

BEFORE THE NATIONAL GREEN TRIBUNAL
EASTERN ZONE BENCH, KOLKATA
IN
O.A. No. 231/2024/EZ

IN THE MATTER OF:
Sri Debasis Das

APPLICANT (S)

VERSUS

State of West Bengal & Ors.

RESPONDENT(S)

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Mrinal Kanti Biswas

Regional Director & Scientist 'E'
CPCB, Kolkata

Filed through



Counsel

Dated: 11/02/2025

Place: Kolkata



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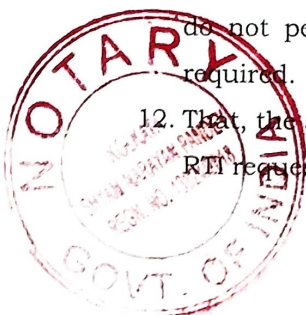
...RESPONDENT(S)

REPLY ON BEHALF OF THE RESPONDENT NO. 03: CENTRAL POLLUTION CONTROL BOARD (CPCB)

1. That the Hon'ble National Green Tribunal, Eastern Zone Bench Kolkata vide order dated 02.01.2025 has sought the reply of respondents, including Central Pollution Control Board (hereinafter referred to as "CPCB") in the instant matter. Thereby the reply is made in the succeeding paragraphs.
2. The Original Application under reference has been filed alleging large scale illegal cutting and felling of trees at the property situated at premises No.1, Acharya Tulsi Marg, Police Station – Golabari, District – Howrah (also known as property situated at H8QV + WHP, Salt Golah, beside river Hooghly within the jurisdiction of Golabari Police Station, District – Howrah – 711106). The applicant has stated that the land in question measures about 88300 Sq.Mtr. originally belongs to the Rail Land Development Authority ('RLDA') (Respondent No. 9 in this matter). The applicant has also stated that, for developing the land, RLDA appointed Developer firm M/s PS Group Realty Pvt. Ltd. (the Respondent No. 10) who is engaged in the illegal cutting and felling of trees within the said property.
3. That, at the outset, the answering respondents deny all claims, contention allegations and averments against answering respondent CPCB in the above original application (hereinafter referred to as "OA") contrary to anything stated or submitted in this reply. Nothing in the OA may be deemed to have been accepted or admitted by the answering respondent for want of a specific denial, save and except any averment which has been expressly admitted hereinafter.



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4. That CPCB is constituted under Section 3 of The Water (Prevention and Control of Pollution) Act, 1974 (herein after referred to as "Water Act, 1974"). It performs the functions under The Water Act, 1974, The Air (Prevention and Control of Pollution) Act, 1981 (hereinafter referred to as "Air Act, 1981") and the Environment (Protection) Act, 1986.
 5. That, Hon'ble NGT vide its order dated 02.01.2025 in the instant matter has constituted a fact finding committee for verification of the allegations made in the original application. The fact finding committee has visited the site on 23.01.2025. It is further submitted that the report shall be placed to the Hon'ble Tribunal by the Nodal Agency i.e District Magistrate, Howrah.
 6. That, no comments are required from the answering respondent with respect to Paras 1 to 2 of the OA concerning introductory details of the applicant and respondents.
 7. That, the averments in Paras 3 and 4 (a – f) of the OA, are regarding the property in question and its alleged long-standing greenery and role of respondent nos. 9 and 10 with regard to the said property. In this context, no comments are required from the answering respondent.
 8. That, the averments in Para 5 of the OA, referring to the first RTI request filed by the side of the applicant with the DFO, require no comments from the answering respondent as these are matters of record.
 9. That the averments in Paras 6 to 7 (a-f) are about the DFO's alleged response to the first RTI request and the applicant's subsequent allegations about discrepancies in tree-count verification and the alleged issuance of illegal clearance vide letter dated 29/04/2024 by DFO, Howrah. These averments do not pertain to the answering respondent and, therefore, require no reply.
 10. That, regarding Paras 8 (i-ii), which are about the applicant's second RTI request and the DFO's reply referring to field inquiries done on 02.07.2024 and 08.07.2024 and hence, no comments are required from the answering respondent.
 11. The averments in Paras 9, 9 (a-c) pertain to the applicant's third RTI request and the DFO's reply dated 18/09/2024 and issuance of a second clearance certificate vide letter dated 20/08/2024, cancelling the first clearance certificate issued vide letter dated 29/04/2024. These matters do not pertain to the answering respondent, hence no comments are required.
 12. That, the averments in Para 10 (a – e) are regarding the applicant's fourth RTI request and reply dated 10/09/2024 from the DFO which states about



issuance of second clearance certificate vide letter dated 20/08/2024, cancelling the first clearance certificate issued vide letter dated 29/04/2024 and applicant's concern about possible illegalities in granting clearances. As these averments do not relate to the answering respondent, no comments are required.

13. That, the averments made under Paras 11 (i - vii), Para 12 ((i) - (ii)) and Paras 13 and 13(a - f) of the original application are grounds, limitations and prayer. In this context, it is respectfully submitted that no comments are needed from this Answering Respondent.
14. In view of above averments, it is humbly submitted that violations, if any, under the concerned Acts/Rules are to be dealt by the respective agency as per provisions stipulated under such Acts/Rules.
15. That, in light of the above submissions, it is respectfully submitted that this answering respondent, i.e., CPCB, shall abide by any order(s) or direction(s) passed by this Hon'ble Tribunal in this Original Application.

Mrinal Kanti Biswas

Mrinal Kanti Biswas

Regional Director & Scientist E,
CPCB, RD Kolkata



Sl. No. CS DT 11.02.2025

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AFFIDAVIT

I, Mrinal Kanti Biswas, S/o Saroj Kumar Biswas aged about 43 years, having office at the Regional Directorate, Central Pollution Control Board, Southend Conclave' Block No.502, 5th& 6th Floor,1582, Rajdanga Main Road, Kolkata-700107, do hereby solemnly affirm and sincerely state as follows: -

1. That the deponent is well conversant with the facts and circumstances of the present case on the basis of the information derived from the official records, and hence, I am competent and authorized to verify, sign and swear this affidavit on behalf of the Respondent CPCB.
2. That the accompanying reply may be read part and parcel of the present affidavit as I am competent to swear this affidavit.
3. That the accompanying reply has been drafted and filed under my instructions and authority the contents thereof are true and correct on the basis of the record maintained during ordinary course of business of CPCB and available records and documents and the contents of the same are read over and explained to me and are not repeated herein for the sake of brevity.

Identified by me

Advocate

Advocate

**Solemnly Affirm & Declared
Before Me on Identification
of Ld. Advocate**

Shyam Narayan Pandey

**SHYAM NARAYAN PANDEY
NOTARY, GOVT. OF INDIA
REGN. NO. 13824/2018**

11.02.2025

11 FEB 2025

Debasis Das

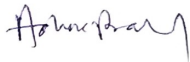
DEPONENT



VERIFICATION

Verified at Kolkata on this day of 11th February 2025 that the contents of the above reply are correct and true on the basis of the record of the cases as mentioned in the day-to-day affairs of the CPCB. Nothing has been concealed therefrom or mis-stated.

Verified at Kolkata on this the 11th Day of February, 2025.

Identified by me**Advocate****DEPONENT**