

SL. NO. 3/25

**Before the National Green Tribunal
Eastern Zone Bench, Kolkata
OA No. 210/2024/EZ**

Nandini Chakravarty

.....Applicant

Versus

State of West Bengal and Ors.

.....Respondents

**REJOINDER AFFIDAVIT ON BEHALF OF THE APPLICANT, TO THE
AFFIDAVIT FILED ON BEHALF OF THE RESPONDENT NO. 1**

I, Nandini Chakravarty, wife of Sri Kunal Chakravarty, aged about 69 years, by faith Hindu, by occupation - Business, residing at 49/5, P.G.M.Shah Road, Kolkata, West Bengal - 700033 and also at "Anandi", Purbannapara, Makardah, Howrah - 711409, do hereby solemnly affirm say as follows :



I am in receipt of the Affidavit affirmed by the District Magistrate, Howrah i.e., the Respondent No. 1 herein. I have also received the report appended thereto. I have understood the meaning and purport thereof. I am aware of the facts and circumstances of the instant case. I am competent to make and affirm this instant affidavit. I deny and dispute each and every allegations, statements and contentions made in the said affidavit which

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are contrary to my contentions, facts and records. I further state my exception/objection to the said report as stated hereunder.

2. Before dealing with said affidavit and report it is pertinent to bring on record certain relevant facts for proper adjudication of this matter.

3. I say that the wetlands of Nimerhati and the adjacent land to the Saraswati Canal of the Saraswati Industrial Complex has been filled up illegally. Photographs indicating the illegal land-filling is annexed herewith and marked as Exhibit-1.

4. This illegal land filling has resulted in filling up & blockage of the drainage networks of the adjacent areas of Nimerhati, Purbannapara & Makardah,, leading to unprecedented flooding of the entire area every year.

Photographs indicating the blockage of the drainage networks is annexed herewith and marked as Exhibit-2.

5. The local residents have been informing the relevant authorities about the precarious situation being caused by the flooding in the area but no effective action has been taken by the concerned authorities to mitigate such situation.

A copy of a representation made by a local resident is annexed hereto and marked as Exhibit – 3.



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6. A closure order with disconnection of electricity dated 17.08.2015 was issued by the West Bengal Pollution Control Board (WBPCB) towards 14 factories for noncompliance. However, the current status of these factories is unknown till date and neither has such issue been dealt with, in the Affidavit affirmed by the answering Respondent.

A copy of the closure order 17.08.2015 is annexed herewith and marked as Exhibit-4.

7. As per the order of this Hon'ble Tribunal, a joint inspection was conducted at the locale on 09.12.2024, wherein the following officials were present:

a. The Addl. District Magistrate – Mr Azar Zia

b. Mr Partha Sadhukhan, Spl. LO

c. Mr Bimalendu Mal on behalf of the WBPCB

d. Mme N.Sengupta on behalf of the WBPCB

e. Mr Sandeep Roy on behalf of the CPCB

f. Mme S Sunar on behalf of the CPCB

g. Mr N.B.Saha, Joint BDO on behalf of the Domjur Block Office

On the day of inspection, the chemical and land contamination caused by the numerous factories within the Saraswati Industrial Complex was viewed in-person by the aforementioned officials.

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Photographs indicating the rampant chemical and land contamination is annexed herewith and marked as Exhibit-5.

8. The drainage network within the Saraswati Industrial Complex are completely blocked and is thus causing severe environmental pollution and the same has not been addressed substantially in the report furnished by the answering respondent.

Photographs indicating the same are annexed herewith and marked as Exhibit-6.

9. Presently this filling up of the land and the blockage of the internal drainage network has caused the water outlet & the drainage system of the adjacent villages of Nimerhati, Makardah, Purbannapara and the areas adjacent thereto, to be completely blocked, causing floods and environmental hazards to all residents of the area.

Photographs indicating the blockage of the internal drainage network and water logging are annexed herewith and marked as Exhibit-7.

10. Currently the waste discharge from the Saraswati Industrial Complex are drained to the local drainage system and the same stagnates in the drains in the vicinity causing more pollution and breeding grounds for mosquitoes, as well as emission of obnoxious gas and smell.

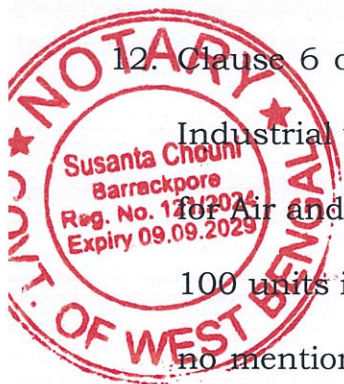


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Photographs indicating the stagnate local drainage system are annexed herewith and marked as Exhibit-8.

11. The drainage system within the Industrial Complex and in and around the complex is in a very bad shape and needs immediate rectification by the appropriate authorities without which we expect a catastrophic health hazard and flooding of the adjacent areas of Nimerhati, Purbannapara & Makardah villages. The wastewater is full of chemical discharge and obnoxious elements. During the monsoon season the drains fill up and floods the adjacent villages and this chemically dangerous wastewater flows into the residential areas causing a tremendous health hazard to the locality.

12. Clause 6 of the Report of the Joint Committee states that a total of 13 Industrial units within the Saraswati Industrial Complex having potential for Air and Water pollution, were inspected. However, there are more than 100 units in the Saraswati Industrial Complex, but unfortunately there is no mention of the pollution status of the remaining units. It is pertinent that a list of all factories and units within the Saraswati Industrial Complex and their current Air and Water quality monitoring status report be submitted by the concerned respondents.



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13. Clause 8 of the said Report indicates that air quality of the Saraswati Industrial Complex was monitored by conducting an air quality monitoring from a Sensor-Based Continuous Ambient Air Quality Monitoring Station located at the Jalan Complex. The said Jalan Complex is far away from the Saraswati Industrial Complex in question. It is pertinent that a similar air quality monitoring be conducted in the Saraswati Industrial Complex and a report be submitted by the concerned respondents, failing which, no cogent action will be taken to rectify the situation, and the local residents will continue to suffer the obnoxious and harmful gases being emitted from the factories in a daily basis. The situation is so grave that the local residents are forced to use masks during the day-time and more particularly at such points of time when the gas emissions are at their highest level.

14. Furthermore, the noise pollution is also continuing unabated from the ~~Complex~~ causing severe disturbance and harassment to the local residents. The noise monitoring which was carried out on a particular unit was found to be beyond permissible limit within the Saraswati Industrial Area and within permissible limit at the verandah of the applicant. However, it is pertinent to stated that this monitoring exercise was done during the day time. Unfortunately, the same decibel limit continues late in the evening and night making it very difficult for Senior Citizens to



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sustain/rest. Moreover, the noise and sound is not only from a particular unit but a collective effect from the Industrial Complex. Hence a collective noise report of the Industrial Complex be monitored during the day and night to indicate the true cumulative effect of the noise and the resultant difficulties of the residents adjacent to the said Industrial Complex.

15. It is pertinent that an immediate installation of proper facility for disposal of solid waste, garbage, paper waste, chemical waste and chemical sludge be made within the said Industrial Complex and not littered in the adjoining areas. The open burning of industrial and chemical waste, which was also noted by the joint-inspection team, should be stopped with immediate effect. All industries continuing to flout the norms should be closed and a report thereof be submitted by the respondents concerned.

16. It is pertinent that the Status Report of the Closure Order with disconnection of Electricity Memo No.173-274/WPB/O&E/2015 dated 17.08.2015 as issued by the WBPCB, along with latest status update and the steps taken by the concerned Authorities, be disclosed by the concerned respondents.

17. It is pertinent that the results of the liquid effluent samples collected from the Saraswati Industrial Complex be submitted by the concerned respondents.



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18. That unless immediate effective measures are taken to stop the pollution in the area and to drastically rectify the pathetic state of the Saraswati Canal (and its drainage network), together with continuous monitoring of the situation, the entire locality is headed for a much larger disaster than it has already reached and the resultant harm to the environment and to the local residents shall be unprecedented and irreversible.
19. Without prejudice to the aforesaid, save and except what are matters of record or gleaned therefrom all other facts, assertions, and allegations, if any, made in the said affidavit is deemed to have been denied and disputed as if the same has been set out herein and traversed in seriatim.
20. The statements made in paragraphs 1 to 13 of the foregoing paragraphs are true to my knowledge and the rest are my respectful submissions before this Hon'ble Tribunal.



DEPONENT

*Solemnly Affirmed and Declared
before me on Identification*

SUSANTA CHOULI
NOTARY, Govt. of W.B.
Regd. No. 121/2024

01 FEB 2025

EXHIBIT 01



EXHIBIT 02



To
The Judicial Bench,
National Green Tribunal
Eastern Zone Bench, Kolkata

September 28, 2022

From
Mr. Dhrubo Mukerjee
Anandi, Purbanapara
Makardah, Howrah - 711409

Dear Sir,

Sub : Prolonged Problems faced by the residents of "Anandi", Purbanapara, Markardah, Howrah due to water logging within the premises

Ref : Case lodged with Natural Green Tribunal, EZ OA No.30/2015/EZ, IA No.34/2019

I, Mr. Dhrubo Mukerjee am a resident of "Anandi", Purbanapara, Makardah, Howrah belonging to the Howrah Municipal Area. My mother an Old & Aged person with restrictive movement is also residing with us. Our village is in the Makardah & Nimerhati Mouja locality and water has entered the homes of several families. The water has been stagnant over the last 15 days as the drainage canals have been blocked due to illegal construction over the drains, leading to blockage of drainage channels.

This letter is to highlight the concerns that we are facing in our premises due to water logging caused by the illegal filling up of the wetlands adjoining our property for factory / warehouse.

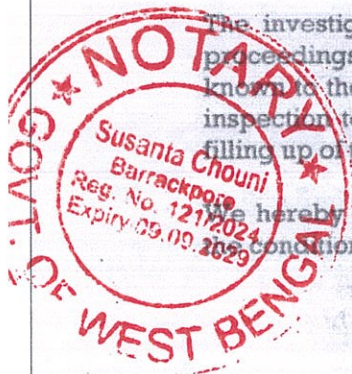
We would like to bring to your kind notice that for the last 15 days after the monsoon rains, water has been stagnant and is creating an absolute menace within the premises and swarms of mosquitoes have been breeding.

It is impossible to move within the house and carry out the daily chores. I have contacted the municipal authority multiple times on this matter and yet they have not responded to my queries and concerns. The Panchayat has also been contacted and they have not solved any problems. The entire wetland areas of the Saraswati Khal which used to be a huge water body has been consistently filled up over the years, causing the hazard.

Please find reference to our case filed with the National Green Tribunal when the menace was anticipated. Unfortunately, the matter was not given due cognizance and the illegal filling of the wetlands was carried out.

The investigating / inspection teams who visited the site during the course of the case proceedings also failed to appreciate the actual situations for extraneous reasons best known to them and when the local villagers protested against the indifferent attitude of the inspection teams, the villagers were rather harassed by the persons who engaged in the filling up of the water body.

We hereby enclose a couple of photographs taken at the premises which clearly indicate condition inside the residence.



The investigating / inspection teams who visited the site during the course of the case proceedings also failed to appreciate the actual situations for extraneous reasons best known to them and when the local villagers protested against the indifferent attitude of the inspection teams, the villagers were rather harassed by the persons who engaged in the filling up of the water body.

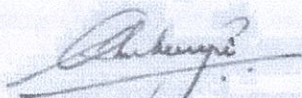
We hereby enclose a couple of photographs taken at the premises which clearly indicate the condition inside the residence.

I am writing this letter to bring into your consideration the water-logging situation in our house. As the rainy season has set up it has become a matter of great concern for us residing at the mentioned premises as the water has started to clog & stagnate. This water gets contaminated creating a mosquito breeding place and becomes an origin of several water borne diseases. This situation is not only confined to our residence, but is a situation that is being faced by all the residents / houses in the locality.

We request you to please look into the matter and arrange for an immediate drainage of the water relieving us of the problems we as well as the people in our village have been facing for several months & years.

Thanking you in anticipation

Yours faithfully

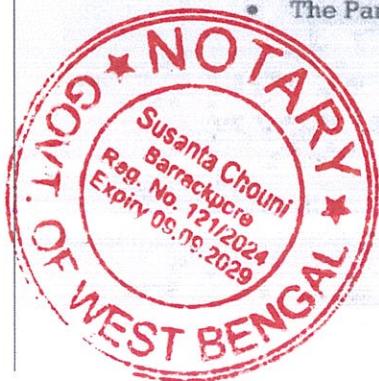


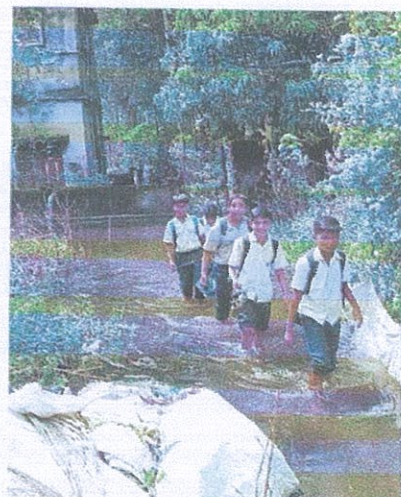
DHRUBO MUKERJEE

Encl : Copies of Photographs taken on 27.09.2022

c.c. :

- The Chief Secretary, Govt of West Bengal, Kolkata
- The District Magistrate, Howrah District, Howrah
- The Municipal Commissioner, HMC, Howrah
- The Superintendent of Police, Howrah
- The Regional Officer, Howrah Regional Office, WBPCB, Kolkata
- The Panchayat Pradhan, Gram Panchayat No.1, Makardah





NOTARY
Susanta Chouni
Barrackpore
Reg. No. 121/2024
Expiry 09.09.2029
GOVT. OF WEST BENGAL



NOTARY
Susanta Choudhury
Barrackpore
Reg. No. 121/2024
Expiry 09.09.2029
GOVT OF WEST BENGAL

EXHIBIT 04



West Bengal Pollution Control Board
(Department of Environment, Government of West Bengal)
Paribesh Bhawan, Bldg. 10A, Block LA
Sector III, Salt Lake, Kolkata 700 098
Tel: 2335-6730, 2335-9088/7428/8211/6731/0261/8861
Fax: 2335-2813

Memo No. 173-274/WPB/O&E/2015

Date: 17/08/2015

CLOSURE ORDER WITH DISCONNECTION OF ELECTRICITY

WHEREAS, the West Bengal Pollution Control Board (hereinafter referred to as the Board) is responsible for executing different environmental laws for prevention and control of pollution within the territorial jurisdiction of West Bengal.

AND WHEREAS, the Hon'ble National Green Tribunal, Eastern Zone Bench, Kolkata has passed another order on 14.07.2015 in connection with Original Application No. 30/2015/EZ directing the Board to take immediate steps for closure of the units who are in operation in breach or violation of environmental norms i.e operating without valid Consent to operate.

AND WHEREAS, as per records kept and maintained by the office, six (6) number of industries (Sl. No. 1 to 6 in the following table) are operating without applying for Consent to Operate of the Board and eight (8) industries (Sl. No 7 to 14 in the table) though applied for consent to operate recently, but are operating without installing pollution control systems.

Sl. No.	Name of industries	Address
01	M/s Koley Enterprise	Vill- Nimerhati, P.O.-Makardah, P.S.-Domjur, Howrah-711409
02	M/s Misshika Enterprise	Vill- Nimerhati, P.O.-Makardah, P.S.-Domjur, Howrah-711409
03	M/s R.S. Engineering (Prop.- Mr. Subhas Sauley)	Vill- Bhandardah, P.S.-Domjur, Howrah-711411
04	M/s Paja Enterprise (Prop.- Mr. Niraj Sinhania)	Vill- Bhandardah, P.S.-Domjur, Howrah-711411
05	M/s Shiv Chemicals	Vill- Bhandardah, P.S.-Domjur, Howrah-711409
06	M/s Reliance Enterprise	Vill- Nimerhati, P.S.-Domjur, Howrah-711409
07	M/s B.K. Trading Company	Vill- Bhandardah, P.S.-Domjur, Howrah-711411
08	M/s Zinc Craft (Prop.- Mr. Probhas Ladia)	Vill- Bhandardah, P.S.-Domjur, Howrah-711411
09	M/s Tara Ma Engineering (Prop.- Mr. Uttam Mondal)	Vill- Bhandardah, P.S.-Domjur, Howrah-711411
10	M/s Engineering and Fabrication (Prop.- Mr. Samir Das)	Vill- Bhandardah, P.O.-Makardah, P.S.-Domjur, Howrah-711409.
11	M/s Ma Bhabatarini G.I. (Formerly M/s Ma Tara Engineering)	Vill- Bhandardah, P.O.-Makardah, P.S.-Domjur, Howrah-711409.
12	M/s Sagar Enterprise (Formerly M/s Swastik Industries)	Saraswati Complex, P.S.-Domjur, Howrah-711409
13	M/s Bright Bar Industries (Prop.- Mr. Rahul Ghosh)	Saraswati Complex, Bhandardah, P.S.-Domjur, Howrah-711409.
14	M/s Angel Product (Formerly M/s Arti Trading) Prop.- Mr. Mukesh Prasad Gupta	Saraswati Complex, Bhandardah P.S.-Domjur, Howrah-711409.

NOW THEREFORE, in view of the above and in compliance with the order of the Hon'ble National Green Tribunal, Eastern Zone Bench, Kolkata, aforementioned fourteen (14) industries are hereby directed to be closed forthwith.

The electricity connection of the above mentioned industries are ordered to be disconnected forthwith.

The Director (HR), WBS&EDCL is requested to take necessary steps to disconnect the electricity connection of the above mentioned industries immediately.

The closure order will take immediate effect and the Officer-in-Charge, Domjur Police Station is directed to execute the Closure order against the aforementioned industries and submit a compliance report to the Board within seven days from the receipt of this Memo.

This direction has been issued to the Officer-in-Charge, Domjur Police Station and the Director (HR), WBS&EDCL in conformity with the order of the Hon'ble High Court, Calcutta dated 21/08/1998 and 28/04/1999 respectively.

The Environmental Engineer, Howrah Regional Office of the Board is requested to take necessary steps for proper execution of the closure order against the respective industries as mentioned above involving the respective local police stations and Nodal Police Officer of the concerned district.

This direction is issued in exercise of the powers conferred under the provision of Section 33A of Water (Prevention & Control of Pollution) Act, 1974 and Section 31A of Air (Prevention & Control of Pollution) Act, 1981 and in compliance with the order of Hon'ble National Green Tribunal.

This order has the approval of the Competent Authority.

By Order,

Sd/-
Chief Engineer
Operation & Execution Cell

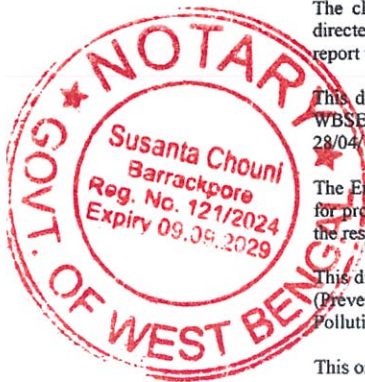
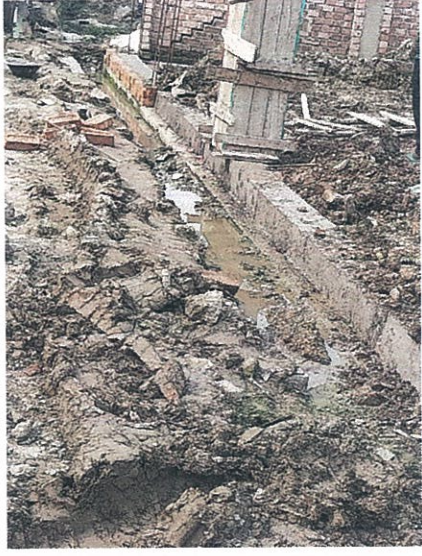


EXHIBIT 06



NOTARY
Susanta Choudi
Barrackpore
Reg. No. 121/2024
Expiry 09.09.2025
OF WEST BENGAL

EXHIBIT 07



NOTARY
Susanta Chouli
Barrackpore
Reg. No. 121/2024
Expiry 09.09.2029
WEST BENGAL

EXHIBIT 08



NOTARY
Susanta Choudi
Barrackpore
Reg. No. 121/2024
Expiry 09.09.2029
GOVT. OF WEST BENGAL