

S.L. No. 97

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

Buddhadev Antur
 Filled by
 Advocate

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



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 Ahkurool
Filer
Public Authority
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: sec2.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.



Buddhadevankubel
Filed by
Sudhansu Ballal Singh
Advocate

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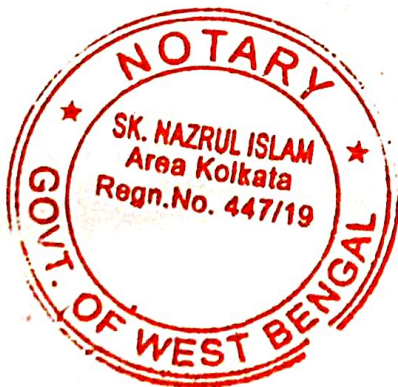
10. District Magistrate, Purba Bardhaman, having its address Kachhari Road, Kalibazar Para, Purba Bardhaman, West Bengal – 713101, E-mail: dmprbdn.gnl-wb@gov.in.

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,



Buddhadev Ankur
 Filial but
 Kachhari Road
 Advocate

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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.



Buddhadev Anukul
Filed by
Sudhakar Chatterjee
Advocate

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
AFFIDAVIT OF DEBANSHU SHAW AFFIRMED ON 9 SEPTEMBER
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:-

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

Buddhadev Ankure
Filed by
Sudhakar Chatterjee
Advocate

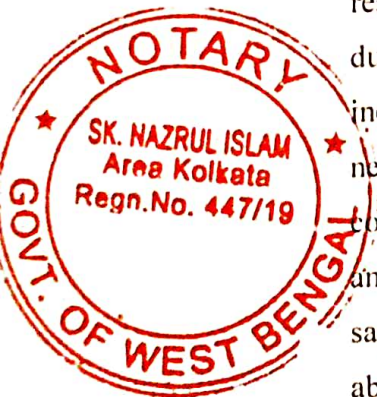
herein to be impleaded as party, inter alia, to agitate its cause relating to the identical environmental issue, in the present proceedings, to subserve the interest of Justice. Photocopy of the order dated 18.03.2024 is annexed hereto and marked with the letter "A".

2. I have been served with a copy of one affidavit of Debanshu Shaw alleged to have been affirmed on 9 September 2024 whereby and whereunder few documents have been annexed. I have gone through the statements made in the said affidavit and also gone through the documents attached to the said affidavit. I have understood the meaning, contents and purport thereof.

3. With reference to the statements made in paragraph nos. 1, 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 its directors or the deponent is conversant with the facts and circumstances of the case. It is stated that the answering respondent 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 under reply does not contain any copy of the board resolution as referred in the instant affidavit and I doubt about the very existence of the said Board Resolution and I say that the instant affidavit should not be considered particularly 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 respondents in any manner whatsoever. The instant affidavit also deserves no credence or consideration on this score before this Hon'ble Tribunal.

4. With reference to the statements made in paragraph nos. 1, it is denied that the Hon'ble Tribunal has ever granted any leave for filing the

Buddhadev Anukul
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Sudhakar Bhatnagar
Advocate

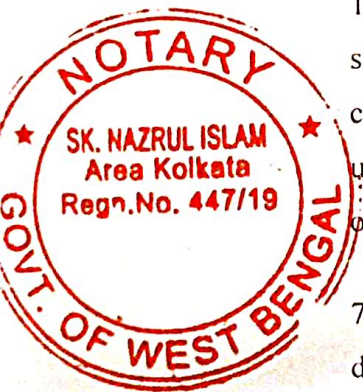


instant affidavit at the time of argument of the present case or at all. This affidavit is absolutely an uncalled one which have no relevance in the present case.

5. With reference to the statements made in paragraph nos. 1(a) to 1(g) I say that none of the documents as alleged are relevant for the purpose of adjudication of the present dispute as none of the documents referred in the paragraphs under reply deals with the aspect of establishment of rice mill and fly ash brick manufacturing unit within the same complex. I say that the documents annexed as PR10 is a general document which categories the type of Industries to be treated in which category. The said annexure also recommends about the guideline for setting up different factories in the territory of West Bengal. From the said notification it transpires that there is no provision for setting up a fly ash brick manufacturing unit within the rice mill factory. Moreover, the rice mill is a red category industry and within the same compound the respondent nos. 14, 15 and 16 have set up the Coal fly ash brick manufacturing unit without any permission from any authority.

6. Moreover, the white category industry can be set up only after getting the permission from the local authority but the respondent nos. 14, 15 and 16 without obtaining any permission from the local authority had set up the Coal fly ash brick manufacturing unit within the same compound. Moreover, assuming they obtained the permission for setting up the manufacturing unit of fly-ash brick, it was obtained in suppression of material fact of existence of a rice mill unit in the same compound.

7. I say that the documents annexed as PR11 are the income tax documents which have no relevance with the instant dispute and those documents do not constitute any special right upon the respondent nos. 14, 15 and 16 to establish a Coal Based Fly Ash manufacturing unit within the rice mill.

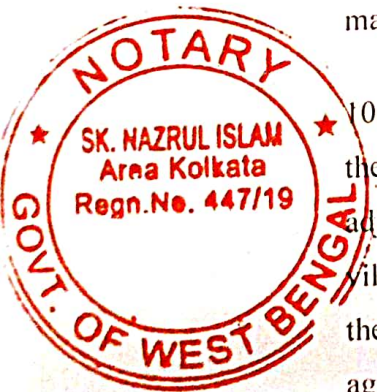


Buddhadev ANKUM
Filed by
Supriya Bhattacharya
Advocate

8. I say that the documents annexed as PR12 are all false and fabricated documents which are evident from the bare reading of those documents. I say that all the allegations made in the said written complaints are purposive false and concocted and absolutely after thought and should be overlooked by this Hon'ble Tribunal. I say that after filing the instant Case before the Hon'ble National Green Tribunal said respondent nos. 14, 15 and 16 made series of written complaints before the local police to create pressure and harassment for the applicant as well as against the other villagers who stood up against the illegal activities carried on by the respondent nos. 14, 15 and 16.

9. I say that the documents annexed as PR13 clearly denotes that the fly ash brick manufacturing unit is run by dumping Coal Ash obtained and collected from the Mejia Thermal Power station. I say that the Coal fly Ash are not carried to the manufacturing unit according to the Standard Operating Procedure set up by the respondent nos. 3 and 6 by their various notifications and guidelines. The Coal fly Ash are carried through open dumpers through nearby village roads and spills the ash all over the village and ponds which causes serious health issues to the local villagers and dangerously such air borne fly ashes are being finally dumped in the same compound where the same private respondents carry on their business of rice mill manufacturing unit, causing health hazards for the people by making them consume such fly ash contaminated rice.

10. I say that the documents annexed as PR14 has got no relevance in the instant case and as such the document has no contextual relevance for adjudication of the issue involved in the instant Case. I say that the villagers as well as the original petitioner left no stone unturned to ventilate the subject seriousness and burning grievances and made complaints against the respondent nos. 14, 15 and 16 to all the local authorities which have permitted the respondent nos. 14, 15 and 16 for setting up of Coal fly ash brick manufacturing unit unfortunately within the rice mill unit and accordingly the petitioner as well as other villagers issued several letters to all the authorities regarding the respondent nos. 14, 15 and 16 should



Budhprasad v Anurag
 Filed by
 Sapna Bhatnagar
 Advocate

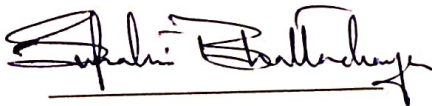
not violate the law and perpetually violate the laws and regulations relating to Coal Ash based fly ash manufacturing unit within the rice mill. The respondent nos. 14, 15 and 16 still running Coal Ash based fly ash manufacturing unit within rice mill thereby causing serious health and environmental hazards in or around the areas and local villages.

11. I say that the documents annexed as PR14 has been obtained by the respondent nos. 14, 15 and 16 by suppression of facts and thereby committed fraud upon various Government authorities. I say that no application as to conversion of land could be produced or annexed with the instant affidavit under reply and accordingly without looking into the application for conversion it cannot be said that the conversion has been done for setting up Coal Ash based fly ash manufacturing unit within a rice mill unit. In any event mere conversion of nature of land does not at all create any right upon the the respondent nos. 14, 15 and 16 for setting up Coal Ash based fly ash manufacturing unit within a rice mill unit. The respondent nos. 14, 15 and 16 by producing the aforesaid documents tried to mislead the Hon'ble Tribunal.

12. I say that the documents annexed as PR15 has got no relevance in the instant case and as such the document has no relevance in adjudication of the issue involved in the instant Case.

13. The statements made in paragraph 1 to 12 are true to my knowledge and my respectful submission before this Hon'ble Tribunal.

Prepared in my chamber



Advocate



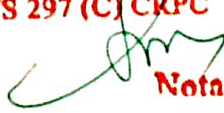
Deponent

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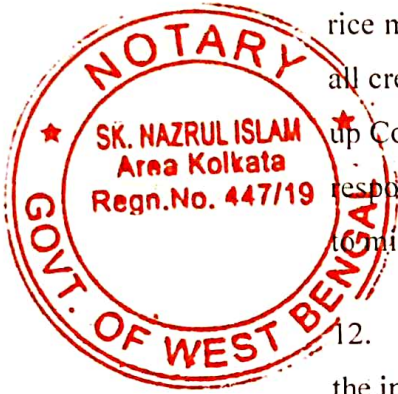


Advocate

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


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

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

.....
B. Amit Sthalekar, JM

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



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

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
AFFIDAVIT OF DEBANSHU
SHAW AFFIRMED ON 9
SEPTEMBER 2024

Mr. Supratim Bhattacharjee
Advocate, High Court, Calcutta

6, Old Post Office Street,

Room No. 72, 2nd Floor,

Kolkata – 700001

(Temple Chambers)

Mob.: 8617252806

E-mail:

bhattacharjeesupratim@gmail.co

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Enrolment no.: WB/1858/2010