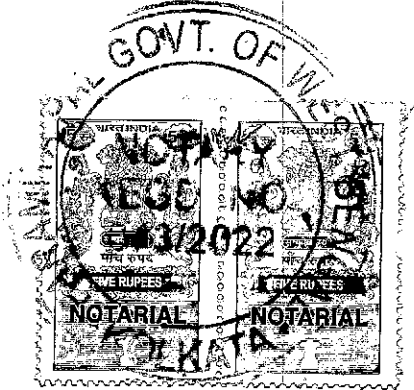


Serial No. 19/25  
As per Register of Notary

BEFORE THE HON'BLE GREEN TRIBUNAL  
EASTERN ZONE BENCH KOLKATA  
Original Application No : 64/2023/EZ



In the matter of :

Raghunath Maity

.... Applicant

- Versus -

The West Bengal Pollution Control  
Board and others.

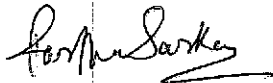
..... Respondents

AFFIDAVIT-IN-<sup>OPPOSITION</sup> ~~OPPOSITION~~ AGAINST THE AFFIDAVIT-IN-<sup>COMPLIANCE</sup> ~~OPPOSITION~~  
FIELD BY THE RESPONDENT NO. 3 BY THE PETITION.

INDEX

Sl. No	PARTICULARS	ANNEXURE	PAGE
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3.	The Hon'ble Supreme Court's order	"A-2"	12
4.	RTI reply of Police authority	"A-3"	13 - 14

Field by,



Mr. Partha Sarkar  
Advocate

C/o Mr. Sandip Ghosh  
Advocate,

For the Applicant

Email : [psadv17@gmail.com](mailto:psadv17@gmail.com)

Mob : 9733447591.



13 FEB 2025

## BEFORE THE HON'BLE GREEN TRIBUNAL

## EASTERN ZONE BENCH KOLKATA

Original Application No : 64/2023/EZ

In the matter of :

Raghunath Maity

.... Applicant

- Versus -

The West Bengal Pollution Control

Board and Others.

..... Respondents

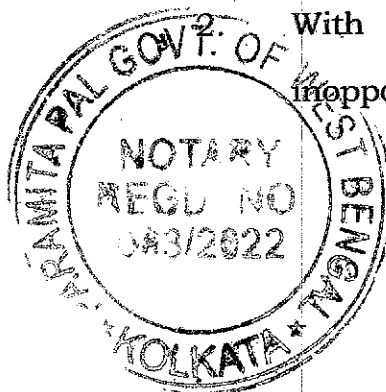
OPPOSITION
COMPLIANCE

AFFIDAVIT-IN-~~OPPOSITION~~ AGAINST THE AFFIDAVIT-IN-~~COMPLIANCE~~ FIELD BY  
 THE RESPONDENT NO. 3 BY THE PETITION.

I, Sri Raghunath Maity, son of Late Bibhuti Bhusan Maity, aged about 58 years, by faith – Hindu, by Occupation – Service, residing at Village and Post Office – Meghadangar, Police Station – Panskura, District – Purba Medinipur, Pin No - 721152, do hereby solemnly affirm and say as follows :-

1. With regard to the paragraph No. 1 of the respondent No. 3 is a matter on record as such I have no dispute.

With regard to the paragraph No. 2 of the said affidavit-  
 in opposition is a matter on record as such I have no dispute.



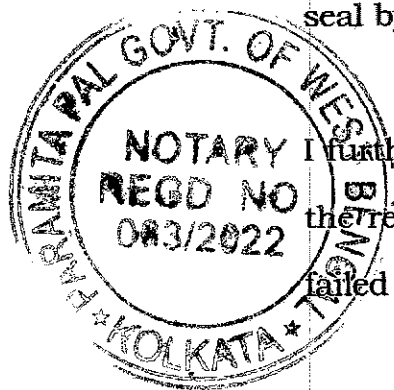
13 FEB 2025

X

3. With regard to the paragraph No. 3 of the said affidavit-  
<sup>Compliance</sup>  
~~inspection~~ filed by the respondent No. 3 before the Hon'ble  
 Green Tribunal I deny and dispute the allegation made therein,  
 from the contents made in the paragraph under reply of the said  
 affidavit of compliance and in the inquiry report annexed  
 thereto it transpire that on 07.01.2025 one ASI named by  
 Sukumar Tudu came to the M/S Biswanath Bani Mill for  
 inspection at about 12:35 Hrs. to 13:45 Hrs. and found that the  
 M/S Biswanath Bani Mill house was under locked and key and  
 during local enquiry from local people and shopkeepers said  
 that Dipak Kumar Das died two years ago and after his death,  
 his wife would occasionally open the said M/S Biswanath Bani  
 Mill and shut is down again and local people also tell the  
 investigation officer that the local people could not tell me that  
 the deceased's wife is still running the M/S Biswanath Bani Mill  
 using a diesel engine generator.

I submit that from the said report it is clear that the said unit is  
 running mode and that cannot be allow to continue without any  
 valid documents more particularly in absence of Consent to  
 operate and consent to establish, as the said unit is liable to re-  
 seal by the competent authority to prevent to illegal activities.

I further submit that from the said compliance report as well as  
 the report annexed hereto the concerned police authorities has  
 failed to address the main issue involve in the present original



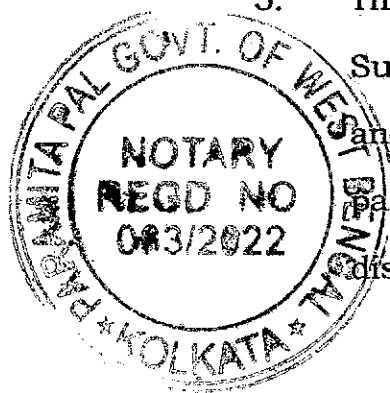
X

application that the reason for de-seal of the said unit by the concerned police authority without having any appropriate order from the competent court of law and/or authority is tantamount to clear violation, negligence and malafide action of the concerned police authority, for which the Learned Tribunal ought to have entertain/ enter-fear the present original application by allowing the prayers as sought for in the said original application.

4. That it is stated here that by the order of the Hon'ble Green Tribunal dated 02.04.2019 the police authority the Inspector-in-Charge, Panskura Police Station in presence of Sri Dhendup Bhutia, BDO Panskura - 1 and Subhadeb Saha, Assistant Engineer and Station Manager of Pratappur Customer Care Centre, WBSEDCL sealing and shut down the door of M/S Biswanath Bani Mill and on the said date the WBSEDCL authority disconnect the electricity line of M/S Biswanath Bani Mill.

Copies of the said order and compliance report are enclosed herewith and marked as **Annexure - "A-1"** collectively.

5. That the proprietor of M/S filed a case before the Hon'ble Supreme Court of India being Civil Appeal Nos. 4761 of 2021 and in the said case of the Hon'ble Supreme Court of India passed an order on 24.09.2021 and the Hon'ble Court is dismissed the said civil appeal and the Hon'ble Supreme Court



X

of India passed an order that if the representation is submitted by the competent authority has consider it in accordance with law.

Copy of the Hon'ble Supreme Court's order is enclosed herewith and marked as **Annexure - "A-2"** collectively.

6. That it is further submitted that the applicant made an application under Right to Information Act, 2005 to the Police authority in which order the door of the M/S Biswanath Bani Mill was opened and in reply under Memo No. RTI-27/04/2023 - 3027/V dated 13.04.2022 the Inspector-in-Charge, Panskura Police Station stated that the door of M/S Biswanath Bani Mill was opened under the order of the Hon'ble Supreme Court of India vide Civil Appeal No. 4761 of 2021 but no such order was passed by the Hon'ble Supreme Court of India for opening the door of M/S Biswanath Bani Mill.

Copy of RTI reply of Police authority is enclosed herewith and marked as **Annexure - "A-3"** collectively.

7. That the statements made above are true to my knowledge and belief.

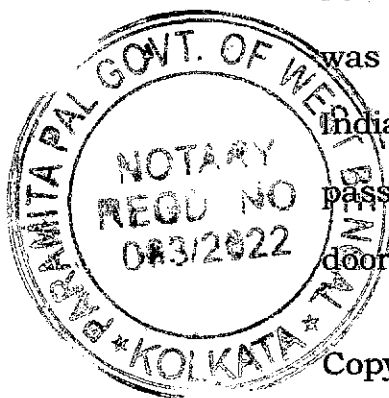
Identified by me  
*For the Applicant*  
 Advocate  
 For the Applicant  
 P/551/432/2017

solemnly affirmed and sworn to before me on identification.

*[Signature]*  
 PARAMITA PAL  
 City Civil Court  
 Kolkata  
 Reg No. 083/2021

13 FEB 2025

*Raghunath Mahapatra*  
 Deponent  
 Identified by me and  
 Signed by my presence  
*For the Applicant*  
 Advocate

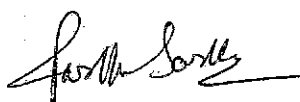


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**VERIFICATION**

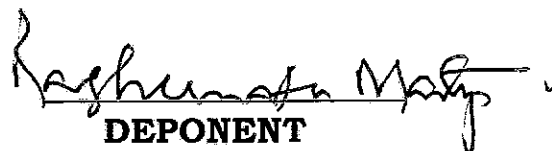
I, Raghunath Maity, son of Late Bibhuti Bhusan Maity, aged about 58 years, by faith - Hindu, by occupation - Service, residing at Village and Post Office - Meghadangar, Police Station - Panskura, District - Purba Medinipur, Pin - 721152, do hereby declare that I am the applicant in the instant case and as I am well acquainted with the facts and circumstances of the case, I do verify that the statements made in the forgoing paragraph *P.* Nos.1 to ~~16~~<sup>2</sup> are true to my knowledge and rest is my humble submission before this Hon'ble Tribunal and I sign this verification at my Learned Advocate's on this the 13<sup>th</sup> February, 2025.

Prepared in my office

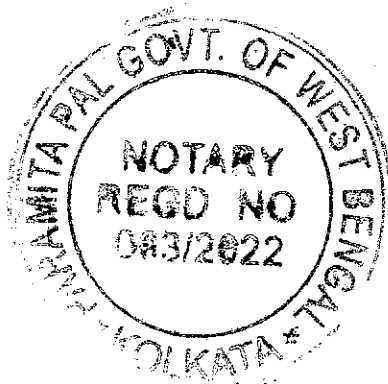


Advocate

FL 552/939/2017



**DEPONENT**



13 FEB 2025

No. 04

BEFORE THE NATIONAL GREEN TRIBUNAL  
PRINCIPAL BENCH, NEW DELHI  
(Through Video Conferencing)

Original Application No. 137/2017 (EZ)

Raghunath Maity

Applicant(s)

Versus

Deepak Kumar Das & Ors.

Respondent(s)

Date of hearing: 02.04.2019

CORAM : HON'BLE. MR. JUSTICE K. RAMAKRISHNAN, JUDICIAL MEMBER  
HON'BLE DR. SATYAWAN SINGH GARBYAL, EXPERT MEMBER

For Applicant(s): Mr. Kanak Kumar Chatterjee, Advocat

For Respondent (s): Mr. Bikas Kargupta, Adv. for State of West Bengal (R-2-5)  
Mr. Dipanjan Ghosh, Advocate

ORDER

1. Registry is directed to place the original records with complete order sets without which it is very difficult to proceed with the proceedings.

2. In the meanwhile, though it is mentioned in the affidavit dated 25.05.2018 that since the unit has failed to submit the required document even after six months and as such the district industry centre on 10.05.2018 issued letter stating that the in absence of the relevant document the incomplete application of consent to operate of M/s Biswanath Bani Mill should drop. But there is nothing mentioned in the affidavit as to whether any further action has been taken by the State Pollution Control Board to close the industry or any notice is issued to the concerned Department to seal the industry and disconnect the electricity connection.

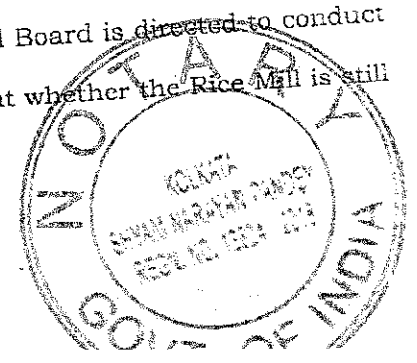
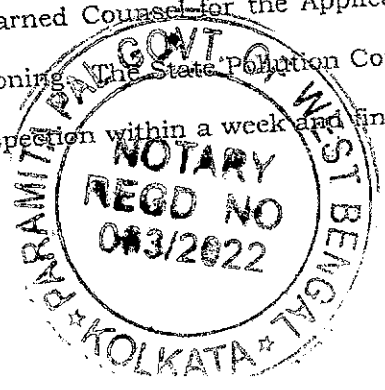
3. The learned Counsel for the Applicant submits that the unit is still functioning. The State Pollution Control Board is directed to conduct an inspection within a week and find out whether the Rice Mill is still

"Certified that this is a true and accurate copy of the document of order as in the case the (Application / Appeal No. 137/2017 (EZ) and that all the matters appearing therein have been legibly and faithfully copied with no modification"

For Registrar (NGT)  
Signature of 2/1/19

For Registrar (NGT)  
Signature of 2/1/19

- 1. No. of Pages: 27/57
- 2. Copying fee charged: General/Oldinary: 164/2019
- 3. Date of Preparation of copy: 08/04/2019
- 4. Date on which copy is ready: 08/04/2019
- 5. Date given for collection of copy: 08/04/2019
- 6. Date of Delivery: 08/04/2019



NATIONAL GREEN TRIBUNAL  
No. of the order: 34/2019/137  
Name of the applicant: Raghunath Maity  
Date of presentation of application: 08/04/2019

operating without necessary approval from the concerned authorities. If it is functioning report regarding the action taken by the State Pollution Control Board including recovery of compensation for environmental damage being caused by operating the industry without approval be file before this Tribunal within one month from today by email.

4. List this matter on 27<sup>th</sup> may, 2019

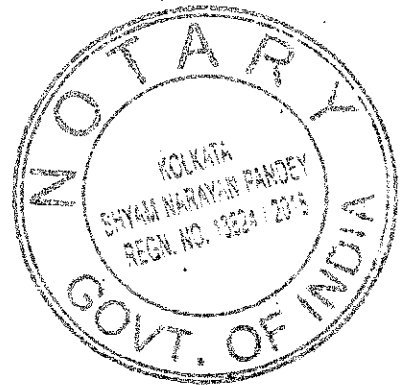
K. Ramakrishnan, JM

Dr. S.S Garbyal, EM

April 02, 2019  
Original Application No. 137/2017 (EZ)  
AG

"Certified that this is a true and accurate copy of the document of order as in the case the (Application / Appeal No... 137/2017 (EZ)) And that all the matters appearing therein have been legibly and faithfully copied with no modification"

For Registrar (NGT)  
*[Signature]*  
Signature



~~SECRET~~

**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: (0091) (033) 2335-2813

Date: /05/2019

-3L/WPB-G(IV) 2017

Memo No.

**CLOSURE ORDER WITH DISCONNECTION OF ELECTRICITY**

**WHEREAS, M/s. Biswanath Bani Mill** (hereinafter referred to as the industry) located at VIII & PO-Meghadangar, P.S.- Panskura, District - Purba Medinipur, PIN - 721152 is engaged in Rice Husking, Spice Grinding, Mustard Oil Mill, Wheat Grinding, Dal Husking.

**AND WHEREAS,** the industry was inspected on 09.04.2019 as per the order of the Hon'ble NGT, dated 02.04.2019. During inspection, the unit was in operation without possessing valid Consent to Operate(CFO).

**AND WHEREAS,** operating a unit without possessing valid Consent to Operate is a violation of provision of the section 25 & 26 of the Water(Prevention & Control of Pollution ) Act,1974 and section 21 of the Air (Prevention & Control of Pollution) Act,1981.

**AND WHEREAS,** as it is a small scale industry, sufficient opportunity to comply with the direction of the State Board was given earlier by the Board. But the industry did not comply with the said direction of the Board.

**AND WHEREAS,** the Hon'ble NGT has passed an order in connection with O A No 137/2017(EZ) dt. 02.04.2019 directing the State Pollution Control Board to take action .

**NOW THEREFORE,** considering the inspection report dated 09.04.2019 M/s. Biswanath Bani Mill located at VIII & PO -Meghadangar P.S.-Panskura ,District - Purba Medinipur PIN 721152 is hereby closed by the Board with immediate effect.

The electricity connection of the industry is ordered to be disconnected forthwith.

The Secretary (HR), WBSEDCL is requested to take necessary steps for disconnection of electricity of the industry immediately.

The closure order will take immediate effect and the Officer-in-Charge, Panskura Police Station is directed to execute the closure order against the aforementioned industry and submit the compliance report to the State Board within seven (07) days from the receipt of this Memo.

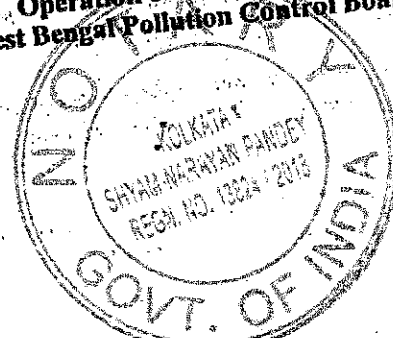
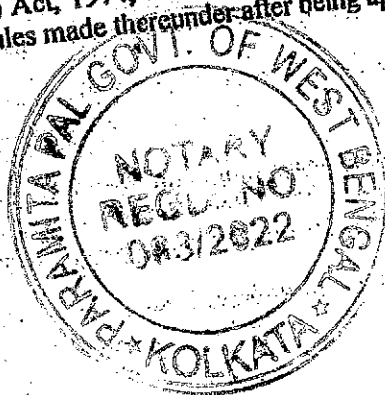
This direction has been issued to the Officer-in-Charge, Panskura Police Station and the Secretary (HR), WBSEDCL in conformity with the order of the Hon'ble High Court, Calcutta dated 21/08/1998 and 28/04/1999 respectively.

The Environmental Engineer, Haldia Regional Office, WBPCB is requested to take necessary steps for proper execution of the closure order against the industry and also visit the industry involving the local police station and the Nodal Police Officer.

This direction is issued in exercise of the powers conferred under the provision of Water (Prevention & Control of Pollution) Act, 1974, Air (Prevention & Control of Pollution) Act 1981, the Environment (Protection) Act, 1986 and Rules made thereunder after being approved by the Competent Authority.

By Order,

Sd/-  
Chief Engineer  
Operation & Execution Cell  
West Bengal Pollution Control Board



Memo

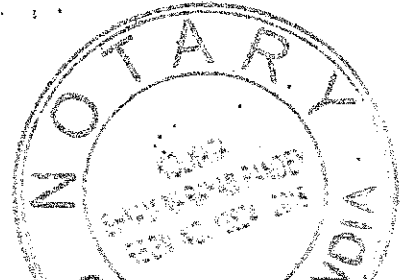
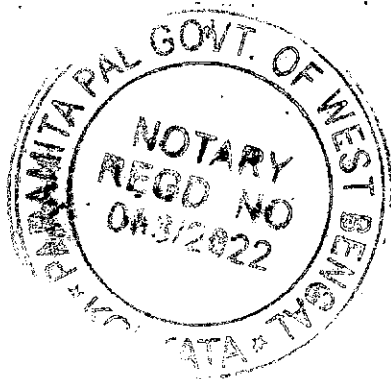
461(B)-3L/WPB-G(IV) 2017

Date: 10/05/2019

Copy forwarded for information and necessary action to:

1. M/s. Biswanath Bani Mill, Vill & PO- Meghadangar, P.S.- Panskura, District – Purba Medinipur, PIN – 721152
2. OSD to MIC, Dept. of Environment, Govt. of W.B. Prani Sampad Bhavan, 5<sup>th</sup> Floor, LB-2, Sector-III, Bidhannagar, Kolkata-700106.
3. P.A to Additional Chief Secretary, Dept. of Environment, Govt. of W.B., Prani Sampad Bhavan, 5<sup>th</sup> Floor, LB-2, Sector-III, Bidhannagar, Kolkata-700106.
4. P.A. to Chairman, WBPCB
5. P.A. to Member Secretary, WBPCB
6. The Secretary (HR), WBSEDC Ltd, Bidyut Bhawan, Salt Lake City, Kolkata.
7. The Officer-in-Charge, Panskura Police Station, District – Purba Medinipur
8. The Chief Engineer, Planning, WBPCB
9. The Senior Environmental Engineer, Camac Street Circle Office, WBPCB
10. The Environmental Engineer, Haldia Regional Office, WBPCB
11. Technical Cell, WBPCB for updating the website.
12. Environment Officer- Communication, WBPCB – for circulation through float file.
13. Guard file of O & E Cell

*Prati*  
 Chief Engineer  
 Operation & Execution Cell  
 West Bengal Pollution Control Board



To  
The Superintendent of Police D.E.B.  
Purba Medinipur

Ref: -Memo No-974 3L/WPBC(IV) Dated-20.08.2019 of Member Secretary WBPCB arising out of OA No-137/2017.

Sir,

In compliance to your kind order under reference, I along with Shri Dhendup Bhutia, BDO Panskura-I, Subhadeb Saha, AE & SM Pratappur CCC, WBSEDCL arrived at the spot at Meghadangar PS- Panskura Dist- Purba Medinipur and executed the closure order against M/s Biswanath Bani Mill by sealing it in presence of local witnesses on 09.09.19 (.) Electricity connection disconnected in the said will (.) This has a reference to Panskura PS GDE No-392 Dated-09.09.19 (.) This is Pertinent to state that Dipak Kr Das S/O- Kishor Das of Bakhrabaj PS- Panskura who use to run this will has asked to remain present at the time of execution of closure order but he refused to do so and he also did not received copy of order (.)

This is for favour of your kind perusal & oblige.

Enclose: -Copy of execution report duly signed  
By witnesses attached here with for  
Your kind perusal.

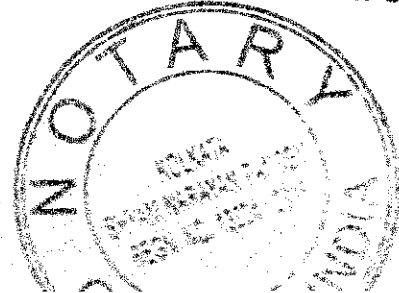
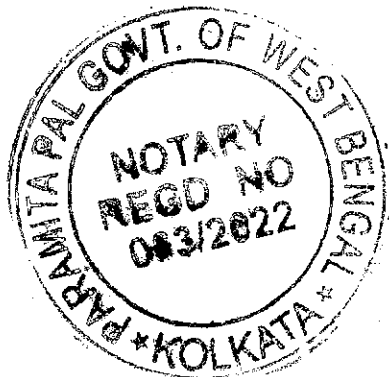
Yours faithfully



SI Ajoy Kr Mishra  
Officer in Charge

Panskura PS

10/9/19  
OFFICER IN CHARGE  
PANSKURA PS.  
PURBA MEDINIPUR



MS/4895  
2009/19

Govt. of West Bengal  
Office of the Superintendent of Police  
D.E.B, Purba Medinipur

SLO 9  
20/10

Memo No. 612 /DEB

Date-17/09/19

West Bengal Pollution Control Board

To  
The Member Secretary  
West Bengal Pollution Control Board,  
Dept. of Environment  
Govt. of West Bengal  
Paribesh Bhawan, 10A, Block-LA,  
Sector-II, Saltlake City  
Kolkata -700106

Diary No. 9357C  
Date. 20/09/19  
Referred to: CE. (O&E)  
Remarks :

*R. Manoj*  
Member Secretary

Sub:- Compliance report in c/w execution of closure order against M/s Biswanth Bani Mill.

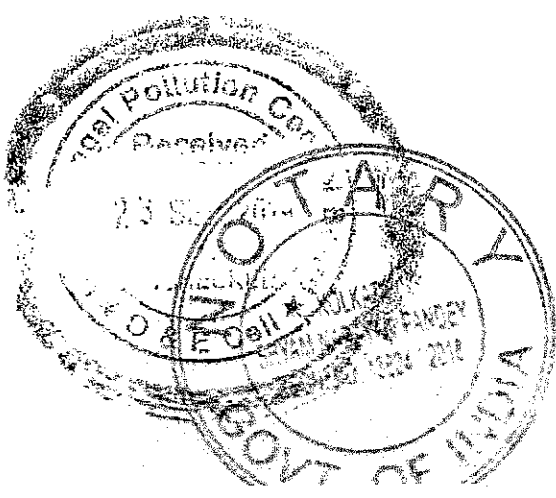
Ref. Your good office Memo No. 974 3L/ WPBC(IV) dtd. 20.8.2019.

With reference to the above, this is to kindly inform that OC, Panskura PS alongwith B.D.O Panskura-I executed the closure order of West Bengal Pollution Control Board against M/s Biswanath Bani Mill by sealing it in presence of local witness. It refers to Panskura PS GDE No. 392 dtd. 09.09.2019.

A report of Officer in-Charge, Panskura PS is enclosed herewith for kind perusal.



*[Signature]*  
17/9/19  
Superintendent of Police  
DEB, Purba Medinipur



Diary No. 493. Date. 23/9/19  
Operation and Execution Cell  
West Bengal Pollution Control Board  
Kolkata-700 098

IN THE SUPREME COURT OF INDIA  
CIVIL APPELLATE JURISDICTION

Certified to be true Copy  
Assistant Registrar  
Supreme Court of India  
2021

CIVIL APPEAL NOS. 4760-4761 OF 2021

DEEPAK KUMAR DAS

...Appellant(s)

Vs.

RAGHUNATH MAITY & ORS.

...Respondent(s)

ORDER

962189

The defects pointed out by the Registry are waived and the application for substitution to bring on record the legal heirs of the deceased sole appellant is allowed.

Learned counsel for the appellant seeks permission to withdraw these appeals.

However, it is submitted that he has made a representation to the competent authority for re-opening of the husking mill.

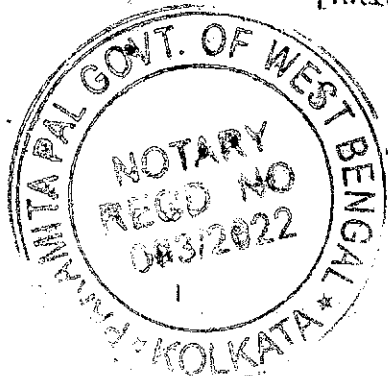
Needless to say that if the representation is submitted, the competent authority has to consider it in accordance with law. Ordered accordingly.

In view of the above, the Civil Appeals are dismissed as withdrawn.

.....J.  
[S.ABDUL NAZEER]

.....J.  
[KRISHNA MURARI]

New Delhi;  
September 24, 2021.



Government of West Bengal  
Office of the Superintendent of Police  
Purba Medinipur.

Memo No: RTI- 27/04/2022, 267/E  
38/04/22 & 39/04/22 -

Dated : 20/05/22.

To  
Sri Raghunath Maity,  
S/O-Lt. Bibhuti Bhusan Maity,  
Vill+PO - Meghadangar,  
PS - Panskura,  
Dist.- Purba Medinipur,  
Pin - 721152.

Sub: Information sought for under RTI Act-2005.

Enclosed please find herewith the report of Shri Ashis Majumder, IC Panskura PS Purba Medinipur under reference on the above mentioned subject which will speak for itself.

Encl: - As stated.

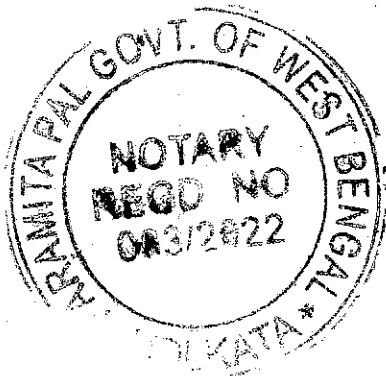
20/05/22  
Deputy Superintendent of Police (HQ),  
SPIO & Nodal Officer of RTI,  
Purba Medinipur.

Memo No: RTI- 27/04/2022,  
38/04/22 & 39/04/22 -

Dated : /05/22.

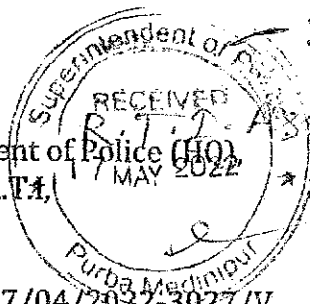
Copy to:-

1. The Public Relation Officer & SPIO(Under Right to information Act, 2005)West Bengal Pollution Control Board (Department of Environmental, Govt. of West Bengal), Paribesh Bhawan, 10A, Block - LA, Sector III, Bidhannagar, Kolkata- 700106. Ref.Memo No - 1022/1J-5/2022(part-XI) dated 06.04.2022 & Memo No - 1069/1J-5/2022(part-XI) dated 07.04.2022 - for kind information.



Deputy Superintendent of Police (HQ),  
SPIO & Nodal Officer of RTI,  
Purba Medinipur.

To,  
The Deputy Superintendent of Police (HQ),  
SPIO & Nodal Officer of R.T.I.,  
Purba Medinipur.



Ref: - Memo No. : RTI - 27/04/2022-3027/V

Dated: 13.04.22.

Sir,

In returning herewith the above ref. Memo of the Petitioner Sri Raghunath Maity S/O- Lt Bibhuti Bhusan Maity of Vill+PO- Meghadagar, PS- Panskura, Dist- Purba Medinipur under R.T.I Act, I beg to state that the door of Biswanath Bani Mill Proprietor Dipak Kumar Das was opened under the order of Hon'ble Supreme Court of India vide Civil Appeal Nos 4761 of 2021.

This is for favour of your kind information.

Enclosure:-

- i) Copy of order Hon'ble Supreme Court of India.

Date: 17.05.2022

Yours faithfully

*Ashis Majumder*  
(Shri Ashis Majumder) 17.05.22  
Inspector in-Charge  
Panskura PS  
Purba Medinipur

Inspector-in-Charge  
Panskura Police Station  
Purba Medinipur

OR- 614 & p 2  
DF- 17/05/22



13 FEB 2025

BEFORE THE HON'BLE GREEN TRIBUNAL  
EASTERN ZONE BENCH KOLKATA  
Original Application No : 64/2023/EZ

In the matter of :  
Raghunath Maity

.... Applicant

- Versus -

The West Bengal Pollution Control  
Board and Others.

..... Respondents

<sup>OPPOSITION</sup>  
AFFIDAVIT-IN-~~COMPLIANCE~~ AGAINST THE  
~~COMPLIANCE~~ AFFIDAVIT-IN-~~COMPLIANCE~~ FIELD BY THE  
RESPONDENT NO. 3 BY THE PETITION.



113 FEB 2025

MR. PARTHA SARKAR  
Advocate  
C/o Mr. Sandip Ghosh  
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