

BEFORE THE HON'BLE NATIONAL GREEN TRIBUNAL
EASTERN ZONE BENCH, KOLKATA,
West Bengal Finance Centre, 3rd Floor, New Town

O.A No. 61 of 2024/EZ;

IN THE MATTER OF:

Hitesh Sharma

..... Applicant

-Versus-

Sabyasachi Mullick Chowdhury&Ors.

..... Respondents

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Indradeep Ghosh

INDRADEEP GHOSH, ADVOCATE,
C/O Mr. ABHISEK BARAN DAS
ADVOCATE
8, KPC Street, Kolkata- 700 001;
Email: ghoshindradeep506@gmail.com
Mob.: 7003321437, 9830721215;



Before the National Green Tribunal
 Eastern Zonal Bench, Kolkata,
 West Bengal Finance Centre, 3rd Floor, New Town
 Original Application No. 61 of 2024/EZ

In the matter of:-

Hitesh Sharma

.... Applicant

-Versus-

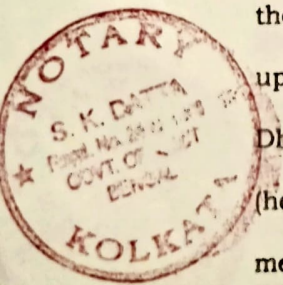
Sabyasachi Mullick Chowdhury & Ors.

.... Respondents

**REJOINDER ON BEHALF OF THE APPLICANT AGAINST THE COUNTER
 AFFIDAVIT FILED BY THE RESPONDENT NOS. 8 AND 9.**

I, Pawan Sharma, son of Sri Radheshyam Sharma, aged about 51 years, by faith - Hindu, by occupation - Business, residing at CZ - 4, Canal South Road, Post Office - Dhapa, Police Station - Pragati Maidan, Kolkata - 700 105, do hereby solemnly affirm and say as follows:-

1. I am the constituted attorney of the applicant. I have made myself fully acquainted with the facts and circumstances of the present case. I am competent enough and duly authorized by the applicant to make and affirm this affidavit on his behalf. I have read a copy of the counter affidavit affirmed on November 20, 2024 and served upon my Learned Advocate purportedly affirmed by Brojo Kishore Dhar being the respondent No. 8 and 9 in the present proceeding (hereinafter referred to as the "said affidavit"). I have understood the meaning, contents and purport thereof.



2. The said affidavit is a self-declaration of a demonstrable incompetent measures that have been taken by the authorities in carrying out the

orders of this Hon'ble Tribunal only as an eye wash and to shirk of their responsibilities imposed by the order dated January 3, 2022. It is also evident that the answering respondents being a crucial part of the eight member committee has revealed the manner in which the said report was prepared and filed before this Hon'ble Tribunal causing directions to be passed against the land of the petitioner herein in utter travesty of justice.

3. Save and except what are matters of record allegations to the contrary contained in the various paragraphs of the said affidavit are denied and disputed as if in seriatim and specifically traversed.
4. With reference to the paragraph nos. 1 and 2 of the said affidavit, I deny and dispute the contentions raised therein save and except matters which are on record. I say that after repeated directions being passed to file affidavits, the answering respondent in utter belligerence have found it fit to place the said affidavit on record.
5. With reference to paragraphs 3 to 5 of the said affidavit, I deny and dispute the contentions raised therein save and except matters which are on record. It is again admitted by the answering respondent that save and except Dag No. 268, 'Ukil Bheri' is not located under any other plot of land. It is positive case that Dag No. 268 is neither related to the land of the petitioner nor does it belong to the society's larger plot. Thus, it is an admitted position from the said affidavit that demarcation of the said 'Ukil Bheri' as directed by this Hon'ble Tribunal being the prime job of the eight member committee was never performed. Consequentially it can be safely said that the eight member committee report is incorrect and/or incomplete as per the admission of the answering respondent. On this score itself, the impugned eight member committee report is



liable to be set aside. The repeated declaration by the answering respondent inasmuch as in not involving the answering respondent in the preparation of the said report is in itself a violation of this Hon'ble Tribunal's direction and no report prepared in violation of an order passed by this Hon'ble Tribunal can be sustained in the eyes of law.

6. I say that the said affidavit demonstrates the sorry state of affairsinvolved in the preparation of the eight member committee report and the entire exercise conducted by the said members are farce and frivolous. The purpose for which the said authority was included in the 8 member committee has thus failed and the true and correct picture has not come up before this Hon'ble Tribunal through the said final report dated October 20, 2022 as prepared under the directions of order dated January 3, 2022. Thus, no cognizance of the said report may be taken.

7. That the statements made in paragraphs 1 to 5 are true to my knowledge and best of my belief and rest are my humble submission before this Hon'ble Tribunal.

Identified by me
Rudra Deep Ghosh
Advocate

Ramshree
Deponent

Solemnly Affirmed
&
Declared before me
on Identification of Advocate

RANTOSH KUMAR DATTA
NOTARY
55/1A, Hari Ghosh Street
Kolkata-700006
Regn. No.- 24 of 1998

R. S. Datta
S. K. DATTA
NOTARY
19.01.2025

19 JAN 2025

S.L. NO. *01/19/01/2025*



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