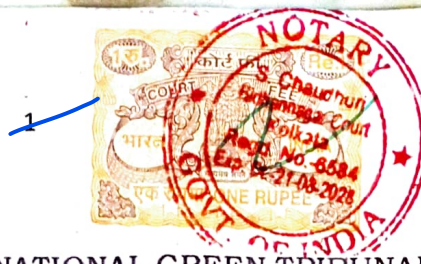


BEFORE THE HON'BLE PUBLIC  
AT BAHANNAGAR  
DIST.-NORTH 24 PARGANAS



BEFORE THE HON'BLE NATIONAL GREEN TRIBUNAL  
EASTERN ZONE BENCH, KOLKATA  
ORIGINAL APPLICATION NO.231/2024/EZ



In The Matter of:  
Sri Debasis Das

... Applicant

Versus

The State of West Bengal & Ors.

... Respondent(s)

COUNTER AFFIDAVIT OF THE RESPONDENT NUMBER 11, DIVISIONAL  
FOREST OFFICER, HOWRAH.

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Filed by

*Sibojyoti Chakrabarti*

SIBOJYOTI CHAKRABARTI

Advocate

For The State of West Bengal

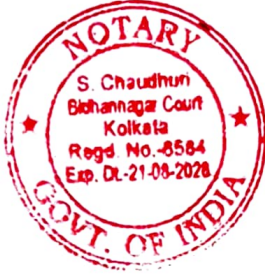
Email:

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12 FEB 2025



BEFORE THE HON'BLE NATIONAL GREEN TRIBUNAL  
EASTERN ZONE BENCH, KOLKATA  
ORIGINAL APPLICATION NO.231/2024/EZ



In The Matter of:

Sri Debasis Das

... Applicant

Versus

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... Respondent(s)

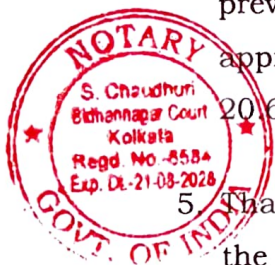
COUNTER AFFIDAVIT OF THE RESPONDENT NUMBER 11, DIVISIONAL FOREST OFFICER, HOWRAH.

I, Shri Dipak Kumar Mandal, S/o Late Dhruba Pada Mandal, aged about 57 years, by faith: Hindu, by occupation- Government Service, presently posted as Divisional Forest Officer, Howrah having office at 5, M. G Road, Dalmia Park, Stadium Complex, 1<sup>st</sup> Floor, Howrah, Pin: 711101, West Bengal do hereby solemnly affirm and state as follows:-

1. That I am presently posted as Divisional Forest Officer, Howrah having office at 5, M. G Road, Dalmia Park, Stadium Complex, 1<sup>st</sup> Floor, Howrah, Pin: 711101, West Bengal and I made myself acquainted with the facts and circumstances of this case and am competent to affirm this affidavit.
2. That this counter affidavit is being filed in compliance to the Solemn Order dated 02.01.2025 passed by the Hon'ble National Green Tribunal, Eastern Zone Bench, Kolkata.

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3. That it is pertinent to state and mention certain aspects to the kind judicial knowledge of this Hon'ble Tribunal for smooth adjudication of the instant original application.
4. That on 12.03.2024 vide letter reference no. RLDA/2018/com/BD/SALT GOLAH HOWRAH (ER) 1147 (PART 3), Rail Land Development Authority (RLDA) being the Respondent No. 9 herein had applied to the Divisional Forest Officer, Howrah Division, being the present respondent (Respondent No. 11) for cancellation of previous felling permission and submitted partial plan for new approval, herein due to change in the land area from 17.42 Acres to 20.62 Acres.
5. That accordingly on 15.03.2024 vide letter no. 1264/28-2 the office of the Divisional Forest Officer, Howrah Division instructed the Range Officer, Howrah Urban Range for enquiry which was conducted on 27.03.2024 through Howrah Urban S F Range.
6. That subsequently letter dated 20.03.2024 was issued being letter no. RLDA/2018/Coml./BD/Salt Golah, Howrah (ER)/1147/Part -3) by the Respondent No. 9 i.e the Chief Project Manager, Rail Land Development Authority, Kolkata applying for Residential Cum : Commercial Development on Railway Land at 1 Acharya Tulsi Marg, (earlier known as Salkia School Road) Howrah -71101, Ward No. 13 of Mouza Golabari, PS- Golabari, J.L. No. 1, District — Howrah, P.O. Howrah, Salt Golah on the Western bank of Hooghly River in Howrah (West Bengal) and an amount of Rs.1000/(Rupees One Thousand)only was successfully deposited as Government fees for the Developers Vide BRN NO. 8979108702833, Dated 20.03.2024.
7. That the Plantation programme successfully submitted where seventy five no. of trees were proposed for felling. A list was also enclosed vide Letter No. RLDA/2018/Coml/BD/Salt Golah, Howrah(ERY/1147(Part

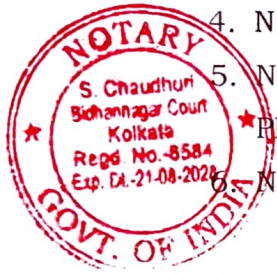


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-3 Dated 20.03.2024. And along with that 1203 nos. of (One thousand two hundred three) trees were proposed for plantation mentioning a space of 3.5 mtr x 3.5 mtr vide Letter No. RLDA/2018/Coml./BD/Salt Galah, Howrah(ERY/1147(Part -3 Dated 20/03/2024.

8. That **Tree Plantation Calculation** is stated hereinbelow:

1. Area of Land = 83446.005 Sqm. (20.62 Acres).
2. Considering 20 % Green = (83446.005 x 0.20) = 16693.201 Sqm,
3. Total Number of Trees = 16693.201/12.25) = 1363.
4. Number of TREES RETAINED = 160.
5. Number of Cutting Trees = 75 (Includes 375 no's of Trees to be Planted against felling No's of 75 Trees).
6. Number of Trees to be Planted = 1363-160)= 1203.



9. The Range Officer Howrah Urban SF Range was instructed to conduct an inquiry on 02.04.2024 whose report received by this office on 08.04.2024. That on 16.04.2024 the declaration received from RLDA, Kolkata through affidavit vide number 78 AB 8607772 , dated 08.04.2024 and mentioned that plantation will be done only after the completion of the construction project.
10. That subsequently on 29.04.2024 vide Certificate No. - 01/CC/HD/B/24-25, dated 29.04.2024, Plantation was proposed and Certificate of Clearance was issued for Developer and subsequently Plantation Plan was as approved. That on 18.06.2024 Rail Land Development Authority forwarded the building permit issued by the Commissioner, Howrah Municipal Corporation vide no. SWSOBPAS/1902/2024/0761 Dated 13.06.2024.
11. That again on 04.07.2024 and 08.07.2024 the matter was highlighted from Rail Land Development Authority for receiving the required felling permission vide their letter no. RLDA/2018/Coml/BD/ Salt

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Golah. Howrah (ER\1147 (Part 5) dated 04.07.2024 and RLDA/2018/Com1./BD/Salt Golah, Howrah (FRVU47(Part 5) Dated 08 07.2024.

12. That it is stated that on 15.07.2024 the letter received from the Chief Engineer (Planning) West Bengal Pollution Control Board in the same subject conveying their general concurrence vide no. EN/2372/T-1-3/001/2006/1 dated 07.12.2007 regarding issuance of Certificate of clearance. On 25.07.2024 Rail Land Development Authority, Kolkata again pursued for safety and security measures at the said property.

13. That on 05.08.2024 after proper enquiry vide no. 2715/28-2 The Divisional Forest Officer, Howrah Division intimated to the Chief Project Manager, Rail Land Development Authority, Kolkata about inclusion of 145 more trees in their building plan which were attached from old dilapidated building. On 08.08.2024 Letter No. 1147(Pt. V) Rail Land Development Authority has agreed with the Divisional Forest Officer's proposal.

14. Subsequently on 13.08.2024 RLDA submitted revised plantation plan and list of trees to be felled under revised format vide their office letter no. RLDA/2018/Com1./BD/Salt Golah, Howrah(ER )/1147(Part-5) dated 13.08.2024 where 220 number of tree felling proposed.

**Tree Plantation Calculation:**

1. Area of Land = 83446.005 Sqm. (20.62 Acres)
2. Considering 20 % Green —  $(83446.005 \times 0.20) = 16693.201$  Sqm
3. Total Number of Trees =  $16693.201 / 12.25 = 1363$
4. Number of TREES RETAINED = 160
5. **Number of Cutting Trees = 220 (Includes 1100 no. of trees to be planted against felling No's of 220 Trees).**
6. Number of Trees to be Planted =  $(1363 - 160) = 1203$ .

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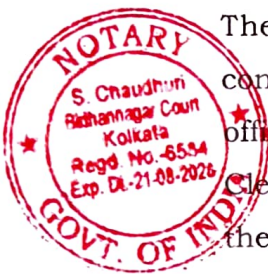
15. That on 14.08.2024 the recommendation of (EC) (Environment Clearance) for the project through Rail Land Development Authority vide EC identification ' no.EC24B3813WB5753543N was received.
16. That on 16.08.2024 the Rail Land Development Authority again pursued the matter with undertaking in response of DFO, Howrah Division's letter no. 2809/28-2 dated 16.08.2024 vide their office letter no. ' RLDA/2018/Comt/BD/Salt Golah,Howrah(ER)/1147(Part-5) dated 16.08.2024 regarding planting the whole required plantation and they have submitted revised plantation plan and list of trees to be felled under revised format.

The Divisional Forest Officer, Howrah Division enquired about the concurrence of Pollution Control Board again on 16.08.2024 vide this office letter no. 2807/28-2 regarding this project as the Environmental Clearance i.e EC of the said project was received additionally and there were points for fulfillment from Forest and other related authorities (Ref. of EC identification no. EC24B3813WB575354N, File no. EN/T-II-1/481/2023, Fresh EC) and it was received vide no, 4832N-193/2004 (Vol-HI) dated 16.08.2024 (copy attached). After receiving the concurrence of West Bengal Pollution Control Board, revised plantation plan along with certificate of clearance issued on 20.08.2024 and also the required felling permission of 220 numbers of trees issued on the same date after fulfillment of all necessary criteria.

Thus when number of trees for felling was increased from pervious no. 75 (seventy five) to 220 (two hundred twenty) the requirement for issuing revised plantation plan was mandatory along with afresh Certificate of Clearance.

17. Then finally on 20.08.2024 the DFO/Howrah Division has finally approved the revised plantation plan along with i.e. the Certificate of Clearance vide 10.05 'CC/HD B24-25 in cancellation with previously

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issued certificate of clearance vide no. O1-CC/HD:B/24-25 dated 29.04.2024. On the same date the felling permission for felling of 220 nos. of trees was issued vide No. 23/FP/HD/B/24-25 in cancellation with previously issued felling permission so. 26/FP/HDB/23-24 dated 31.08.2023 as per provisions of The West Bengal Trees (Protection and Conservation in non Forest Areas) Act,2006 and The West Bengal Trees (Protection and Conservation in non Forest Areas Rules. 2007.

18. That with regard to the statements made in paragraphs 1 to 6 of the original application this deponent does not comment on the same.

19. That with regard to the statements made in paragraphs 7 (a) of the original application this deponent states that as per the RTI letter dated 02.07.2024 Shri Vikram Ojha, Advocate, Calcutta High Court (Mobile no. 9681108929/9674908929) has sought information vide point no. 5 i.e **“please provide the number of trees and species of trees cut/felled or proposed to be cut/felled for the proposed construction at the said ° property as mentioned above”** which is totally contradictory from the point which is shown above and submitted before the Hon’ble National Green Tribunal. No where it was found that Shri Vikram Ojha, Advocate, Calcutta High Court (Mobile no. 968 1108929/9674908929) has sought information regarding his requisite information i.e. numbers of trees present in the said property mentioned above.

That it is stated **“application in Form-1B dated 20.03.2024, seeking permission for cutting has written and mentioned that there are nearly 235 tree presents in the said property”** where as the original Form 1(B) submitted by the RLDA it is showing that **“(d) Total no. of trees present in the land (Species and number): 235 nos.”** The applicant Shri Debasis Das’s advocate Shri Vikram Ojha, Advocate, Calcutta High Court has misguided the Hon’ble National

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Green Tribunal despite of having appropriate information through the Right to Information Act, 2005.

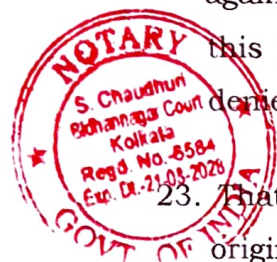
The clear calculation of **“(d) Total no. of trees present in the land (Species and number): 235 nos.”** Number of TREES RETAINED = 160 in addition with **Number of proposed Cutting Trees = 75 i.e (160+75)=235 no's**

**Tree Plantation Calculation: (plantation map attached)**

1. Area of Land = 83446.005 Sqm. (20.62 Acres).
  2. Considering 20 % Green =  $(83446.005 \times 0.20) = 16693.201$  Sqm.
  3. Total Number of Trees =  $16693.201 / 12.25 = 1363$
  4. Number of TREES RETAINED — 160
  5. **Number of Cutting Trees = 75 (Includes 375 no's of Trees to be Planted against felling no's of 75 Trees)**
  6. Number of Trees to be Planted =  $(1363 - 160) = 1203$ .
20. That with regard to the statements made in paragraphs 7 (b) of the original application this deponent does not comment on the same.
21. That with regard to the statements made in paragraphs 7(c) & 7 (d) of the original application this deponent states and submits that as per the provisions of The West Bengal Trees (Protection and Conservation in non Forest Areas) Act, 2006 And The West Bengal Trees (Protection and Conservation in non Forest Areas) Rules, 2007 no where it is mentioned to take step against a Govt. or Govt. under taking organization before application.
22. That with regard to the statements made in paragraph 7 (e) & 7 (f) of the original application this deponent states that on 10<sup>th</sup> July, 2024 the West Bengal Pollution Control Board being respondent number 05 issued a general concurrence which is applicable for all Project /

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construction work vide memo no: 36(C1)/2N-193/2004 (Vol-III) dated 10.07.2024 which was supported by the secretary, Government of West Bengal vide letter no. EN/2372/T-1-3001/2006 dated 07.11.2007. Again in reply to the DFO, Howrah Division's letter no. 2807/28-2 dated 16.08.2024 (copy attached vide page no. 31), the WBPCB authority vide their memo no, 483-2N-193/2004(Vol.-IID (copy attached vide page no. 11) dated same has conveyed their once again General concurrence over this project. - As a matter of fact, for this below 15 ha. Project concurrence of W.B.P.C.B has never been denied.



23. That with regard to the statements made in paragraphs 8(i) of the original application this deponent states that before issuing 1<sup>st</sup> CC, that is O01/CC/ HID/B/24-25, the inquiry dated 15.03.2025 was conducting upon receiving the preliminary application on 12.03.2024 from RLDA authority jointly with RLDA and Howrah Urban S.F Range and again on 07.04.2024 on the basis of direction from DFO/Howrah Division issued on 02.04.2024. But surprisingly this question was never asked through RTI or through any other letter.

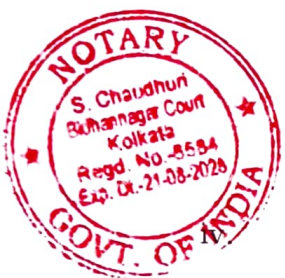
24. That with regard to the statements made in paragraph 8(ii) of the original application this deponent states that the same are denied and disputed.

25. That with regard to the statements made in paragraphs 9 (a) & (b) of the original application this deponent states that the second time CC from DFO, Howrah Division was issued vide CC No. 05/CC/HD/B/24-25 dated 20.08.2024.

- i. On 18.06.2024 Rail Land Development Authority forwarded the Building permit issued by the Commissioner, Howrah Municipal Corporation vide No. SWSOBPAS/1 902/2024/0761 dated 13.06.2024.

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- ii. That on 04.07.2024 and 08.07.2024 the matter was highlighted from Rail Land Development Authority for receiving the required felling permission vide their letter na. RLDA/2018/Com1./BD/Salt Golah. Howrah(ER)/1147(Part 5) dated 04.07.2024 and RLDA/2018/Com1./BD/Salt Golah. Howrah(ER)/1147(Part 5) dated 08.07.2024.
- iii. That on 15.07.2024 the letter received from the Chief Engineer (Planning) West Bengal. Pollution Control Board in the same subject where they have forwarded the information — vide no. EN/2372/T-1-3/001/200G/1 dated 07.12.2007 regarding issuance of Certificate of clearance.
- That subsequently again on 25.07.2024 Rail Land Development Authority, Kolkata again pursued for safety and security measures at the said property.
- v. On 05.08.2024 after proper enquiry vide no, 2715/28-2 (copy attached vide page no. 22 ) The Divisional Forest Officer, Howrah division had intimated to the Chief ; Project Manager, Rail Land Development Authority, Kolkata about inclusion of more 145 trees in their building plan which were attached from old dilapidated building.
- vi. On 08.08.2024 Letter No. REDA/2018Coml./BD/Salt Golah Howrah (FR)/1147 (part 5) (copies attached vide page no. 23) Rail Land Development Authority has agreed with the Divisional forest officer's proposal and submitted revised plantation plan.
- vii. On 13.08.2024 RLDA authority has submitted revised plantation plan and list of trees to be felled under revised format vide their office letter no. RL DA/2018/Coml./BD/Salt Golah,



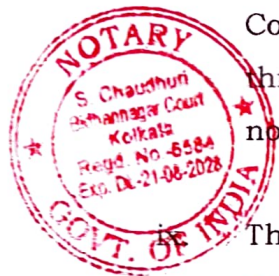
**12 FEB 2025**

Howrah(ER)/1147(Part-5) dated 13.08.2024. Only 220 number plants to be felled was proposed this time.

**Tree Plantation Calculation:**

1. Area of Land = 83446.005 Sqm. (20.62 Acres) .
2. Considering 20 % Green = (83446.005 x 0.20) = 16693.201 Sqm
3. Total Number of Trees — 16693.201/12.25) = 1363
4. Number of TREES RETAINED = 160
5. Number of Cutting Trees = 220 (Includes 1100 no. of trees to be planted against felling No's of 220 Trees)
6. Number of Trees to be Planted = (1363-160)= 1203.

viii. That on 14.08.2024 receiving the recommendation of Environment Commissioner (EC) (Environment Clearance) for the project through Rail Land Development Authority vide EC identification no. EC24B3813WB5753543N.



That on 16.08.2024 the Rail Land Development Authority again pushed the matter with undertaking in response of DFO, Howrah Division's letter no. 2809/28-2 dated | 16.08.2024 vide their office letter no. RLDA/2018/Com1./BD/Salt Golah, Howrah(ER)/1147(Part-5) dated 16.08.2024 regarding planting the whole required plantation and they have submitted revised plantation plan and list of trees to be felled under revised format. After receiving final application from RLDA, the ASSISTANT DIVISIONAL Forest Officer, Howrah Division along with Range Officer Howrah Urban S.F Range. with his staff & RLDA representatives inspected the property & no of tree over there.

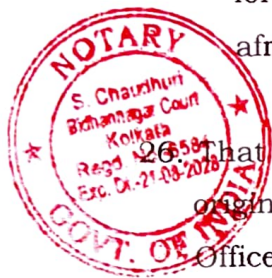
The Divisional Forest Officer, Howrah Division has enquired about the concurrence of Pollution Control Board again on 16.08.2024 vide this office letter no. 2807/28-2 regarding this project as the

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EC of the said project was received additionally and there were closes for fulfillment from Forest and other related departments (Ref. of EC identification no. EC24B3813WB5753543N, File no. EN/T-11/481/2023, Fresh EC) and it was received vide no, 483-2N-193/200 (Vol-IIT) dated 16.08.2024. After receiving the concurrence revised plantation plan along with certificate of clearance has been issued on 20.08 2024 also the required felling permission of 220 number of trees were issued on the same date after fulfillment of all necessary criteria.

Thus when number of trees for felling was increased from pervious no. 75 (seventy five) to 220 (two hundred twenty) the requirement for issuing revised plantation plan was mandatory along with afresh Certificate of Clearance.



That with regard to the statements made in paragraphs 9 (c) of the original application this deponent states that the Divisional Forest Officer, Howrah Division has performed his responsibility as per the West Bengal Trees (Protection and Conservation in non Forest Areas) Act, 2006 and the West Bengal Trees (Protection and Conservation in non Forest Areas) Rules, 2007 and as per application received from Rail Land Development Authority as well.

27. That with regard to the statements made in paragraphs 10 of the original application this deponent states that while issuing the felling permission for 220 numbers of trees maintaining all procedures it was observed that their exist another felling permission vide no. 26/FP/HD/B/23-24 dated 31.08.2023 (due to minor clerical mistake it was written as 31.08.2024) on the same plot. Thus the previous felling permission' required to be cancelled and new felling permission vide no. 23/FP/HD/B/24-25 dated 20.08.2024.

28. That with regard to the statements made in paragraphs 10(d) of the original application this deponent states that there exist no second

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permit regarding felling of trees on the said property of Rail Land Development Authority during 2024-25 issued by the competent authority that is the Divisional Forest Officer, Howrah Division.

29. That with regard to the statements made in paragraphs 11 of the original application this deponent states that the applicant through his learned advocate's RTI Correspondences has tried to built this case and misled the Hon'ble Tribunal for self motivated interests.
30. That with regard to the statements made in paragraphs 12 of the original application this deponent does not comment on the same.
31. That with regard to the statements made in paragraphs 13 of the original application this deponent states that the instant original application being devoid of any merit is liable to be dismissed with costs.
32. That the deponent craves leave to submit supplementary Affidavit as may be required or as may be directed by the Hon'ble Tribunal for the smooth adjudication of the instant original application.
33. That it is most respectfully prayed that this Hon'ble Tribunal may kindly be pleased to pass necessary Order/Orders as is deemed fit for the ends of justice.

Identified by me

*Sibojyoti Chakrabarti*  
Advocate

State of West Bengal

12.02.2025

*Sipak Kumar Mondal*  
ATBFS

Deponent

Divisional Forest Officer  
Howrah Division

*S. Chaudhuri*  
S. CHAUDHURI  
★ NOTARY ★  
GOVT. OF INDIA  
Regd. No.-6584/08  
Bidhannagar Court  
Dist.-North 24 Pgs.

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VERIFICATION:

I, the deponent within named, do hereby verify and declare that the statements made in the aforesaid paragraphs are true and correct to the best of my knowledge and information as per records available in the office of the DFO Howrah and I believe that nothing material has been concealed there from.

*g. Anil* Verified at Kolkata on the <sup>12<sup>th</sup></sup> Day of February, 2025.

Identified by me

*Sibajyoti Chakrabarti*  
Advocate

State of West Bengal

*12.02.2025*

*Sipak Kumar Mandal*  
KBFIS

Deponent

Divisional Forest Officer  
Howrah Division

*S. Chaudhuri*  
S. CHAUDHURI  
★ NOTARY ★  
GOVT. OF INDIA  
Regd. No. - 6584/08  
Bidhannagar Court  
Dist. - North 24 Pgs.

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BEFORE THE HON'BLE  
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ORIGINAL APPLICATION NO.  
231/2024/EZ



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RESPONDENT NUMBER 11,  
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HOWRAH.

11 2 FEB 2025

SIBOJYOTI CHAKRABARTI

Advocate

For The State of West Bengal

Email:

(M): 9007035534.