Parganas, Barasat.

Subject: Q.A. No.-203/2024/EZ (Pending before the National Green Tribunal, Eastern Zone, Kolkata)

Mr. Arindam Lahiri

.....Applicant

VS-

WB Pollution Control Board & Others

.....Respondents

Sir.

*Spl. Mag. Bar*

*Ashim Kumar Biswas*



With reference to the aforesaid captioned subject matter regarding alleged dumping/accumulation of garbage including biomedical waste, solid waste, human waste etc which is lying on the said premises and degenerating the land day by day as alleged in the said O.A application in the Panihati Municipal area of ward no.-30, connecting/ beside Sodepur- Madhyamgram Road namely Basak Bedding site and other allegations/ statement made in the said petition, are partial true but not absolute.

In this context, a short notes in the shape of report are stated herein below for your kind information:-

- i) That the land in question is owned and being used by the Municipal authority for the public purpose and interest.
- ii) That Panihati Municipality and KMDA are taking a joint effort to resolve the acute problem having been faced regarding dumping of Municipal solid wastes at Ramchandrapur trenching ground due to agitation and resistance from "Bhagar Uchched Committee since 04-01-2024, dumping at Ramchandrapur Trenching ground, had been totally closed and as such, Panihati Municipality had no other alternative but to dump the MSW in makeshift or stop-gap arrangement in five temporary dumping location. The said alleged premises (dumping site) namely "Basak Bedding site" is one of such five locations.
- iii) That having space-crunch and on temporary basis fresh waste dumped at those five points, are being transported it to the Dhapa at KMC by dumpers each containing average of 10-12 MT MSW, where average 120-130 MT fresh waste per day produces under this ULB. Hence, as these places are having space-crunch and are on temporary basis, there would not be possible to be kept for long and as such these wastes are shifted elsewhere.
- iv) That Municipality with its own arrangement collect waste from all 35 wards for dumping at such five locations such as 1) Raja Road crossing on B. T. Road, 2) Infront of Duckback factory, 3) Go-shala point, 4) Basak Bedding on Sodepur Madhyamgram Road and 5) Amaravati Ground. Through Tender an agency namely Eastern Organic Fertilizer Pvt. has been engaged by KMDA for transporting



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PEV

Ashim Kumar Biswas

Municipal solid waste by tipper Trucks (dumpers) by means of loading and unloading round the clock from Panihati area to Dhapa dumping ground under KMC.

The complainant must acknowledge or made to be acquainted that lifting of daily wastes from the alleged point is lifted by dumpers on daily basis and again dumped at the same location on the very next day. In case of logistical problem or absence of transporting machinery for one day due to either festival holiday or no-entry embargo for administrative reasons, wastes get accumulated in that short-space which is made on purely temporary basis. Panihati Municipality is very much in line with the concern and a rapid solution is in the pipeline in the Govt. scheme and once it is finalised it would resolve the problem forever.

Executive Officer

Panihati Municipality"

Photo copy of the report dated 04.12.2024 is annexed herewith and marked by the Letter - "B".

5. With reference to the Statements made in paragraph Nos. I to VI of the said original application. I have no comments. But I may say that the Municipality and KMDA are taking joint efforts to resolve the acute problem having been faced regarding dumping of Municipal Solid wastes at Ramchandrapur Trenching Ground due to agitation and resistance from a committee and since 04.12.2024 dumping in Ramchandrapur Trenching ground had been totally closed and as such Municipality had no other alternative but to dump the MSW in makeshift or stop-gap arrangement in five temporary dumping location. The said alleged premises (dumping site) namely "Basak Bedding site" is one of such five locations.

6. With reference to the statements made in paragraph Nos. VII to VIII of the said application. I state that more of the statements are all matter of records and anything which are contrary to establish record is denied. The Municipality has taken the objection made by the applicants and others and on temporary



Sbhatta  
R/Sr

Ashim Kumar Biswas

basis fresh waste dumped at those five points, are being transported it to the Dhapa at KMC by dumpers each containing average of 10-12 MT MSW, where average 120-130 MT fresh waste per day produces under this ULB. Hence, as these places are having space-crunch and are on temporary basis, there would not be possible to be kept for long and as such these wastes are shifted elsewhere.

The Municipality with its own arrangement collects waste from all 35 wards for dumping at such five locations such as 1) Raja Road crossing on B. T. Road, 2) in front of Duckback factory, 3) Go-shala point, 4) Basak Bedding on Sodepur Madhyamgram Road and 5) Amaravati Ground. Through Tender an agency namely Eastern Organic Fertilizer Pvt. has been engaged by KMDA for transporting Municipal solid waste by tipper Trucks (dumpers) by means of loading and unloading round the clock from Panihati area to Dhapa dumping ground under KMC.

7. With reference to the statements made in other paragraphs, I deny and dispute such allegations made against the Municipality. Because Municipality is not only responsible for dumping the garbage, night soil carcasses etc. on the said premises. The Municipality is making their best efforts to clear the said premises and dumped garbage each and every day.
8. That the statements made in paragraph No. 1 to 7 are true to my knowledge, some statements made in those paragraphs derived from records which I verify belief to be true and the rest are my humble submission before this Hon'ble Tribunal.

*Ashim Kumar Biswas*

DEPONENT

Identified by me & prepared in  
my office

*Identified by me*  
*Souryjit Bhalla*

Advocate Advocate  
WB-774/2000

স্বাক্ষরিত এবং সত্যতা  
পূর্বক চিহ্নিতকরণ

*Plat*  
PARAMITA PAL  
City Civil Court  
Kolkata  
Reg. No. 083/2022

13 DEC 2024

Best date - 17/12/24  
Debrup Choudhury - 7 -

PM/LC/205/29 11/29

Annexure - A

Residence- P-17, C.I.T. Scheme VIII M, Ultadanga, Kolkata- 700067.  
(M)- 9475477771/8910287081  
E-mail- debrup66@gmail.com

Adv. 30  
Rabindranagar  
ADVOCATE  
HIGH COURT, CALCUTTA  
BAR ASSOCIATION ROOM NO. 2

Date: November 22, 2024

To,

1. The Chairman, West Bengal Pollution Control Board, having office at Paribesh Bhawan, 10A, Broadway Road, Block-LA, Sector- III, Bidhannagar, Kolkata, West Bengal, 700106;
2. The Senior Scientist and Incharge, Public Grievance Cell, West Bengal Pollution Control Board having office at Paribesh Bhawan, 10A, Broadway Road, Block-LA, Sector- III, Bidhannagar, Kolkata, West Bengal, 700106;
3. The Chairman, Panihati Municipality, having his office at Panihati, North 24 Parganas, Kolkata-700114, Email- www.panihatimunicipality@yahoo.co.in;
4. The District Magistrate, North 24 Parganas having its office at Katgola, Banamalipur, Barasat, Kolkata, West Bengal 700124.

Office of the Councillors  
of  
Panihati Municipality  
Panihati, North 24 Parganas  
RECEIVED  
Contents not Verified  
Receipt No. 19432  
Date 25.11.24  
Department Chairman  
Rm  
25/11



Re: Original Application No. 203/2024/EZ  
Mr. Arindam Lahiri  
versus  
West Bengal Pollution Control Board and Ors.

Dear Sir(s)/Ma'am(s),

This is for your information that my client abovenamed had filed the the aforementioned original application before the Hon'ble National Green Tribunal, Eastern Zonal Bench, Kolkata, West Bengal, Finance Centre, 3rd Floor, Newtown. Please be informed that the said matter was taken up by the Hon'ble Division Bench comprising of Hon'ble Mr. Justice B. Amit Sthalekar, Judicial Member and Hon'ble Dr. Arun Kumar Verma, Expert Member on 03.10.2024 whereby Their Lordships were pleased to pass an order dated 03.10.2024 directing the applicant to serve the copy of this application to necessary parties. Hence, please find enclosed herewith a copy of the order dated 03.10.2024 and the original application along with all annexures which will speak for itself.

Please be further informed that in terms of the order dated 03.10.2024, Their Lordships further directed the applicant to serve copy of the application along with all annexures to Mr. Dipanjan Ghosh, Learned Counsel appearing for addressee no. 1 and Mr. Sibojyoti Chakrabarti, Learned Counsel appearing for addressee no. 4 but as the contact details of the said Learned Counsels could not be traced out, therefore the original application along with all annexures is being served upon the respective respondents concerned given the fact that the said Learned Counsels had accepted the notice before the Hon'ble Tribunal in respect of the instant matter.

Lawyer  
To Mr. Soumyo Bhattacharya Advocate  
Please go through this copy of Order & prepare/finalise the Counter Affidavit of Municipality (E.O.) immediately.  
1/ Page  
04.12.24

Debrup Choudhury - 8-

ADVOCATE  
HIGH COURT, CALCUTTA  
BAR ASSOCIATION ROOM NO. 2

A  
Residence- P-17, C.I.T.  
Scheme VIII M, Ultadanga,  
Kolkata- 700067.  
(M)- 9475477771/89102870#1  
E-mail- debrup66@gmail.com

It is for your further information that the said matter will appear on 17.12.2024 before the Hon'ble National Green Tribunal, Eastern Zonal Bench, Kolkata, West Bengal, Finance Centre, 3rd Floor, Block- III, Action Area- II, Newtown, Pin Code- 700161 at 10:30 a.m. Your goodselves are further requested to do the needful in terms of the order dated 03.10.2024 and be present at the time of hearing on 17.12.2024 when the matter will be taken up for consideration at 10:30 a.m.

This is for your information and necessary action.

- Enc: 1. Order dated 03.10.2024;  
2. O.A. No. 203/2024/EZ along with  
all annexures;  
3. Notice of the Learned Registrar.

Yours Sincerely



Debrup Choudhury  
Advocate



- 9 -

A

[Corrected on 04.10.2024]

Item No.05

Court No.1

**BEFORE THE NATIONAL GREEN TRIBUNAL  
EASTERN ZONE BENCH, KOLKATA  
(THROUGH PHYSICAL HEARING WITH HYBRID MODE)**

Original Application No.203/2024/EZ

Mr. Arindam Lahiri

Applicant(s)

Versus

West Bengal Pollution  
Control Board & Ors.

Respondent(s)

Date of hearing: 03.10.2024

**CORAM: HON'BLE MR. JUSTICE B. AMIT STHALEKAR, JUDICIAL MEMBER  
HON'BLE DR. ARUN KUMAR VERMA, EXPERT MEMBER**

For Applicant(s) : Mr. Debrup Choudhury, Advocate a/w  
Mr. Dipankar Thakur, Advocate in person

**ORDER**

1. Heard Mr. Debrup Choudhury, learned Counsel assisted by Mr. Dipankar Thakur, learned Counsel is present in person for the Applicant.

2. The Original Application No.203/2024/EZ has been filed by the Applicant who is stated to be a resident of Sodepur, Barasat Road, Ward No. 30, Panihati Municipality, Rabindra Nagar, Post Office- Ghola Bazar, Sodepur, District- North 24 Parganas.

The allegation in the Original Application is that adjacent to his premises a vacant piece of land measuring about 600 square feet and there is a 30 feet wide road connecting Sodepur and Barasat via Madhyamgram.

4. The allegation is that sometime around 2018, the Panihati Municipality started dumping garbage including biomedical waste, solid waste, human waste, excrement, non-biodegradable plastic



waste, food waste, rotten waste materials, etc. which is lying on the premises and degenerating the land day by day. It is stated that a mass-complaint was made in this regard to the municipal authorities vide letter dated 04.07.2018 which was received by the municipal authorities on 05.07.2018 and they were requested to stop the garbage dumping activities and restore the land free of garbage.

5 It is alleged that till date nothing has been done and garbage is being dumped at the site in question which is breeding insects and mosquitoes and fouling the area, and degrading the land and soil making it difficult for the residents of the adjacent premises to live a healthy life particularly children and old people who are susceptible to diseases caused by environmental pollution. Photographs have been filed along with the Original Application which prima facie is testimony to the immensity of the environmental pollution alleged by the Applicant.

- 6. Matter requires consideration.
- 7. Issue notice to the Respondents, returnable within four weeks.
- 8. Mr. Dipanjan Ghosh, learned Counsel who is present in Court, accepts notice on behalf of the Respondent No.1, West Bengal Pollution Control Board.
- 9. Issue notice to the Respondent Nos.4 and 5, Panihati Municipality, Panihati, North 24 Parganas, Kolkata, returnable within four weeks.
- 10. We also direct that the District Magistrate, North 24 Parganas be impleaded in the array of Respondents as Respondent No.6.
- 11. Issue notice to the Respondent No.6, returnable within four weeks.



- 12. Mr. Sibojyoti Chakrabarti, learned Counsel who is present (in Virtual Mode), accepts notice on behalf of the Respondent No.6, District Magistrate, North 24 Parganas.
- 13. All the Respondents shall file their counter-affidavits within four weeks.
- 14. We direct that the Pollution Control Board shall also file its Inspection Report with its observations and removal measures. The Pollution Control Board shall also address itself to the question of siting criteria of the said garbage dumping ground.
- 15. The Applicant shall take steps for service of the copy of the Original Application and all its Annexures upon Mr. Dipanjan Ghosh and Mr. Sibojyoti Chakrabarti, Counsel for the Respondents as well as Respondent Nos.4, 5 and 6 and file affidavit of Service within one week.

~~16. List on 17.12.2024.~~

.....  
**B. Amit Sthalekar, JM**

.....  
**Dr. Arun Kumar Verma, EM**

October 03, 2024,  
Original Application No.203/2024/EZ  
OM



**BEFORE THE NATIONAL GREEN TRIBUNAL  
EASTERN ZONE BENCH, KOLKATA  
(Through Physical Hearing with Hybrid Mode)**

**Original Application No. 203/2024/EZ**

**Mr. Arindam Lahiri**

**Vs.**

**West Bengal Pollution Control Board & Ors.**

To,

**Panihati Municipality,**  
Through Executive Officer  
At - Barrackpore Trunk Road, Panihati,  
North 24 Paraganas, Pin - 700114  
Email: [panihatimunicipality@yahoo.co.in](mailto:panihatimunicipality@yahoo.co.in)

**(Respondent No. 4)**

**The Chairman**  
Panihati Municipality,  
At - Barrackpore Trunk Road, Panihati,  
North 24 Paraganas, Pin - 700114  
Email: [panihatimunicipality@yahoo.co.in](mailto:panihatimunicipality@yahoo.co.in)

**(Respondent No. 5)**

**NOTICE**

Whereas the above titled **Original Application No.203/2024/EZ** (Copy of Application & Order dated 03.10.2024 annexed) is listed on 17.12.2024 at 10.30 A.M. before the Hon'ble **National Green Tribunal**, Eastern Zone Bench at Finance Centre, 3rd Floor, Block III, Action Area-II, New Town, Kolkata (W.B)-700 161 for your appearance in person or by a pleader duly instructed.

2. Take Notice that in default of your appearance on the date above mentioned the said Application will be heard and determined in your absence.

3. Given under my hand and the seal of this Tribunal, this **18<sup>th</sup> Oct, 2024**.

Note: (For Orders, Cause Lists & Other information, please visit our website: [www.grcontribunal.gov.in](http://www.grcontribunal.gov.in))



  
**REGISTRAR**  
NATIONAL GREEN TRIBUNAL  
EASTERN ZONE BENCH KOLKATA

13-

Annexure - B

O.A. NO - 203/2024/EZ (Pending before the National Green Tribunal, Eastern Zone, Kolkata)  
From: panihati municipality (panihatimunicipality@yahoo.co.in)  
To: dnn24parganas@gmail.com  
Date: Wednesday 4 December, 2024 at 06:07 pm IST


Sir/Madam

Please see this attachment

Thanking you

Yours faithfully

Executive Officer  
Panihati Municipality

 O.A. NO - 2032024EZ (Pending before the National Green Tribunal, Eastern Zone, Kolkata).pdf  
753.4kB

Copy of Report



To  
Mr. Soumyojit Bhatta  
Advocate  
Please go this copy of Report  
Send through E-mail by the E.O. of Panihati  
Municipality on 04.12.24 to the D.M., Barasat,  
which will be make part of your drafting/Reporting  
the Affidavit of the Municipality, to be filed on  
at the N.G.T. Tribunal by you. The named address of the E.O.  
are written/stated at the back side of last page of it.  
07.12.2024



14 - B  
Office of  
The Municipal Councillors of  
Panihati

Panihati, North 24 Parganas, Pin - 700 114  
Website-www.panihatimunicipality.in  
E-mail - panihatimunicipality@yahoo.co.in  
Phone: 2553-2909; 2563-4457; Fax: 033-2553-1487

Date: 04.12.2024

No:PM/Genl/Misc./2024-25/259

To  
The District Magistrate,  
North 24 Parganas, Barasat.

Subject: O.A. No.-203/2024/EZ (Pending before the National Green Tribunal, Eastern Zone, Kolkata)

Mr. Arindam Lahiri .....Applicant

- VS -

WB Pollution Control Board & Others ..... Respondents

Sir,

With reference to the aforesaid captioned subject matter regarding alleged dumping/accumulation of garbage including biomedical waste, solid waste, human waste etc which is lying on the said premises and degenerating the land day by day as alleged in the said O.A application in the Panihati Municipal area of ward no.-30, connecting/ beside Sodepur- Madhyamgram Road namely Basak Beding site and other allegations/ statement made in the said petition, are partial true but not absolute.

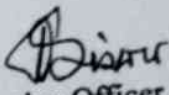
In this context, a short notes in the shape of report are stated herein below for your kind information:-

- i) That the land in question is owned and being used by the Municipal authority for the public purpose and interest.
- ii) That Panihati Municipality and KMDA are taking a joint effort to resolve the acute problem having been faced redarging dumping of Municipal solide wastes at Ramchandrapur trenching ground due to agitation and resistance from "Bhagar Uchched Committee" since 04-01-2024, dumping at Ramchandrapur Trenching ground, had been totally closed and as such, Panihati Municipality had no other alternative but to dump the MSW in makeshift or stop-gap arrangement in five temporary dumping location. The said alleged premeses (dumping site) namely "Basak Bedding site" is one of such five locations.
- iii) That having space-crunch and on temporary basis fresh waste dumped at those five points, are being transported it to the Dhapa at KMC by dumpers each containing average of 10-12 MT MSW, where average 120-130 MT fresh waste per day produces under this ULB. Hence, as these places are having space-crunch and are on temporary basis, there would not be possible to be kept for long and as such these wastes are shifted elsewhere.
- iv) That Municipality with its own arrangement collect waste from all 35 wards for dumping at such five locations such as 1) Raja Road crossing on B. T. Road, 2) infront of Duckback



factory, 3) Go-shala point, 4) Basak Bedding on Sodepur Madhyamgram Road and 5) Amaravati Ground. Through Tender an agency namely Eastern Organic Fertilizer Pvt. has been engaged by KMDA for transporting Municipal solid waste by tipper Trucks (dumpers) by means of loading and unloading round the clock from Panihati area to Dhapa dumping ground under KMC.

The complainant must acknowledge or made to be acquainted that lifting of daily wastes from the alleged point is lifted by dumpers on daily basis and again dumped at the same location on the very next day. In case of logistical problem or absence of transporting machinery for one day due to either festival holiday or no-entry embargo for administrative reasons, wastes get accumulated in that short-space which is made on purely temporary basis. Panihati Municipality is very much in line with the concern and a rapid solution is in the pipeline in the Govt. scheme and once it is finalised it would resolve the problem forever.

 04/12/2024  
Executive Officer  
Panihati Municipality  
Executive Officer  
Panihati Municipality



Executive Officer. - 16-

ASHIM KUMAR BISWAS  
S/O - Late Khagendra Nath Biswas.

Age - 63 yrs.

Addr: 41(16/A), Shibtala Road.

P.O - Nona-chandanpukur

Dist - N. 24 Pgs.

Pin - 700122

For filing Affidavit of the  
Paschim Municipality.

