

S.L. No. 99

**BEFORE THE NATIONAL GREEN TRIBUNAL**  
**EASTERN ZONE BENCH, KOLKATA**  
**ORIGINAL APPLICATION NO. 107 OF 2023/EZ**  
**I.A. No. 45 OF 2024**

Buddhadev Anukul  
 Filed by  
 Soumen Chakraborty  
 Advocate

In the matter of:

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

... Original Applicant

-versus-



27 JAN 2025

1. The Principal Secretary,  
 Environment Department,  
 Government of West Bengal,  
 having its address at 5<sup>th</sup> floor,  
 Pranisampad Bhavan, Block LB-  
 II, Salt Lake, Sector – III,  
 Bidhannagar, Kolkata - 700106.  
 E-mail - [psecy.env-wb@gov.in](mailto: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 5<sup>th</sup> floor, Pranisampad

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Bhavan, Block LB- II, Salt Lake,  
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:



Buddhadev ANEJA  
Filed by  
Supriya Banerjee  
Advocate

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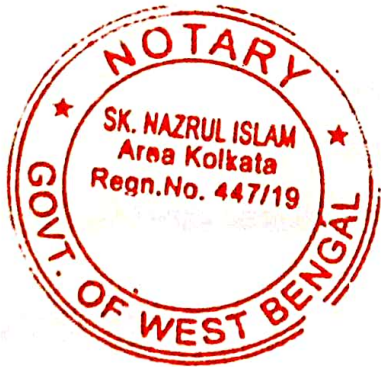
net.wbpcb-wb@bangla.gov.in,  
phone - 2202 3000.

6. Central Pollution Control Board (CPCB) represented by its Regional Director, having its office at 1582, Rajdanga Main Road, South End Conclave, 5<sup>th</sup> & 6<sup>th</sup> 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,



Burdwan Ankur  
 Filed by  
 Advocate



registered office at Vill:  
Gopinathbati, P.O. Gonna,  
Dariapur, P.S. Ausgram, Purba  
Bardhaman, West Bengal -  
713128 E-mail:

[kmagrotechpvtlimited2012@gmail.com](mailto: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](mailto: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](mailto:pritamshaw9live@gmail.com),  
Phone: 9475266482.

17. District Controller (Food &  
Supplies Department), Purba  
Bardhaman, having its address



Buddhadev Ankruid  
Firdaus  
Sudhakar Mukherjee  
Advocate

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G.T. Road, West Bengal -  
713101, Email - NA.

18. The Managing Director,  
West Bengal State Cooperative  
Marketing Federation Ltd.  
(Benfed), having its address  
Southern Conclave, 3<sup>rd</sup> floor,  
1582, Rajdanga Main Road,  
Kolkata - 700107, Email:  
[info@benfed.org](mailto: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-OPPOSITION OF THE RESPONDENT NO. 19**  
**TO THE APPLICATION FILED BY THE RESPONDENT NOS. 14**  
**TO 16 AFFIRMED ON 11TH JULY 2024 AND FILED ON 12<sup>TH</sup>**  
**JULY 2024**

I, Buddhadeb Ankure, son of Ganesh Ankure, aged about - 39 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:-

Buddhadeb Ankure  
Fidelity  
Barddhaman  
A. J. 2024

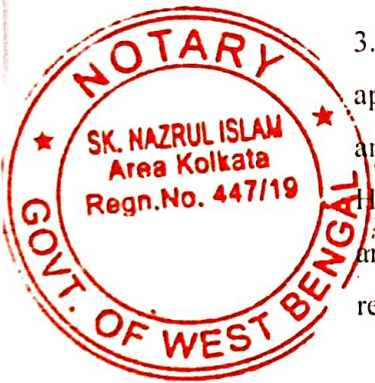
1. I am the respondent no. 19, who has been impleaded as a party respondent in the instant proceedings by the Hon'ble National Green Tribunal by its order dated 18.03.2024, upon being impleaded and upon perusal of the records while I found lacunae in the committee report on affidavit dated November 30, 2023, which was filed pursuant to the order of the Hon'ble National Green Tribunal dated September 12, 2023, I had by way of an application being I.A. No. 37 of 2024, inter alia sought to take exception of the said committee report alongwith other reliefs as prayed therein.

2. After filing of the said I.A. No. 37 of 2024, the private respondents herein, with a ploy by way of counter attack, filed another counter application being I.A. No. 45 of 2024, inter alia, disputing my signature followed by further irrelevant and baseless prayers, before this Hon'ble Tribunal. Such application being I.A. No. 45 of 2024 has been affirmed by one Debanshu Shaw(hereinafter referred to as the said application) dated July 11, 2024, which was filed before the Hon'ble Tribunal on July 12, 2024, which was served upon me. I have gone through the same and understood the meaning, content and purport thereof.

3. Before dealing with various allegations contained in the said application I say as follows, the instant application is malafide, baseless and filed with an ulterior motive to bypass/distract the attention of the Hon'ble Tribunal from the moot cause of endangering the public health and environment of which the private respondents are solely and wholly responsible.

4. A short backdrop is required particularly to understand the actual motive of the private respondents/applicants in I.A. No. 45 of 2024, as to why they are making these types of frivolous and unnecessary application, with the sole purpose to delay the actual cause being the subject matter of the Original Application to be met by the Hon'ble Tribunal.

Buddhadev Aniketa  
Filed by  
Sudhakar Bhatnagar  
Advocate



5. In this context a short backdrop of the conduct of the private respondent inter alia, giving rise to the Original Application are as follows:-

- a. 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.
- b. 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.
- c. Respondent nos. 15 and 16 are the Directors of the Respondent no.14 Company, who are fully responsible for its activities.
- d. Recently, some of the villagers as well as the intervener/Respondent No. 19 and some of his family members have fallen sick, all having common symptoms more or less of suffering from diarrhoea, 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 Coal based fly ash and manufacturing of fly ash brick at commercial volume, within the



Buddhadev Anand  
Fitted by  
Anand Anand  
Advocate

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

- e. 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.
- f. 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.
- g. 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 been annexed in the Original Application with the letter "D".
- h. Coal ash/fly ash are commonly known as one of the biggest sources of Air Pollution in the regions they are



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 Filed by  
 Subhash Chandra  
 Adhikari

stacked/mounded. Community living in the proximity thereby has to experience/suffer excessive Air Pollution, Heavy Metal Pollution including aluminium, calcium, silicon, iron consisting at a strikingly high proportion.

- i. 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".
- j. 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.
- k. The fact 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.



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l. 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 nos. 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.

m. 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 filed against the original application.

n. 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.

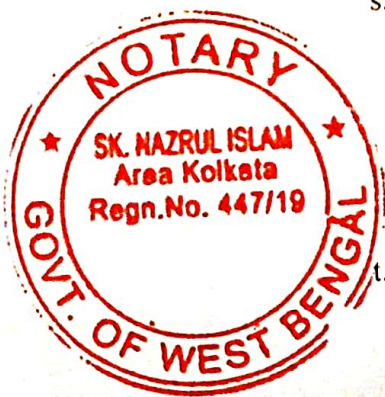
o. It is a matter of tragedy that the State Respondents are not fully grasping the importance and danger involved in the situation, and literally allowing to continue the dumping of fly ash and the operation of manufacturing of fly ash bricks in the same compound with the manufacturing of rice, in gross violation of all Statutory requirement, procedure or guidelines whatsoever,



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 Public Advocate  
 Advocate

by not taking any step or action to stop the same and/or against Respondent no.14, 15 and 16.

- p. 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.
- q. 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.
- r. 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.
- s. 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.
- t. The soil contamination poses risks of health hazard, also leads to contamination of ground water, which is serious concern for public at large.
- u. 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



BUSTHADEV ANKUR  
 Filled by  
 Subin Bhattacharya  
 Advocate

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

- v. 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.
- w. This 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 Barddhaman and copy forwarded to the Block Development Officer, Ausgram -1, Guskara, Purba Barddhaman 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 "X" as Annexure.
- x. The Respondent No. 19 states that under no circumstances, would any authority permit the operation of rice mill and manufacturing of fly ash from the same premises and if 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.
- y. The Respondent No. 19 states that Coal 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,

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Advocate



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).

- z. The Respondent No. 19 states 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 than 2.5 micro-meters in their aerodynamic 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 PM2.5.7 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

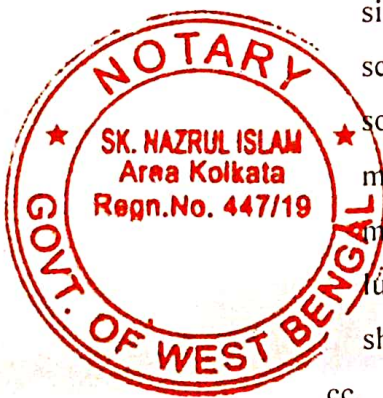


Buddadev Ankurul  
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Advocate

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.

- aa. The Respondent No. 19 states that Fly ashes in addition, preliminary data may lead to adding Alzheimer's 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.
- bb. The Respondent No. 19 states 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 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).
- cc. 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

Buddhadeb Anikar  
 Filed by  
 Supriya Bhattacharya  
 Advocate



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radioactive materials, including uranium, thorium, potassium and their radioactive decay products including radium. Burning coal concentrates the radio nuclides 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 person's 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.

dd. The Respondent No. 19 states 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. 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.

ee. 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

Buckthorpe EVANKAR  
Fitted dust  
Sulphur Dioxide  
Advocate



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.<sup>13</sup> 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.

ff. 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

Buddhadeb Anand  
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 Advocate



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.

Buddhadev Ankure  
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Advocate

6. To cover up these malafide conduct of causing threat to the public health and the environment as well, and also to frustrate and/or avoid and/or prolong the effective cognizance being taken by the Hon'ble tribunal upon considering the subject issue, the private respondents as and by way of ploy and after thought came up with the said application. After filing the said application the Hon'ble tribunal by its order dated May 8, 2024, immediately called upon the present deponent to be personally present before the tribunal with his Aadhar registration card(Aadhar) to appear before the tribunal, inter alia, to ascertain whether the deponent/applicant has actually filed the application being I.A. No. 37 of 2024 or not. The applicant in compliance to the said order had duly appeared before the Hon'ble tribunal and identified the same as his endorsement on the different places of the application. Hence, after such identification by the applicant as aforesaid being personally present before this Hon'ble tribunal, such contention of the private respondent and the subject matter of I.A. No. 45 of 2024 all becomes infructuous.



7. It is further stated that when the deponent/applicant in I.A. No. 37 of 2024 i.e. Buddhadev Ankure cleared beyond doubt that he has filed the application upon putting his signature any further or other allegations relating to the existence of the applicant or genuineness of the signature does not or cannot arise any further. Even the order dated July 15, 2024, clearly shows that the Hon'ble Tribunal was also satisfied on the issue that Buddhadev Ankure was the applicant who had filed I.A. No.37 of 2024.

In this context copies of the order dated May 8, 2024 & July 15, 2024 are collectively annexed hereto and marked with the letter "Y".

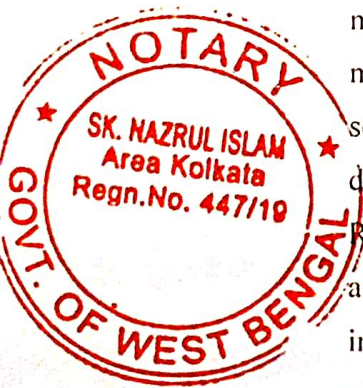
8. In view of the order dated 15.7.24, wherein, the Hon'ble tribunal has recorded the presence of Buddhadeb Ankure and heard his submission and got examined to the satisfaction of the Hon'ble Tribunal. Hence, after the personal appearance of Buddhadeb Ankure before the Hon'ble Tribunal and examination without recording any dissatisfaction without any further direction being passed on/against the deponent Buddhadeb Ankure, inter alia, renders the said application being I.A. No.45 of 2024 as infructuous.

9. I state categorically that both the signatures contained in I.A. No. 13 of 2024 and I.A. No. 37 of 2024 are my signatures, maybe of different pattern which came out naturally in the usual course of signing.

10. Without prejudice to the aforesaid and placing complete reliance thereupon, I shall now deal with various allegations made and contained in the said application, save what are matters are record and what appear therefrom each and every allegation made and contained therein as if those are set out herein are denied in seriatim.

11. With reference to paragraph nos. 1, 2, 3, and 4 save what are matters are record and what appear therefrom each and every allegation made and contained therein as if those are set out herein are denied in seriatim. It is denied that the applicants being respondent nos. 14 to 16 are duly represented or Debanshu Shaw is authorised or purported Board Resolution dated September 27, 2023, is valid in the eye of law or there is any urgency for any direction or the present deponent being the applicant in I.A. No. 37 of 2024, did not have any authentication or any Id proof as alleged or at all. It is stated that when the same allegation was levelled as to having no identity proof of the applicant or not having any enrollment number of his Advocate on Record and others of like nature, the Hon'ble

Buddhadeb Ankure  
 Filtered but  
 Signature  
 Advocate



Tribunal vide its order dated 8.5.24, inter alia directed the applicant Buddhadeb Ankure to remain personally present with his Id card on the next date fixed. On the next day fixed i.e. on 15.7.24 the deponent in compliance to the direction of the Hon'ble Tribunal remained personally present with his Identity card and the Hon'ble Tribunal was pleased to examine him followed by the direction to produce his Id proof and after being satisfied with their examination no further direction was passed by the Hon'ble Tribunal upon/relating to/against the said applicant being Buddhadeb Ankure, even till date. Any allegations contrary to and/or inconsistent therewith are denied and disputed as if those are setout herein in seriatim. It is denied that the signature of Buddhadeb Ankure was forged or the applicant filed applications one after the other in collusion with the original applicant or there is any question of foul play as alleged or at all. It appears that the Advocate on Record of the original applicant and the Advocate on Record of the present deponent both are stationed at Old Post Office Street, Kolkata – 700001, though in different parts of the same huge premises being no. 6, where, it is quite natural, toward and reasonably incidental that they may avail the service of the same Notary Public for the purpose of notarisation of the documents. It is denied that the present deponent and original applicant have clubbed together for filing applications one after the other by making any forged or fabricated signatures or there is any question of wrongful gain or achievement thereof, as alleged or at all.

Buddhadeb Ankure  
 Filled by  
 Subhadeb Ankure  
 Advocate



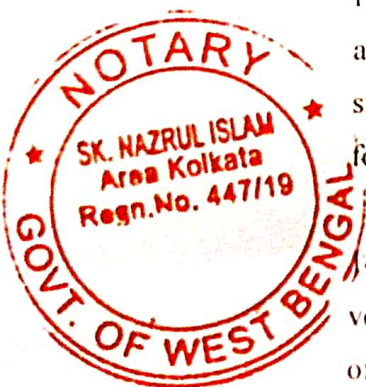
12. With reference to paragraph nos. 5,6,7 and 8 save what are matters are record and what appear therefrom each and every allegation made and contained therein as if those are set out herein are denied in seriatim. It is stated that the deponent being the person alleged against had appeared before the tribunal personally and been examined and upon production of identification proof has removed all the doubts leaving no grounds for any further suspicion as to the authenticity of the applicant or on the fact whether he has signed the applicant or not, particularly when appellant has himself deposed before the Hon'ble Tribunal that he has signed the

application. Any allegations contrary thereto and/or inconsistent therewith are denied and disputed as if those are set out herein in seriatim. It is further stated that the Hon'ble court thought it proper to ascertain the genuineness of the allegation and for that purpose directed the deponent to be present personally with his Id proof, and upon duly examining the deponent and considering its vis-à-vis his ID proof was satisfied on the aspect that the deponent was the applicant in I.A. NO. 37 of 2024 and proceeded no further with that baseless allegation of the private respondent or to collect or send specimen signature of the applicant to any authority which depends solely on the discretion of the adjudicating authority. It is also noteworthy to consider that, the private respondents knowing fully well on the baselessness of their allegation did not make any proceedings before any other appropriate authority questioning the signature. Any allegations contrary to and/or inconsistent therewith are denied and disputed as if those are set out herein in seriatim.

13. With reference to paragraph nos. 9,10 and 11 save what are matters are record and what appear therefrom each and every allegation made and contained therein as if those are set out herein are denied in seriatim. It is denied that the Hon'ble tribunal should pass direction verifying the genuineness of the intervenor applicant's signature or specimen signature is taken or sent to forensic or any other department for examination against the deponent or against the Advocate on Record or there is any fraud committed before this Hon'ble Tribunal or any further investigation is required or any person is liable to be punished or unless orders be passed as prayed for therein below, the private respondents or any of them would suffer any loss or injury or the instant application is made Bonafide and for the ends of justice as alleged or at all.

14. It is humbly submitted that the instant application being malafide, vexatious and made with a ploy and ulterior motive to divert the attention of the Hon'ble Tribunal from the actual cause in issue relating to

Buddhadev Ankrude  
 Filled by  
 Rupali Bhattacharya  
 Advocate



environment and public health safety, the instant application deserves to be dismissed with exemplary cost.

15. The statements made in paragraph 1 to 13 are true to my knowledge and the rest are my respectful submission before this Hon'ble Tribunal.

Prepared in my chamber

*[Signature]*  
Advocate

*[Signature]*  
Deponent

Identified by me

*[Signature]*  
Advocate

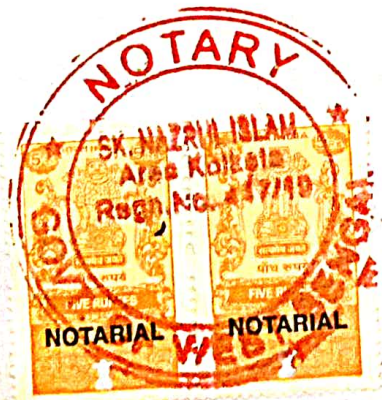


**Solemnly Affirmed and  
Declared before me U/S 139  
CPC, U/S 297 (C) CRPC**

*[Signature]*  
Notary

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

**27 JAN 2025**



591

Annexure - 'X'

To  
The District Magistrate, Purba Bardhaman,  
Purba Bardhaman-713101,

02/01/2024

মাননীয় মহাশয়,

আপনার নিকট আমাদের সবিনয় নিবেদন এই যে আপনার জেলার অন্তর্গত আউশগ্রাম থানার অধীন গোপীনাথবাটা গ্রামে কে. এম. এগ্রো. টেক. প্রাইভেট লিমিটেডের অধীন জমি জায়গার আশেপাশে রাইস মিলের যথেষ্ট ব্যবহার ও ফ্লাই অ্যাশ ইট তৈরীর কাজ একই সাথে করা হচ্ছে নিম্ন ব্যক্তিগণের নির্দেশে ও সম্মতিতে যথা ১) প্রদীপ সাউ, ২) প্রিতম সাউ, উভয়ের পিতা ভীম সাউ, সর্ব সাং গুসকরা (ফরেস্ট অফিসের সন্নিকট), থানা আউশগ্রাম, জেলা পূর্ব বর্ধমান, পিন নং ৭১৩১২৮। যাহার ফলস্বরূপ স্থানীয় জনগণের ও বাইরে থেকে আগত জনসাধারণের স্বাস্থ্য ও সুরক্ষার বিষয়গুলিকে বিপন্ন করে তুলেছে এবং সেকারণে তাহার দ্রুত অসুস্থ হয়ে পরছে।

নিম্নে স্বাক্ষরকারীগণ জানতে পেরেছেন যে উক্ত কে. এম. এগ্রো. টেক. প্রাইভেট লিমিটেড কোম্পানীর ডাইরেক্টর যথা ১) প্রদীপ সাউ, ২) প্রিতম সাউ ফ্লাই অ্যাশ ডাম্পিং করছেন এবং প্রয়োজনীয় লাইসেন্স ও অনুমতি ছাড়াই ফ্লাই অ্যাশ ইট তৈরীর কাজ চালিয়ে যাচ্ছেন এবং আইনের দ্বারা বাধ্যতামূলক যে নিয়মাবলী ও নিরাপত্তা সংক্রান্ত যে নির্দেশ আছে তাহা অনুসরণ না করে বেআইনি ভাবে উপোরোক্ত ব্যবসা চালিয়ে যাচ্ছেন যা শিশু সহ স্থানীয় মানুষদের স্বাস্থ্য ও নিরাপত্তাকে বিপন্ন করে তুলেছে। শুধু তাই নয়, যে জমি থেকে ধান তৈরী করে চাল উৎপাদন করা হয় যা এলাকার দৈনন্দিন ব্যবহারের প্রধান উৎস তসেই জমিগুলোকে নষ্ট করে দিচ্ছে। স্থানীয় জনগণের সচেতনতার এটাই সঠিক সময় যে ধান উৎপাদনের একই এলাকায় মধ্য ফ্লাই অ্যাশ বা ছাই জমা করে অবৈধভাবে বেআইনি কার্যকলাপ চালানো হচ্ছে তাহা স্পষ্টতই বিভিন্ন ধাতব পদার্থের ব্যবহার উদ্বেগজনক ভাবে বৃদ্ধি পাচ্ছে এবং পশু, প্রাণী ও পাখি ঐ সমস্ত দূষিত চাল বা চালজাত দ্রব্য গ্রহণ করছে।

উপরোক্ত কারন ও বৃত্তান্ত মূলে আমরা নিম্ন স্বাক্ষর কারীগণ নিম্ন ব্যক্তিগণের নির্দেশে ও সম্মতিতে যথা ১) প্রদীপ সাউ, ২) প্রিতম সাউ, এই বেআইনি কাজ, অপকর্ম ও অন্যান্য আচরণের বিরুদ্ধে অবিলম্বে প্রয়োজনীয় ও উপযুক্ত পদক্ষেপ নেওয়ার জন্য আপনার নিকট আবেদন করছি এবং ন্যায় বিচারের স্বার্থে গ্রাম্য ও স্থানীয় জনগণের স্বার্থ ও নিরাপত্তা রক্ষার উদ্দেশ্যে জরুরী ভিত্তিতে বিষয় টি খতিয়ে দেখে ব্যবস্থা গ্রহণ করিবার প্রার্থনা জানাইতেছি। দয়া করিয়ে এই বিষয়টি গুরুতর ও সবচেয়ে জরুরী হিসাবে বিবেচনার করার জন্য প্রার্থনা জানাইতেছি।

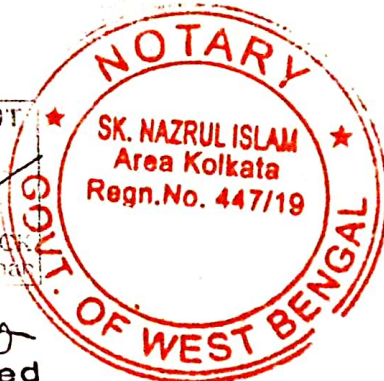
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Collector, Purba Bardhaman  
Date :- 08/01/24



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Copy to :

Block Development Officer, Ausgram-1 Block,  
Guskara, Purba Bardhaman.

- ১) রাজেশ্বর সান্দ্রী
- ২) নিমিষ সান্দ্রী

৩) অজিত সান্দ্রী

৪) কান্তি সান্দ্রী

৫) সত্যজিৎ সান্দ্রী

৬) সঞ্জয় সান্দ্রী

৭) কল্যাণী সান্দ্রী

৮) বিক্রম সান্দ্রী

৯) সত্যজিৎ সান্দ্রী

১০) সত্যজিৎ সান্দ্রী

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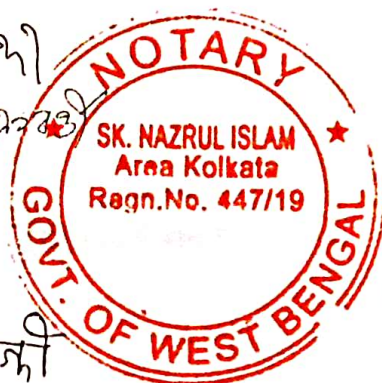
৩৬) সত্যজিৎ সান্দ্রী

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৩৯) সত্যজিৎ সান্দ্রী

৪০) সত্যজিৎ সান্দ্রী



Dated : 02/01/2024

To  
The District Magistrate, Purba Bardhaman,  
Purba Bardhaman-713101,

Respected Sir,

We would like to bring to your attention that under your jurisdiction, in the Gopinathbati village under the Ausgram police station of your district, K.M. Agro Tech Private Limited is carrying out the work of using rice mill and fly ash bricks production in and around the land under their control following the instructions and regulations agreed upon by the following individuals: 1) Pradeep Sau, 2) Pritham Sau, both sons of Deem Sau, residing at Guskara (near Forest Office), Ghana Ausgram, Dist. Purba Bardhaman, PIN - 713128. As a result, the local residents and outsiders are being affected in terms of their health and safety, and they are falling ill rapidly.

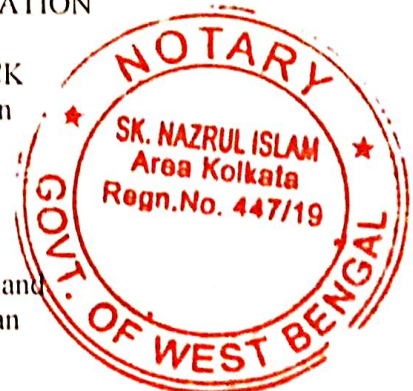
The undersigned individuals have come to know that the Directors of the aforementioned K.M. Agro Tech Private Limited company, namely 1) Pradeep Sau, 2) Pritham Sau, are illegally dumping fly ash and carrying out the work of producing fly ash bricks without the necessary licenses and permissions, and they are conducting these activities in violation of the mandatory rules and regulations prescribed by the law, which is endangering the health and safety of the local people, including children. Not only that, but they are also destroying the lands from which paddy is grown, which is the main source of daily livelihood in the area. The awareness of the local people is the right time when illegal activities such as fly ash or waste are being deposited in the same area of rice production. It is clear that the use of various metallic substances is increasing in a disturbing manner and all animals and birds are consuming all those contaminated rice or rice products.

Based on the above reasons and examples, we, the undersigned, in accordance with the instructions and consent of the following individuals, namely 1) Pradeep Sau, 2) Pritham Sau, are applying to you for necessary and appropriate steps to be taken immediately against these illegal activities, negligence, and other misconduct. I request you to consider this matter urgently and take necessary measures to protect the interests and security of the rural and local people in the interest of justice. I request you to consider this matter as serious and most urgent for consideration.

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Office of District Magistrate and  
Collector, Purba Bardhaman  
Date : 08.01.2024



CC to: Block Development Officer,  
Ausgram -I, Guskara, Purba Bardhaman

thanking you,  
-s/d-

BEFORE THE NATIONAL  
GREEN TRIBUNAL  
EASTERN ZONE BENCH,  
KOLKATA  
ORIGINAL APPLICATION NO.  
107 OF 2023/EZ  
I.A. No. 45 OF 2024

In the matter of:

Soumen Chakraborty

... Original Applicant

-Versus-

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



AFFIDAVIT-IN-OPPOSITION  
OF THE RESPONDENT NO. 19  
TO THE APPLICATION FILED  
BY THE RESPONDENT NOS. 14  
TO 16 AFFIRMED ON 11TH  
JULY 2024 AND FILED ON 12<sup>TH</sup>  
JULY 2024

Mr. Supratim Bhattacharjee  
Advocate, High Court, Calcutta  
6, Old Post Office Street,  
Room No. 72, 2<sup>nd</sup> Floor,  
Kolkata - 700001  
(Temple Chambers)  
Mob.: 8617252806

E-mail:

bhattacharjeesupratim@gmail.co

m

Enrolment no.:WB/1858/2010