

BEFORE THE NATIONAL GREEN TRIBUNAL
EASTERN ZONE BENCH, KOLKATA
ORIGINAL APPLICATION NO. 107 OF 2023/EZ

In the matter of:

Soumen Chakraborty, son of
Late Shyamapada Chakraborty,
Gopinath Bati, Gonna Dariapur,
Dariapur, Purba Barddhaman,
Gonna Dariapur, West Bengal -
713128.

... Original Applicant

-versus-



1. The Principal Secretary,
Environment Department,
Government of West Bengal,
having its address at 5th floor,
Pranisampad Bhavan, Block LB-
II, Salt Lake, Sector - III,
Bidhannagar, Kolkata - 700106.
E-mail - psecy.env-wb@gov.in,
Phone - 23352742.

2. Chief Environment Officer,
Environment Department,
Government of West Bengal,
acting as/representing State
Wetland Authority, having its
address at 5th floor, Pranisampad
Bhavan, Block LB- II, Salt Lake,

27 JAN 2025

Buddhadev Anand
filed by
Advocate

/

Sector - III, Bidhannagar,
Kolkata - 700106, Phone -
23355246, Email -
environmentwb@gmail.com.

3. Ministry of Environment,
Forest & Climate Change
(MOEF&CC) represented by its
Deputy Director General, having
its integrated Regional Office at
16-198, Sector- III, Salt Lake
City, Kolkata- 700106. E-mail
:NA.

(Deleted vide order of the
Hon'ble Tribunal Dated
12.09.2023)

4. West Bengal Pollution Control
Board, represented by its
Chairman, having its office at
"paribesh Bhavan", 10A, Block -
LA, Sector-III, Bidhannagar,
Kolkata-700106, e-Mail:
net.wbpcb-wb@bangla.gov.in,
phone - 22023000.

5. The Chairman, West Bengal
Pollution Control Board,
"paribesh Bhavan", 10A, Block -
LA, Sector-III, Bidhannagar,
Kolkata-700106, e-Mail:
net.wbpcb-wb@bangla.gov.in,
phone - 2202 3000.



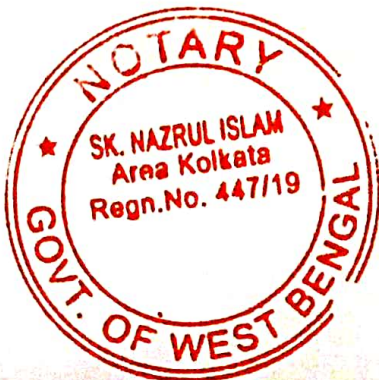
Buddhadev Misra
Filed by
Supriya Bhattacharya
Advocate

6. Central Pollution Control Board (CPCB) represented by its Regional Director, having its office at 1582, Rajdanga Main Road, South End Conclave, 5th & 6th Floor, Kolkata-700107, E-mail - rdkolkata.cpcb@gov.in, Phone - 03324416003.

7. ADM and DL&LRO, District Purba Bardhaman, having its address at Burdwan Rajbati, BC Road, Bardhaman - 713104, E-mail: admprbdn.gnl-wb@gov.in, Phone - 0342-2662364.

8. Chief Engineer, West Bengal Pollution Control Board, Department of Environment, Government of West Bengal, Paribesh Bhawan, 10A, Block-LA, Sector-III, Bidhannagar, Kolkata-700106, E-mail: see2.wbpcb-wb@bangla.gov.in, Phone - 033 2202 3000.

9. Superintendent of Police, Purba Bardhaman, having its address at Kachhri Road, Badamtala, Kalibazar, Bardhaman, West Bengal - 713101, E-mail :NA.



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Superintendent
Advocate

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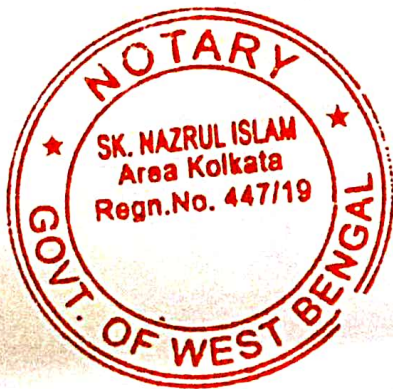
10. District Magistrate, Purba Bardhaman, having its address Kachhari Road, Kalibazar Para, Purba Bardhaman, West Bengal - 713101, E-mail: dmprbdn.gnl-wb@gov.in.

11. Block Development Officer (BDO) Ausgram - I, P.O. - Guskara District - Purba Bardhaman, West Bengal - 713128, Email - NA, Phone : 03452-255056.

12. The Pradhan, Dignagar - II, Gram Panchayat, Village - Gopinathbati, P.O. - Gonna Dariapur, District - Purba Bardhaman, Pin - 713128, Email - NA.

13. The Principal Secretary, Food & Supplies Department (Govt. of West Bengal) having its address at 11/A, Mirza Ghalib Street, Khadya Bhawan, Block - B, Kolkata - 700087, Email: itcellfswb@gmail.com.

14. KM Agro Tech Private Limited, represented by its directors, a company having its registered office at Vill: Gopinathbati, P.O. Gonna,



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Dariapur, P.S. Ausgram, Purba Bardhaman, West Bengal - 713128

E-mail: kmagrotechpvtlimited2012@gmail.com, Phone: 03452257735.

15. Pradip Shaw, Director of M/s. KM Agro Tech Private Limited, Son of Arjun Shaw, residing Near Forest Office, P.O. - Guskara, P.S. - Ausgram, District - Purba Bardhaman, Pin - 713128, E-mail:

pradipshawbwn@gmail.com, Phone: 9475346128.

16. Pritom Shaw, Director of M/s. KM Agro Tech Private Limited, Son of Pradip Shaw, residing at Bimshaw Near Forest Office, P.O. - Guskara, P.S. - Ausgram, District - Purba Bardhaman, Pin - 713128, E-mail:

pritamshaw9live@gmail.com, Phone: 9475266482.

17. District Controller (Food & Supplies Department), Purba Bardhaman, having its address G.T. Road, West Bengal - 713101, Email - NA.



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Advocate

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18. The Managing Director,
West Bengal State Cooperative
Marketing Federation Ltd.
(Benfed), having its address
Southern Conclave, 3rd floor,
1582, Rajdanga Main Road,
Kolkata - 700107, Email:
info@benfed.org, Phone:
+913324414366.

(Deleted vide order of the
Hon'ble Tribunal Dated
12.09.2023)

19. Buddhadeb Ankure, son of
Ganesh Ankure, residing at
Village - Gopinath Bati, P.O. -
Gonna, Dwariapur,
Barddhaman, West Bengal -
713128.

...Respondents



AFFIDAVIT-IN-REPLY OF THE RESPONDENT NO. 19 TO THE
COUNTER AFFIDAVIT IN OPPOSITION FILED BY THE
RESPONDENT NOS. 14, 15 AND 16 AFFIRMED ON 18 JANUARY

2024

I, Buddhadeb Ankure, son of Ganesh Ankure, aged about - 38 years, by
faith - Hindu, residing at Village - Gopinath Bati, P.O. - Gonna,
Dwariapur, Barddhaman, West Bengal - 713128, do hereby solemnly state
and affirm as follows:-

Buddhadev Ankure
Fitch, son of
Buddhadev Ankure
Advocate

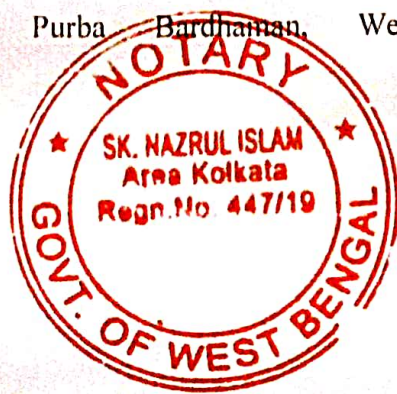
1. By an order dated 18.03.2024, the Hon'ble National Green Tribunal was pleased to allow this deponent being the respondent No. 19 herein to be impleaded as party, inter alia, to agitate its cause relating to the identical environmental issue, in the present proceedings, to subserve the interest of Justice. Photocopy of the order dated 18.03.2024 is annexed hereto and marked with the letter "A".

2. Upon such impleadment, as aforesaid, I wrote to the original Applicant for cause papers of the matter which were delivered to me on 19.03.2024.

3. I have been served with a copy of the Original Application along with all the annexure and the Counter Affidavit in Opposition to the Original Application, along with all its annexure, filed by the Respondent Nos. 14, 15 and 16 which have been affirmed on 18 January 2024. I have gone through the statement and counter statement made in the Original Application as well as the Counter Affidavit in Opposition filed by the respective parties. I have understood the meaning, contents and purport thereof.

4. That before dealing with the statements and allegations contained in different paragraphs of the Counter Affidavit in Opposition to the Original Application, filed by the Respondent Nos. 14, 15 and 16 which have been affirmed on 18 January 2024, this deponent with the leave of this Hon'ble Tribunal intends to place the actual facts before this Hon'ble Tribunal, which are true and correct and are very much important for adjudication of the present dispute. The facts relating to the suit are stated hereunder:

- a) This intervener/Respondent No. 19 is a local resident of Village – Gopinathbati, P.O. – Gonna Dariapur, P.S. – Ausgram, District – Purba Bardhaman, West Bengal - 713128. This



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Buddhadev Anukul
Attorney

intervener/Respondent No. 19 is a resident in the said locality from his birth.

- b) The Respondent no. 14 is a Company freshly incorporated on February 24, 2012, and since then was and is engaged inter alia, in the business of paddy, rice, rice bran, wheat, pulses etc., as miller, dealer, processor, stockist, traders and/or retailers thereof, as more fully appears from the Memorandum of Association of the Respondent no.14 which is annexed with the Original Application as Annexure A.
- c) The Company was originally incorporated and has carried on its business operation as rice mill since December 20, 2006, with its name M/s. Koner & Maroti Agro Tech Private Limited until the name got changed to M/s. KM Agro Tech Private Limited by virtue of issuance of fresh Certificate of Incorporation dated February 24, 2012. The business of the Respondent no.14 is of rice mill even as on date, as will appear from the Form – MGT No. 9 submitted by the Respondent no.14 before the Registrar of Companies in compliance to Statutory obligations. Both the Certificate of Incorporation and the Form – MGT No. 9 are annexed with the Original Application as Annexure B and C respectively.
- d) Respondent nos. 15 and 16 are the Directors of the Respondent no.14 Company, who are fully responsible for its activities.
- e) Recently, some of the villagers as well as the Respondent No. 19 and some of his family members have fallen sick, all having common symptoms more or less of suffering from diarrhea, nausea, while searching for the probable reason thereof, the villagers came to know that the Respondent nos. 15 and 16 made the Respondent no. 14 to be silently carrying on stacking of fly ash and manufacturing of fly ash brick at commercial volume, within the

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Advocate



common compound and on the same land wherefrom it operates its Rice Mill producing rice ready for consumption in different form.

f) The total area of the factory premises of the Respondent no.14 Company is about 7 bighas of land on a major part of which Rice Mill is extensively set up followed by warehouse for stacking raw paddy, and for separately storing the ready product rice including for packaging of the same.

g) Sharing the same vicinity of the landed area, the Respondent nos.15 and 16 in collusion and for the purpose of wrongful enrichment has been stacking/dumping fly ash, tiniest possible molecular, air borne element/particle having various endangering effects on the human body, if necessary, safeguards and/or guidelines as laid down to be strictly adhered to, are not maintained. It is needless to mention that the Respondent nos. 14, 15 and 16 are procuring fly ash from the nearby thermal power stations and stacking those fly ashes into the rice mill compound for manufacturing fly ash bricks.

h) It has been also noticed that the Respondent nos. 15 and 16, is dumping fly ash (Coal Ash) and carrying on the manufacturing of fly ash bricks without taking necessary license and/or permission, mandatory for such purpose, and without following any safety standards and/or guidelines laid down by the concern Statutory Authorities for such purpose, and that too, adding flame to the fuel by endangering human health and safety in the common area of land where rice is being procured from boiled paddy, which is the main source for daily consumption in the Bengali platter.

In this context various photographs showing the operation of Rice Mill and manufacturing of fly ash bricks simultaneously have collectively annexed in the Original Application which have been marked with letter "D".



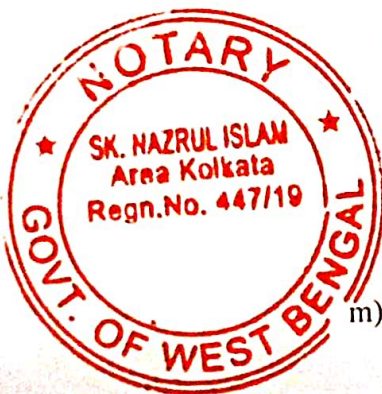
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 Supriya Bhattacharya
 Advocate

j) Coal ash/fly ash are commonly known as one of the biggest sources of Air Pollution in the regions they are stacked/mounded. Community living in the close proximity thereby has to experience/suffer excessive Air Pollution, Heavy Metal Pollution including aluminium, calcium, silicon, iron consisting at a strikingly high proportion.

k) In the present case the activities being carried on of accumulating/dumping fly ash/coal ash within the same area of production of rice, is clearly having and continues to have significant levels of metal contamination/metal hazards including of chromium, lead, vanadium, arsenic, mercury, nickel, selenium, cadmium, zinc, antimony, and in all possibility in alarmingly elevated level resulting in building up of toxins in human body, domestic animals, birds, ingesting that contaminated rice, rice products etc. In this context a diagram of human body vis-à-vis the toxic chemicals present in fly ash/coal ash and their respective/collective impacts on several organs and system of human body, as obtained from a Report published in 2020 namely 'COAL ASH IN INDIA A Compendium of Disasters, Environmental and Health Risks, July 2020' has been annexed with the Original Application as Annexure "E".

l) The accumulation, dumping, stacking, mounding of fly ash/coal ash besides having the aforesaid effects in the human body, domestic animals, birds, also have toxic risks of contamination of soil resulting in crop damage, loss in yield and poor quality of production of land. The soil contamination poses risks of health hazard, also leads to contamination of ground water, which is serious concern for public at large.

m) The fact that fly ash poses toxic risks remains undisputed and is an experimentally and scientifically proven position, and whereas in



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 Public Advocate

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this instant case such risk position is alarmingly dangerous when such fly ash is being dealt with inside and sharing, the same compound of that of the rice mill continuing production of rice and rice products.

- n) Such illegal operation of manufacturing of fly ash bricks from coal based fly ash procured from thermal power stations inside the premises of Rice Mill producing ready rice from boiled paddy has been perpetually done by the respondent no. 14 without having any necessary license, permissions, approval of the concerned Authorities, per contra the Rice Mill of the Respondent no.14 run by Respondent no. 15 and 16 is acting in gross violation of various permissions, licenses, standards and guidelines to be followed for carrying on the operations of Rice Mill.
- o) The incident of simultaneous production of rice and fly ash bricks from the same compound by the Respondent no. 14 Company are clearly evident from their Counter Affidavit under reply.
- p) Any consent to operate for running the manufacturing unit of Rice Mill, and/or renewal thereof, if any, has been obtained in concealment of the fact of running another manufacturing unit of Fly Ash brick in the same compound of the Rice Mill. Hence any Permission and/or Consent to Operate or related 'No Objection' and/or renewal thereof, whatsoever has been obtained, is by way of suppression and concealment of the facts as aforesaid, hence all permissions, licenses and consent to operate whatsoever of the Rice Mill of the Respondent no. 14 are liable to be cancelled, besides directing permanent closure of the Rice Mill of Respondent no.14, in the interest of health, safety and interest of the public at large.
- q) It is a matter of tragedy that the State Respondents are not fully grasping the importance and danger involved in the situation, and

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Advocate



literally allowing to continue the dumping of fly ash and the operation of manufacturing of fly ash bricks in the same compound with the manufacturing of rice, in gross violation of all Statutory requirement, procedure or guidelines whatsoever, by not taking any step or action to stop the same and/or against Respondent nos.14, 15 and 16.

- r) By a Notification dated February 22, 2022, being G.S.R 143(E), certain directives have been issued by Ministry of Environment, Forestry and Climate Change, for operation of any manufacturing of brick kilns inter alia, directing to mandatorily ensure that a manufacturing unit must be established at a minimum distance of 0.8 kms from inhabitation and fruit Orchard.
- s) The conduct of the Respondent nos. 14, 15 and 16 is clear violation of various Statutory provisions inter alia, of the Environmental Protection Act, 1986, and the Air (Prevention and Control of Pollution) Act, 1981, etc.
- t) The activities being carried on of accumulating/dumping fly ash/coal ash within the same area of production of rice, is clearly having and continues to have significant levels of metal contamination/metal hazards including of chromium, lead, vanadium, arsenic, mercury, nickel, selenium, cadmium, zinc, antimony, and in all possibility in alarmingly elevated level resulting in building up of toxins in human body, domestic animals, birds, ingesting that contaminated rice, rice products etc.
- u) The accumulation, dumping, stacking, mounding of fly ash/coal ash besides having the aforesaid effects in the human body, domestic animals, birds, also having toxic risks of contamination of soil resulting in crop damage, loss in yield and poor quality of production of land.

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- v) The soil contamination poses risks of health hazard, also leads to contamination of ground water, which is serious concern for public at large.
- w) It is a matter of great concern that fly ash poses toxic risks remains undisputed and is an experimentally and scientifically proven position, and whereas in this instant case such risk position is alarmingly dangerous when such fly ash is being dealt with inside and sharing, the same compound of that of the rice mill continuing production of rice and rice products
- x) The Respondent nos. 14, 15 and 16 are the persons responsible for illegal and arbitrary operation of fly ash manufacturing activity within/inside the Rice Mill compound, are locally and politically influenced persons having enormous money power, enough to attempt influencing any local body or authority. As a result, there is every possibility of continuation of the operation of respondent no. 14 without any restraint unless the same is immediately imposed in accordance with law.
- y) The Respondent No. 19 also attempted to draw the immediate attention of various authorities by visiting in person and also by way of written representation forwarded to The District Magistrate, Purba Bardhaman and copy forwarded to the Block Development Officer, Ausgram -1, Guskara, Purba Bardhaman also, and the representation was duly received by the authorities with their seal of receipt. However, there was no effect. Copy of the representation dated 02.01.2024 is annexed hereto and marked with letter "P" as Annexure.
- z) This intervener/Respondent No. 19 states and submits that under no circumstances, would any authority permit the operation of rice mill and manufacturing of fly ash from the same premises and if

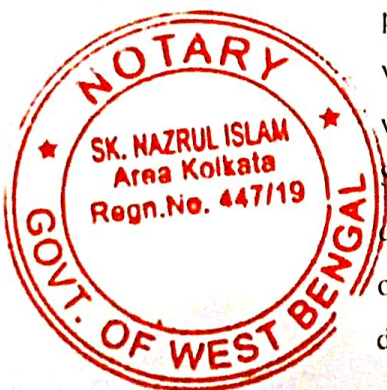


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any authority has indeed issued any statutory approval for both such units, the said approval needs to be immediately cancelled and/or terminated forthwith since same have been wrongfully and illegally obtained by the respondent nos. 15 and 16 by suppressing relevant facts and/or misleading the said authorities.

- aa) The Respondent No. 19 states and submits that Fly ash poses significant health threats because of the toxic metals presence, such as arsenic, mercury, chromium (including the highly toxic and carcinogenic chromium VI), lead, uranium, selenium, molybdenum, antimony, nickel, boron, cadmium, thallium, cobalt, copper, manganese, strontium, thorium, vanadium and others. Ironically, even the air pollution control measures like electrostatic precipitators and baghouse filters become more effective at trapping fly ash and decreasing the producers air pollution, the waste being dumped into coal ash waste streams is becoming more toxic. Fly ash is best known for polluting our drinking water, lakes, rivers and streams, and the threat it poses when dumped into large earthen dams that can and do break, causing catastrophic spills and leaks. When disposed of, coal ash dust is emitted into the air by loading and unloading, transport and wind. Once in the air, it can migrate off-site as fugitive dust. As a result, workers and nearby residents could be exposed to significant amounts of coarse particulate matter (PM10) and fine particulate matter (PM2.5).

- bb) The Respondent No. 19 states and submits that Fly ash dust is small particles, the smaller the particle, the greater the health risks. The very smallest particles are inhaled into the deepest part of the lungs where they trigger inflammation and immunological reactions. Some particles gain access to the systemic circulation and travel to distant organs where they produce heart or lung disease, while others may enter the brain directly via the nerves in the nose. The disease-causing potential of small particles, particularly those less



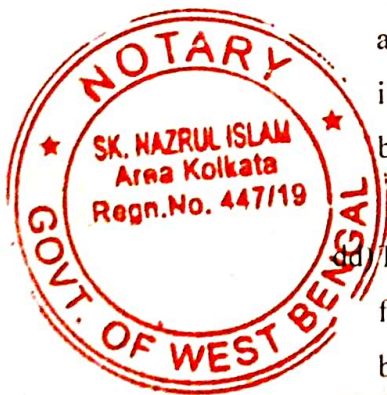
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 Advocate

than 2.5 micro-meters in their aero-dynamic diameter (PM2.5), has led the EPA to include them among the six criteria pollutants under the Clean Air Act, which requires national air quality standards for certain pollutants that cause adverse health impacts, including PM 2.5.7 As epidemiological research becomes more sophisticated due to improved techniques for monitoring air quality and advances in statistical and population sampling methods, it seems likely that there is no level at which PM2.5 is assuredly free from causing adverse health effects. Uniformly, these analyses showed important increases in health benefits as the PM2.5 concentrations fell. Many other studies published in leading peer-reviewed medical journals have shown similar results—higher particulate concentrations are associated with higher mortality rates. These studies link coal-derived particulates, including those from fly ash to the four leading causes of death which are heart disease, cancer, respiratory diseases and stroke.

cc) The Respondent No. 19 states and submits that Fly ash that in addition, preliminary data may lead to adding Alzheimers disease and Type II diabetes mellitus to this list. One study from the Women's Health Initiative is particularly instructive and important for several reasons. For one, it is big: more than 64,000 post-menopausal women participated. It was also done prospectively, i.e., at the time the women entered the study they were judged to be free from cardiovascular disease and were then followed for an average of about seven years. Thus, the occurrence of endpoints, including stroke, heart attack and the need for coronary artery bypass surgery, could be determined with great accuracy.

dd) The Respondent No. 19 states and submits that the composition of fly ash dust can vary considerably depending on the coal that was burned, but all fly ash contains significant amounts of silica, in both crystalline and amorphous form. Respirable crystalline silica in fly

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 Fined dust
 Respirable
 Amorphous



ash can lodge in the lungs and cause silicosis, or scarring of the lung tissue, which can result in a disabling and sometimes fatal lung disease. Chronic silicosis can occur after many years of mild overexposure to silica. While the damage may at first go undetected, irreversible damage can occur to the lungs from chronic exposure. Such exposure can result in fever, shortness of breath, loss of appetite and cyanosis (blue skin).

ee) The Respondent No. 19 states and submits that Fugitive fly ash dust also contains radioactive metals. While each coal seam will have different levels of radioactive metals attached to the carbon, all coals have at least some levels of naturally occurring radioactive materials, including uranium, thorium, potassium and their radioactive decay products including radium. Burning coal concentrates the radionuclides approximately three to ten times the levels found in the initial coal seams. The radioactive metals stay with the fly ash when the carbon is burned off. If these dusts are inhaled, they can transport radioactive metals into a persons lungs. The radioactive metals will undergo radioactive decay and the resulting water-soluble radium can be transported to a person bones where it will replace calcium. It will also undergo further decay to radon gas, the second leading cause of lung cancer after tobacco smoke in the United States. Radon gas is generated from the decay of radium. Being heavier than air, it tends to lay in pockets in low-lying areas unless mixed with air and carried away by wind. In addition, the dust does not have to be inhaled to be dangerous. Dust can contaminate surface water supplies where the soluble radium can contaminate drinking water and be ingested by humans or other species.

ff) The Respondent No. 19 states and submits that Mercury is of particular concern due to its high toxicity and its accumulation in fly ash and eventually into the fly ash waste stream.

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 Justice Bhabhany
 Advocate

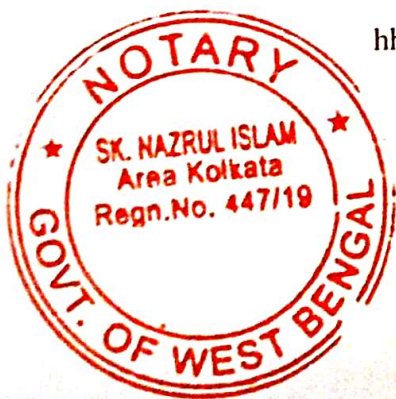


Implementation of the federal Clean Air Mercury Rule will significantly increase the mercury content in fly ash because the mercury capture required by the rule will result in more mercury ending up in the solid waste created by coal burning. According to EPA testing of fly ash at plants that had mercury controls, the mercury in ash increased by a median factor of 8.5, and in one case, by a factor of 70.12 At the same time, other contaminants in fly ash such as arsenic and selenium also increased, concurrently elevating the risk to human health via inhalation of fugitive dust.

Buddhadev Ankur
 filed by
 Supriya Bhattacharya
 Advocate

gg) The Respondent No. 19 states and submits that Hydrogen sulphide is a flammable, colourless gas with the characteristic odour of rotten eggs. Hydrogen sulphide is released primarily as a gas and spreads in the air. Because of the high sulphur level in fly ash, hydrogen sulphide is often released at fly ash landfills and impoundments. Communities near dumps or coal plants and workers at these facilities may be exposed to hydrogen sulphide by breathing contaminated air. Exposure to low concentrations of hydrogen sulphide may cause nausea and irritation to the eyes, nose or throat.¹³ It may also cause difficulty in breathing for some asthmatics. Children are sometimes exposed to more hydrogen sulphide than adults because hydrogen sulphide is heavier than air and children are shorter than adults. The sulphurous stench from fly ash dumps can also significantly degrade the quality of life of communities near disposal sites.

hh) The Respondent No. 19 states and submits that in 2009, the Central Pollution Control Board documented the health threat from toxic dust near fly ash storage in its draft screening risk assessment, Inhalation of Fugitive Dust: A Screening Assessment of the Risks Posed by Coal Combustion Waste Landfills. The purpose of this screening assessment was to determine whether the National Ambient Air Quality Standards (NAAQS) could be violated



through dry handling of fly ash, and if so, what management options might be needed to reduce the health risk. Indeed, the Central Pollution Control Board found that "there is not only a possibility, but a strong likelihood that dry handling would lead to the NAAQS being exceeded absent fugitive dust controls. The Central Pollution Control Board concluded that only daily controls daily cover can definitively prevent unhealthy releases of particulates. The Central Pollution Control Board considered only one source of fugitive dust emissions from fly ash—wind erosion—and failed to assess the substantial emissions that occur during unloading and grading of the ash, as well as from trucks traveling on the deposited waste at the landfill. In addition to toxic dust from fly ash, communities near waste disposal operations are exposed to carcinogenic diesel particulate emissions from trucks, on-site landfill equipment and diesel-powered pumps and generators. To compound the problem, high background levels of particulate matter from nearby equipment may increase the potential for fugitive dust from fly ash to cause significant human health problems. If the West Bengal Pollution Control Board had taken all these factors into account, it would have found even greater risks to communities living near fly ash dumps.

5. Without prejudice to the aforesaid and placing reliance thereupon now I intend to deal with the various statements and allegations made in the Counter Affidavit under reference paragraph wise, save what are matters of record and what appears therefrom each and every allegations made and contained therein as if those are set out herein are denied in seriatim. Further any statements made in the said counter Affidavit, which are contrary thereto and or inconsistent therewith are denied by me. I say that the said Counter Affidavit is pregnant with misleading and incorrect statements supported by irrelevant and/or unimportant documents which cannot be relied upon in course of adjudication of the instant original application.

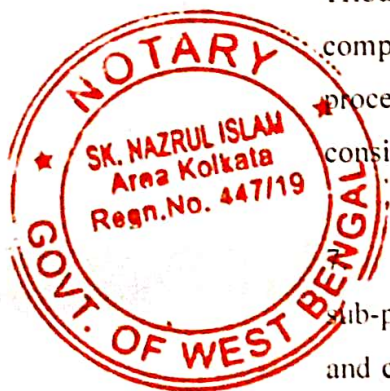


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 Advocate

6. With reference to statements made in paragraph nos. 1,2,3,4 and 5, it is denied that the deponent of the said opposition is the authorised representative of the respondent no. 14 company or authorised by any of its directors including Pradip Shaw or Pritom Shaw, i.e. respondent no. 15 or respondent no. 16, or the document dated September 27, 2023 is a board resolution of the respondent no. 14 company to swear affidavit on behalf of respondent no. 14 or its directors or the deponent is conversant with the facts and circumstances of the case. It is stated that the answering deponent does not have any locus to represent the company nor has been duly authorised by execution of appropriate instrument of the company including by way of execution of Constituted Attorney and/or by way of necessary board resolution. The instant affidavit should not be considered to be on behalf of respondent no. 14 in absence of necessary board resolution and also should not be considered on behalf of respondent no. 15 and/or 16, in Absence of necessary Power of Attorney. Hence, the instant opposition should not be taken into consideration for or on behalf of the answering deponents in any manner whatsoever.

Without prejudice to aforesaid it is denied that the contents of the original application have been read over to the deponent in vernacular language or have understood the meaning, content and purport thereof as alleged or at all. Even no detail of that person who alleged to have explained to the deponent the instant affidavit in his vernacular has been stated nor any detail of such person has been given who must be an official translator attached to the Hon'ble High Court at Calcutta or of the Hon'ble Tribunal as the case maybe. Hence, such person is not competent/empowered in the eye of law to act as a translator in a Court proceeding. The instant affidavit also deserves no credence or consideration on this score before this Hon'ble Tribunal.

With reference to the statement made in paragraph no. 6 and its sub-paragraph nos. (i), (ii) and (iii) I say that the various allegations made and contained therein save what are matters of record and what appears



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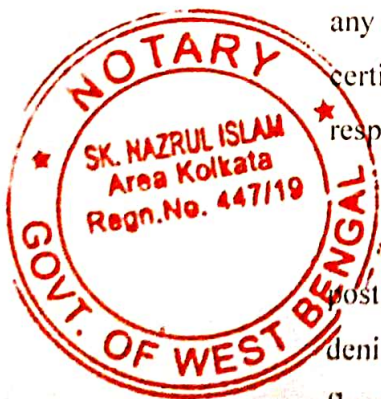
Filed by
Pradip Shaw
Advocate

therefrom each and every allegation made and contained therein as if those are set out herein are denied in seriatim. It is denied that there is any boundary wall between the manufacturing unit of rice mill and fly ash brick or the manufacturing of rice is being done maintaining hygiene, as alleged or at all.

It is stated when the Original Application was filed then the fly ash brick manufacturing unit and the rice mill unit both were being run sharing the common area in close vicinity. There was no existence of any wall separating rice mill and fly ash brick manufacturing unit as alleged. Such will appear from the report filed by the three members committee by virtue of order of Hon'ble Tribunal, wherein, there is no whisper or mention of any such boundary wall nor the existence of any such boundary wall also appear from any photograph annexed in the report filed by the three members committee dated November 30, 2023. I crave leave to rely upon such photographs at the time of hearing. Hence, it is clear that during the pendency of these proceedings the private respondent to purportedly improve upon merit of its case has proceeded to tamper with the evidence and/or the actual existing scenario in the subject vicinity, So, far the subparagraph 6(ii) is concerned, save and except matters of record and what appears therefrom each and every contention made therein as if those are set-out herein are denied and disputed in seriatim. It is denied that the manufacturing of fly ash brick since the year 2022, by the company is being done in a separate place or in a separate compound, or the fly ash brick unit was set up with prior information to any concerned authority or any authority instructed that, since, the rice mill already had pollution certificate so no written approval or intimation was required from respondent no. 14 company's end, as alleged or at all.

It is denied that any greedy person made any false gesture or posture or levelled any allegation against the unit as alleged or at. all. It is denied that the company has any requisite document or paper for running fly ash brick unit or relating to the land on which the fly ash brick

Buddhadev Anukul
Filed by
Buddhadev Anukul
Advocate



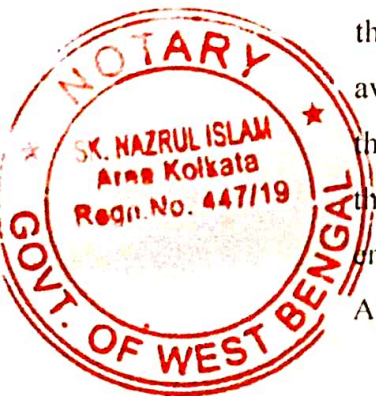
manufacturing unit is being run or the BL&LRO has not changed the said land or the name of the present directors was not recorded or the same are under process as alleged or at all. The answering deponent has failed to produce any document in support of such allegation in the instant affidavit in opposition.

It is further denied that the said units are clean or clear or well-maintained or the milling operation is conducted under very highly protected manner or fly ash brick manufacturing are separated or at a reasonable distance or with any protective measures or without causing any illegality or pollution either in water or air or environmental aspect or any villager has never faced or witnessed any such environmental issue or the company or its directors never faced any departmental inquiry or allegation or the villages are situated more or less 1 kilometer away from the said manufacturing units of the company as alleged or at all.

So much so, I say that, construction of a boundary wall of certain heights inside the factory unit and separating both units of rice mill and fly ash brick manufacturing unit does not at all stop airborne pollution of the fly ash brick manufacturing unit and contamination of airborne micromillimeter particles with rice grain products of the rice mill and surrounding agricultural areas.

8. With reference to allegations made and contained in paragraph nos. 7 sub-paragraphs a, b, c, d, e, f, g, h, i, k, l, m and n, I say that the various allegations made and contained therein save what are matters of record and what appears therefrom each and every allegation made and contained therein as if those are set out herein are denied in seriatim. From the averment in paragraph no. 7 and its various sub paragraphs the attempt of the private respondent is clear and motivated to deviate the attention of this Hon'ble Tribunal from this very serious issue relating to the environmental damage being the subject matter of the Original Application. As a result, the private respondents with ulterior motive are

Buddhadev ANKUR
 Filed by
 Public Advocate

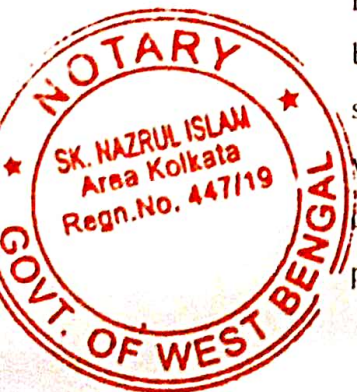


importing numerous other issues having no nexus with the cause involved in the Original Application. In this context the content of sub-paragraph (a) has no bearing with the allegations levelled in the original application. It is denied that the rice mill and the unit of rice mill and unit of manufacturing of fly ash brick are separated with any boundary wall or with any inside separate gate or maintaining any hygienic way or both the units are operating separately in their own ways as alleged or at all.

The contents of sub-paragraph c, d, e are wholly irrelevant to the subject matter of the instant original application and/or so far the touching of the urgency and gravity is concerned. It is denied that the fly ash brick unit was opened by the company after making any boundary wall or after making the same separated or the major portion of the said compound is vacant or inside the alleged land is divided in two separate compound or maintaining maximum distance or both the rice mill or fly ash brick unit are demarcated or separated with each other or have no connection, as alleged or at all. It is stated since it is an admission on the part of the private respondent that the major portion of the said compound is vacant' it multiplies the occasion/possibility of spreading of airborne particles of fly ash more easily and reaching the rice mill unit.

It is stated that the memo referred to in sub-paragraph (h) at page 8 or the purported reference made by WBPCB vide memo no. 1512/4A-18/2010(PT.I) dated 14.06.2016 relating to declaration of White Category industry does not have any effect in any manner or does not lessen the chance of endangering the environment and/or the human body particularly when fly ash is being used for brick manufacturing within the rice mill unit directly contaminates the human body when the same is being used for the purpose of human consumption or the left-over of the same is used as fodder for animal. The answering respondent with a ploy wants to portray a glossy and rosy picture by merely canvassing the aspect of usage of fly ash brick in the society or how good so ever the government promotes the manufacturing of fly ash brick, hiding aside the reality

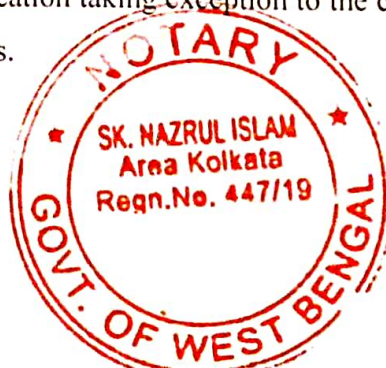
Buddhadev Anand
 Filled by
 Supriya Chatterjee
 Advocate



involved in the present case where the stacking of raw fly ash and production of fly ash brick is carried on within the common compound and in close vicinity to where production of raw and ready to eat rice is already being taking place. Hence, the issue which the answering respondents fails to appreciate is not to criticize the manufacturing of fly ash brick rather the running of the operation of a fly ash brick manufacturing unit and stacking the raw fly ash inside a rice mill unit which produces and caters raw rice for human consumption. Hence, in the present fact of the case in hand the operation of fly ash brick manufacturing unit involves huge risk particularly when the operation is being carried out in close vicinity of a rice mill unit. Any allegation contrary to and/or inconsistent therewith are denied and disputed as if those are set out herein and denied in seriatim.

Similarly the concept of greener earth or the role or promotion of manufacturing of fly ash brick or production thereof is not the contention or issue of protest of the petitioner herein rather the way, in the present case it is being manufactured within a rice mill unit endangering the risk of contamination and direct endangering the human body and several organs, particularly including women and child and also endangering cattle, is the moot cause of protest and contention of the petitioner seeking to draw the attention of this Hon'ble Tribunal. Any allegation contrary to and/or inconsistent therewith are denied and disputed as if those are set out herein and denied in seriatim.

It is stated that the answering deponent is unaware about the geographical position of the land and therefore incapable of dealing with the allegations contained in the sub-paragraphs hereunder. The committee constituted by the Hon'ble Tribunal for inspecting the subject property in terms of the Hon'ble Tribunal was given prior to the intervention of the answering deponent which did not give an opportunity to the answering deponent to remain present in the inspection. The answering respondent has filed a separate interim application taking exception to the committee report, inter alia, on such grounds.



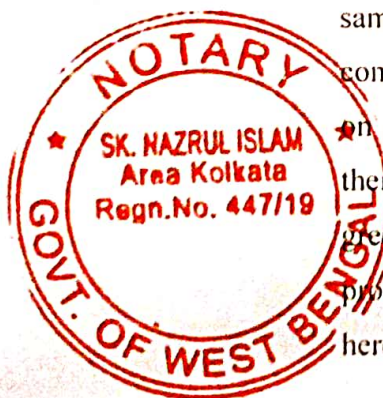
Buddhadev Anand
 Filled by
 S. P. Chatterjee
 Advocate

It is denied that fly ash brick unit opened by the company is separated or major portion of the said compound is vacant as alleged or at all. It is stated that inside the compound there was no boundary wall earlier and in all probability the same has been constructed during the pendency of the present proceedings with an ulterior attempt to separate both the compounds, it is humbly submitted that as on the date of filing of the Original Application there was no such boundary wall and the same appears from the photographs annexed in the Original Application, assuming there is a boundary wall of short or moderate height the same cannot obstruct the airborne fly ash to reach the rice mill particularly when the entire compound is vacant and not obstructed, and air flow is higher in a vacant area as compared to a common, congested area of the locality, even the water body/stream are contaminated/polluted by the waste material being flown through the channels which are finally connected to the local ponds and other water bodies, the prime source of water in the locality.

It is denied that the two units of rice mill and fly ash brick manufacturing unit are at maximum distance or either of the rice mill and fly ash brick manufacturing unit are demarcated or separated from each other or have no connection, as alleged or at all. It is stated that the original applicant does not have any contention relating to fly ash bricks or its manufacturing unit but the sole contention of the original applicant is relating to installation and operation of fly ash brick manufacturing unit without following any appropriate procedure of compliances and/or the same being run in close vicinity to manufacturing unit of rice and sharing common compound. To avoid prolixity and repetition the deponent relies on preceding paragraphs submitted in this context and places reliance thereupon. Even if the cost of repetition it is stated that the concept of greener earth or the role or promotion of manufacturing of fly ash brick or production thereof is not the contention or issue of protest of the petitioner herein rather in the present case it is being manufactured within a rice mill

Buddhadev Anand

Filed by
 P. K. S. Chakravarty
 Advocate

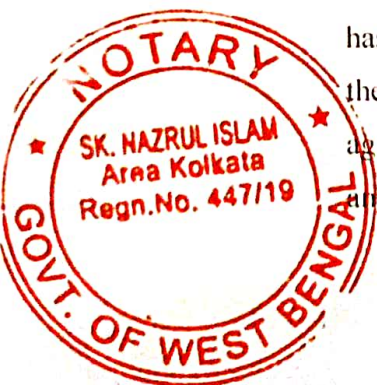


unit endangering the risk of contamination and direct endangering the human body and several organs particularly including women and child and also endangering cattle is the moot cause of protest and contention of the petitioner seeking to draw the attention of this Hon'ble Tribunal.

It is stated that all the necessary permission, connections and/or licenses sought to be required before installation of a fly ash brick manufacturing unit, nowhere and/or before any of the authorities, has the private respondent mentioned the special situation, that the installation of fly ash brick manufacturing unit or its operation is being carried on in close vicinity to a rice mill, which is also carrying on with its operation in full swing. Even when the necessary laws and regulations have been promulgated governing the establishment and carrying on of fly ash brick manufacturing unit, it must not have been the intention of the legislature that the same establishment should be allowed to continue inside a rice mill and in close vicinity to it.

It is denied that dry fly ash is not harmful particularly when it is airborne and it is being stacked in commercial quantity in close vicinity of a rice mill producing rice for human consumption. It is denied that the applicant in collusion or in conspiracy with any business rivalry or with any competitor of the company defamed or tried to defame, as alleged or at all. It is stated that the conduct of the company holds them as violator of the law. It is denied that the answering respondent is running their unit as per law. It is denied that the company is running its two units without violating any law or dry fly ash come under a bulker or follow any method to prevent emission or kept in air tight room or maintaining any measure of safety or there involves no issue of environmental issue or the running of rice mill and fly ash brick unit in the same compound is false or nobody has any issue with the running of the unit by the answering respondent or the four corners of the land of the answering respondent is surrounded by agricultural land or green field or no patch of any fly ash will be visible in any of the said agricultural land as alleged or at all.

Buddhadev ANKUR
 Filled by
 Subhas Chandra
 Advocate

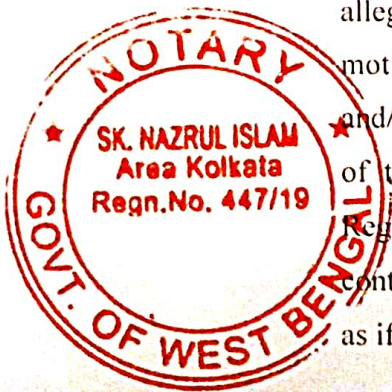


It is stated that the committee report is not free from flaw and due exception has been taken by way of an affidavit against the said committee report dated November 30, 2023, filed in the instant case. Any allegations contrary to and/or inconsistent with the aforesaid is denied and disputed as if those are set out herein and denied in seriatim.

9. With reference to paragraph no.7 and sub-paragraph nos. o, p, q, r and s, any allegations contrary to and/or inconsistent with the aforesaid is denied and disputed as if those are set out herein, and denied in seriatim. It is denied that the company has cooperated with the committee members appointed by the Hon'ble Tribunal. It is stated that the joint inspection contained various laws particularly conducted without notifying the original applicant relating to such inspection in any manner.

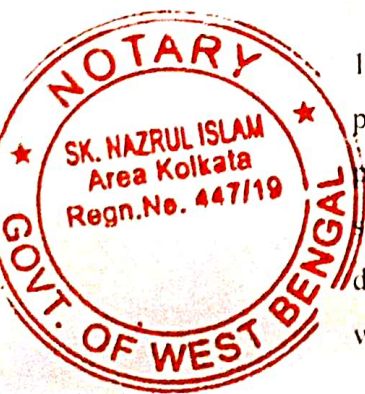
Exception has already been taken by way of affidavit as well as by filing an Application being I.A. No. 37 of 2024 for setting aside of the said Inspection Report and prayer has been made for re-inspection in presence of the representative of all stake holders and file an Environmental Impact Report with technical and non-technical data instead of the said inspection report. The report of the committee was not in due compliance of the order of the Hon'ble Tribunal appointing it. It is denied that the applicant filed the application annexing any document which are private and confidential or the applicant was a kingpin or mastermind nor there is any involvement of any such kingpin or mastermind in the instant case or there was any such issue of alleged leaking of documents or misusing any documents or any such document is there to which general people cannot get access, as alleged or at all. It is stated that the answering respondent with an ulterior motive to divert the attention of the Hon'ble Tribunal are trying to canvass and/or level these sorts of baseless allegation. The annexures being A to C of the original application are duly available in the public portal of Registrar of Companies, accessible to all concerned. Any allegations contrary to and/or inconsistent with the aforesaid is denied and disputed as if those are set out herein and denied in seriatim.

Buddhadev ANKUR
Filed by
Sudip Chatterjee
Advocate



The allegation made in sub paragraph (r) has no basis or merit, annexures in Original Application, being the memorandum and articles and other statutory records relating to the private respondent no. 14 company are available in the official portal of Ministry of Corporate Affairs and it is beyond understanding how these documents are attempted to be made connected with the original applicant by the deponent. It is denied that annexures (C) to (G) of the Original Application or either of them are manufactured, forged or fabricated even at any wild stretch of imagination. In any event these documents are available in the official portal as aforesaid, and are also available for download. It once again appears beyond doubt that the private respondent to deviate the attention of this Hon'ble Tribunal from the illegalities, continues to be committed at the behest of the private respondent to the subject matter of the instant Original Application. It is denied that the original applicant made any baseless allegation or manufactured any forged or fabricated document against the private respondent or even otherwise or there was no question of achieving any wrongful gain or of benefiting any competitor or business rivalry of the company or the applicant or any advocate made any complaint before any other authority or corporation by making any misrepresentation or interpreting the order of the 13.10.2023 of the Hon'ble Tribunal in different form or the applicant has done any illegality or any act of the applicant tantamount to contempt of court or the applicant was with any ill motive misused the law in any manner or attempted any wrongful gain or caused any wrongful loss to the private respondent as alleged or at all.

Filled by
 Bipuddha Debbarma
 Advocate



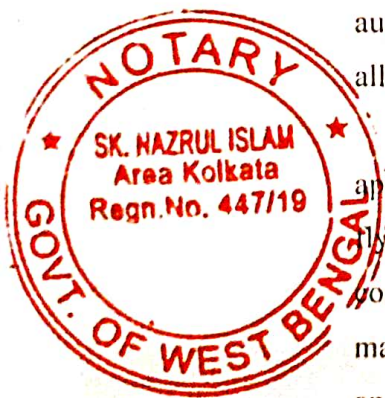
10. With reference to various allegations made and contained in paragraph nos. 8, 9 & 10, I repeat and reiterate the statements made in paragraph 4, paragraph 5 and paragraph 6 and 7 above and also adopt the statements and allegations made in the Original Application which have described the facts in brief to be true and correct and deny all allegations which are contrary there to and or inconsistent therewith. It is stated that

the Original Applicant is not an unemployed person. The respondent No. 19 has no knowledge whether the Original Applicant went to the private respondent for any job in his company or there was any question of manipulation of any document for any illegal gain or for any such alleged reason, the applicant was expelled from the private respondent company or the applicant thereafter, or at any point of time joined hands with any business rivalry or made any act tantamount to defaming the company or the question of not taking any harsh step by the company against the applicant does not arise or the applicant obtained any document which is confidential document of the company or any document obtained with the due process of law or with any personal interest. It is denied that the company is situated far away from the population of the village as alleged or at all.

It is further denied that Original applicant has made any lie for the purpose of the instant application or defame the goodwill or reputation of the company, whatever it may have or to tarnish its image or the company is running its mill adhering to necessary requisite as per the provision of law or made any separate compound for starting fly ash brick unit or serving for benefit of people at large or tried to promote any endeavor of the government for utilization of fly ash or obtained any mandatory permission from any statutory authority or till date no single person residing in the nearby village or in the state. It is denied that any allegation came up against the company for getting affected after consuming the rice of the rice mill of Respondent no. 14, or no health casualty was reported against the company or any complaint has been made by any government authority for the rice mill as well as the fly ash brick unit as alleged or at all.

It is stated that the company till prior to filing of the present original application was running in a concealed and silent manner the operation of fly ash brick unit and rice mill unit from the same compound without compliance to the required compliance to the rules and guidelines in any manner. Any allegation contrary to or inconsistent therewith are denied and disputed as if those are set out herein and denied in seriatim.

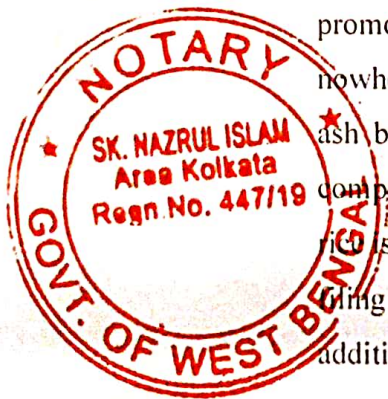
Buddhadev Anurag
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 Supriya Bhattacharya
 Advocate



The private respondents have made/continues to make several repetitions of same allegations at different places. To avoid prolixity and repetition of replying the same, I refer to relevant paragraphs containing reply to the said allegation and place my reliance there upon. It is further denied that annexure (A) to (C) in the application containing page 27 to 48 is confidential document of the company has alleged or at all.

11. With reference to various allegations made and contained in paragraph nos. 11, 12, 13, 14 & 15, I reply upon the paragraph nos. 5, 6, 7, 8, 9, 10, 11, 12, 13 & 14 of the original application as correct and deny all allegations which are contrary there to and or inconsistent therewith. I also refer to the various statements and allegations made in paragraphs 4, paragraph 5 and paragraph 6 and 7 above and also adopt the statements and allegations made in the Original Application which have described the facts in brief to be true and correct. In the present paragraphs under dealing the applicant has made/continues to make several repetitions of same allegations at different places.

To avoid prolixity and repetition of replying the same, I refer to relevant paragraphs containing reply to the said allegation and placing my reliance there upon. It is further denied that, annexure (A) to (C) in the application containing at page 27 to 48 is confidential document of the company has alleged or at all. It is denied that the answering respondent has complied with any norms for running rice mill or is running fly ash brick unit in a separate compound or fly ash brick unit can be set up at any place as per the order of WBPCB as alleged or at all. It is stated that the fly ash bricks might have been given an open drive way including promoting of its production or manufacturing by the government but nowhere any such permission of promotion tantamount to allowing a fly ash brick manufacturing unit to continue its production in a common compound and close vicinity where a mill for production of consumable bricks is going on. The newly constructed partition wall has been made after filing of the original application only as and by way of setting up of an additional defence to place before the Tribunal and which was not there as



Suddev Ankur
Filed by
Suddev Ankur
Advocate

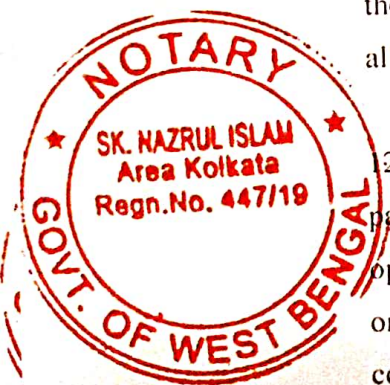
on the date of filing of the original application. Both such units as aforesaid, to run in a close vicinity particularly in a common compound tantamount to endanger the health issue particularly of those persons and villagers consuming such contaminated rice, besides badly affecting the local water bodies and stream which is clearly evident from the photographs annexed in the application. Any allegation contrary to or inconsistent therewith are denied and disputed as if those are set out herein and denied in seriatim.

It is stated that some irregularity/ illegality even if happens to continue in a locality without any protest or appropriate legal action against, does not and cannot be a ground for the same to continue in near future. It is well settled principle of law, that one cannot anchor on the doctrine of negative equity for some irregularity to be regularized or illegality to be legalized. Mere allegation of the residence of the applicant to be far away from the fly ash brick unit or existence of a godown of Food Corporation of India just adjacent to the fly ash brick unit cannot be a ground for the fly ash brick manufacturing unit to continue inside the rice mill. Any allegation contrary to or inconsistent therewith are denied and disputed as if those are set out herein and denied in seriatim.

It is denied that the applicant has kept the Hon'ble Tribunal in dark or tried to show any negativity relating to utilization of fly ash. In the instant paragraph under reference also the applicant has made / continues to make several repetitions of same allegations at different places. To avoid prolixity and repetition of replying the same, I refer to relevant paragraphs containing reply to the said allegation and placing my reliance there upon. It is denied that the applicant made any concocted story as alleged and at all.

2. With reference to various allegations made and contained in paragraph nos. 16, 17, 18, 19, 20, 21, 22, 23, 24, 25 & 26 of the said opposition I reply upon paragraph nos. 15, 16, 17, 18, 19, & 20, of the original application to be correct and deny all allegations which are contrary thereto and/or inconsistent therewith. Save what are matters of

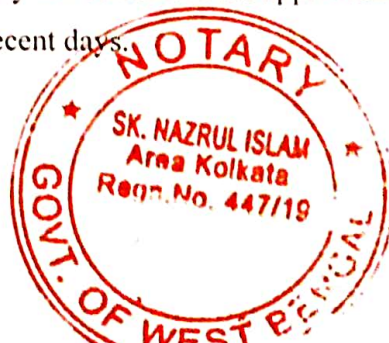
Buddhadev Ankur
Filed by
S. K. Hazrul Islam
Advocate



record and save what appears therefrom each and every allegation made and contained therein are denied and disputed as if those are set out herein and denied in seriatim. It is denied that the private respondent has any requisite license, permission or approval or regular inspection is conducted in the rice mill for the purpose of extension of license, permission and approval by the statutory authority or with regard to manufacturing of fly ash bricks, Central government and state government or CPCB or WBPCB guidelines are followed by the private respondents before starting of the unit or at any point of time or the contention of the applicant should be trashed out on closure of the brick manufacturing unit or on the health issue, as alleged or at all. It is stated that the report of the expert committee is malafide and perverse and appropriate exception by way of an affidavit has been taken by the applicant. It is further denied that the applicant misguided the tribunal or made any vague allegation or two units are not working in the said premises or maintaining any safety measure or without violation of any provision of law or by making the application, the applicants want to benefit any business rivalry of the private respondent or the applicant had any evil desire or the instant case has been filed to harm the answering respondent or the notification or provision has set out in the paragraphs of the application as referred herein are not applicable or there is no violation on the part of the answering respondent for running the units as alleged or at all. It is further denied that the applicant has failed to show the continuous carrying out of illegal act by the private respondent or no such cause of action has been made out by the applicant or the present application is barred or mischievous or product of misuse of any provision of National Green Tribunal Act, 2010, or is liable to be dismissed or with cost, as alleged or at all. It is further denied the prayer made by the applicant for achieving any personal gain or the bills annexed to the application are manufactured or forged or fabricated or the same never been issued by the answering respondent, as alleged or at all. At the cost of repetition, it is stated that the answering deponent does not dispute the significance or various utilization of fly ash bricks and the appreciation and promotion of its manufacturing in recent days.

Buddhadev ANKUR

Filed by
Sudhakar Bhattacharya
Advocate



In support of the applicant, it is only canvassed before the Hon'ble Tribunal the production and manufacturing of the fly ash brick which is continuing inside a rice mill where ready to eat rice are produced for human consumption within a close vicinity where raw fly-ash, air borne in nature are stacked in and admittedly vacant land alarmingly increasing the chance of raw fly ash being air borne contaminating the produced rice before it is used for human consumption within and or outside of the locality.

Any allegation contrary to or inconsistent therewith are denied and disputed as if those are set out herein and denied in seriatim. It is denied that the government has banned usage of red brick as alleged or at all. It is denied that the answering respondent made arrangement of any separate compound or obtained prior consent from the local authority or gram panchayat prior to running of fly ash project as alleged or at all. It is stated the private respondent has failed to substantiate the said pleading by the way of any material in support.

13. With reference to various allegations made and contained in paragraph nos. 26, 27, 28, 29, 30, 31, 32, 33 & 34 of the opposition, save what are matters of record and what appears therefrom each and every allegation made and contained therein as if those are set out herein are denied in seriatim. It is stated that the report of the expert committee is malafide and perverse and appropriate exception by way of an interim application has been taken by the answering deponent. The answering deponent craves leave to refer to the said affidavit as against the report of the expert committee and placing its reliance there upon. It is stated that land recorded in ROR is not the subject matter in issue in the instant proceedings.

The private respondents with an ulterior motive to divert the attention of the Hon'ble Tribunal in respect of the alarming issue involved in the present application are trying to consistently assert baseless allegations and contentions in its favour. Any allegation contrary to and/or inconsistent therewith are denied and disputed as if those are set out herein

BuddhadevANKUR
 Filed by
 Advocate: Bhadrachari
 Adv No. 47



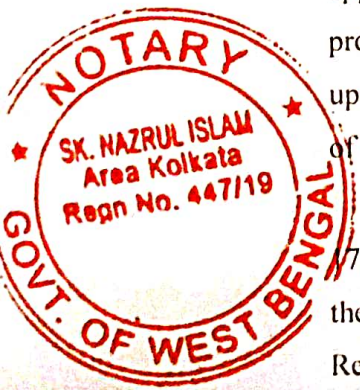
and denied in seriatim. It is denied that the instant matter is harassive, baseless or meritless or involves any suppression of fact in any manner or manufactured or forged or fabricated or wastage of judicial time or deserves to be dismissed or with cost or should impose any damages upon the original applicant or the original applicant has defamed or ruptured any goodwill of business or the instant application is liable to be dismissed by the Hon'ble tribunal as alleged or at all.

14. It is humbly submitted that the instant opposition is baseless, vague and lacks any merit including to address upon the actual issue involved, deserves no credence or consideration and in the interest of the cause of environment vis-à-vis the human being which is the most prime integral part of the environment, the prayer as made for in the application may kindly be allowed.

15. It is humbly submitted that there is a strong prima facie case in favour of the Original Applicant as well as in favour of the Respondent No. 19 herein.

16. It is humbly submitted that that balance of convenience and/or inconvenience is in favour of passing order as prayed for in the Original Application as well as the prayers made in the interlocutory Application being I.A. No. 37 of 2024 wherein it has been prayed that an order may be passed for conducting a fresh inspection with notice upon the original applicant and the present Respondent No. 19 and all other parties to the proceeding and preparation of a technical report with adequate sample upon vivid inspection so as to maintain the unbiased nature and outcome of such inspection.

17. Unless an order as prayed in the Original Application as well as in the interlocutory Application being I.A. No. 37 of 2024 filed by the Respondent No. 19, he will suffer irreparable loss and injury.



Buddh-adev Ankrabe
 Filed by
 Supal
 Advocate

18. The statements made in paragraph 1 to 13 are true to my knowledge and those made in paragraph 14 to 17 are my respectful submission before this Hon'ble Tribunal.

Prepared in my chamber

Sudhakar Bhattacharya

Advocate

Buddhadev Anand

Deponent

Identified by me

Sudhakar Bhattacharya

Advocate



Solely Affirmed and Declared before me U/S 139 CPC, U/S 297 (C) CRPC

SK Nazrul Islam

Notary

SK Nazrul Islam
Notary, Govt. of W.B.
Regn. No. 447/19
City Civil Court, Calcutta



27 JAN 2025

Item No.07

Court No.1

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

Original Application No.107/2023/EZ
(I.A. No.13/2024/EZ)

Soumen Chakraborty

Applicant(s)

Versus

The Principal Secretary,
Environment Dept. Govt. of West Bengal & Ors.

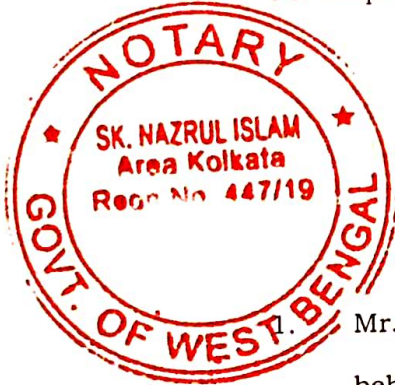
Respondent(s)

Date of hearing: 18.03.2024

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

For Applicant(s) : Mr. Deepnath Roy Choudhury, Advocate a/w
Mr. Saunak Sengupta, Advocate (in Virtual Mode),
Mr. Khondher Samiul Haque, Advocate,
Mr. Bhaskar Dwivedi, Advocate and
Mr. Rahul Naskar, Advocate

For Respondent(s) : Mr. Sudip Kumar Dutta, Adv. for R-1,2,7,9,11,13&17(in Virtual Mode),
Mr. Dipanjan Ghosh, Advocate for R-4, 5 & 8,
Mr. Ashok Prasad, Advocate for R-6,
Mr. Md. Karim Warsi, Advocate a/w
Mr. Arpita Mondal, Advocate and
Mr. Md. Rahim Waris, Advocate for R-14 to 16,
Mr. Kaushik Bhatta, Advocate a/w
Mr. Supratim Bhattacharjee, Advocate (in I.A. No.13/2024/EZ)



ORDER

1. Mr. Deepnath Roy Choudhury, learned Counsel appearing on behalf of the Applicant prays for and is granted further four weeks time for filing rejoinder affidavit.
2. Mr. Md. Karim Warsi, learned Counsel appearing on behalf of the Respondent Nos.14 to 16, states that he has not received the copy of the affidavit filed by the State Respondents. Learned Counsel may download the same from the NGT Website/Portal.
3. The Counsel for the parties shall exchange the copies of their affidavits among themselves before the next date of listing.
4. **List on 08.05.2024.**

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I.A. No.13/2024/EZ:-

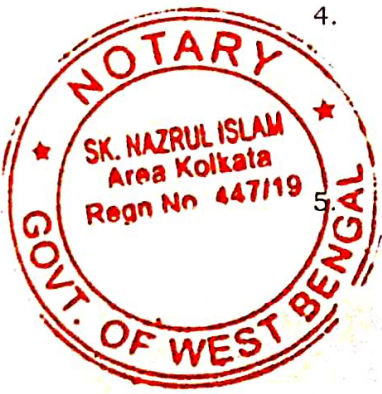
1. This Interlocutory Application has been filed by the Applicant-Buddhadeb Ankure, to allow the Applicant to intervene in the present proceedings.
2. The only objection raised by Mr. Md. Karim Warsi, learned Counsel for the Respondent Nos.14 to 16, Private Respondents, is that the representation made by the proposed intervener was sent on 02.01.2024 which was received in the Office of the District Magistrate, Purba Bardhaman on 05.01.2024.
3. Mr. Kaushik Bhatta, learned Counsel for the Intervener Application submits that the Applicant-Buddhadeb Ankure, was not aware that there was an Original Application No.107/2023/EZ pending in the Tribunal and, therefore, he submitted a representation before the District Magistrate, Purba Bardhaman on 02.01.2024 but when he came to know that the Original Application is already pending on the same issue, he has filed the Intervener Application to highlight certain additional grounds relating to environmental violations by the Respondent Nos.14 to 16.
4. Mr. Deepnath Roy Choudhury, learned Counsel for the Applicant states that he has no objection if the Intervener Application is allowed.

We, accordingly, allow the I.A. No.13/2024/EZ.

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B. Amit Sthalekar, JM

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Dr. Arun Kumar Verma, EM

March 18, 2024,
Original Application No.107/2023/EZ
(I.A. No.13/2024/EZ)
MN



BEFORE THE NATIONAL
GREEN TRIBUNAL EASTERN
ZONE BENCH

ORIGINAL APPLICATION
NO.107 OF 2023/EZ

In the matter of:

Soumen Chakraborty

... Original Applicant

-Versus-

The Principal Secretary,
Environment Department,
Government of West Bengal & Ors.
... Respondents



AFFIDAVIT-IN-REPLY OF THE
RESPONDENT NO. 19 TO THE
COUNTER AFFIDAVIT IN
OPPOSITION FILED BY THE
RESPONDENT NO. 14, 15 AND
16 AFFIRMED ON 18 JANUARY
2024

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Enrolment no.: WB/1858/2010