

S.L. No. 9/25

BEFORE THE HON'BLE NATIONAL GREEN TRIBUNAL

EASTERN ZONE BENCH, KOLKATA

WEST BENGAL FINANCE CENTRE, 3RD FLOOR, NEW TOWN

O.A No. 61 of 2024/EZ

IN THE MATTER OF:

Hitesh Sharma

..... Applicant

-Versus-

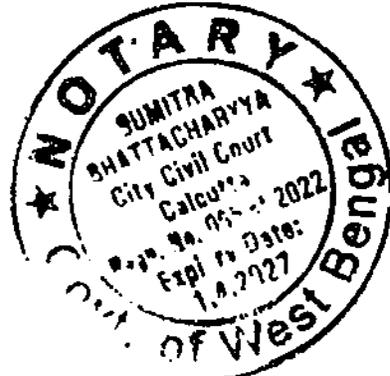
Sabyasachi Mullick Chowdhury & Ors.

..... Respondents

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*Abhisek Baran Das*  
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C/O Mr. ABHISEK BARAN DAS  
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Mob.: 7003321437;



26 MAR 2025

Before the National Green Tribunal  
Eastern Zonal Bench, Kolkata,  
West Bengal Finance Centre, 3<sup>rd</sup> Floor, New Town  
Original Application No. 61 of 2024/EZ

In the matter of:-

Hitesh Sharma

.... Applicant

-Versus-

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.... Respondents



**REJOINDER ON BEHALF OF THE APPLICANT AGAINST THE REPLY  
FILED BY THE RESPONDENT NO. 25, i.e. CENTRAL POLLUTION  
CONTROL BOARD (CPCB)**

I, Pawan Sharma, son of Sri Radheshyam Sharma, aged about 51 years, by faith – Hindu, by occupation – Business, residing at CZ – 4, Canal South Road, Post Office – Dhapa, Police Station – Pragati Maidan, Kolkata – 700 105, do hereby solemnly affirm and say as follows:-

1. I am the constituted attorney of the applicant. I have made myself fully acquainted with the facts and circumstances of the present case. I am competent enough and duly authorized by the applicant to make and affirm this affidavit on his behalf.
2. I have read a copy of the reply affirmed on December 20, 2024 and served upon my Learned Advocate purportedly affirmed by one Mrinal Kanti

Biswas being the Regional Director and Scientist E, CPCB, Kolkata being the authorized signatory of CPCB in the present proceeding (hereinafter referred to as the "said reply"). I have understood the meaning, contents and purport thereof.

3. I say that after the correction of the cause title permitted by this Hon'ble Tribunal vide an order dated November 20, 2024, the serial number of the Central Pollution Control Board in the cause title is 23. Thus, the respondent no. 25 as indicated in the reply under answer is to be read as respondent no. 23 for all purposes.

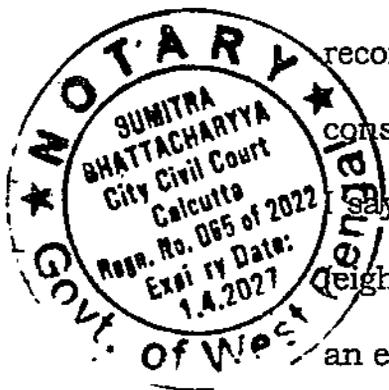
4. Save and except what are matters of record, allegations to the contrary contained in the various paragraphs of the said reply, are denied and disputed as if in seriatim and specifically traversed.

5. With reference to the paragraph nos. 1, 2 and 3 of the said reply, I deny and dispute the contentions raised therein save and except which are on record. I say that there is no dispute that CPCB is a statutory board constituted under the relevant statutory provisions as indicated therein.

I say that CPCB being one of the authorities and/or members in the 8 (eight) member committee report cannot shirk away its responsibility by an evasive denial and averment indicating that they deny all allegations.

The CPCB has to take responsibility of the illegality and callousness prevalent in preparation of the said 8 member committee report.

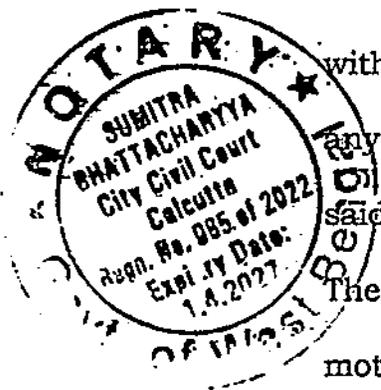
6. With reference to paragraphs 4 to 6 of the said reply, I deny and dispute the contentions raised therein save and except which are matters on



record. I reiterate my statement that the applicant was denied the opportunity of being heard before the 8 member committee. I say that in the paragraph under reference it is evident that the authorities have undertaken a flawed approach while preparation of the said joint committee report. I say that the claim of CZ – 15A being created after 2013 by filling up of waterbody i.e. Ukilbheri is completely unsubstantiated and the same is the subject matter of challenge in this proceeding. I say that Kolkata Municipal Corporation cannot take any measure for restoration of the waterbody prior to properly demarcating the exact portion of CZ – 15A which has been alleged to be a part of the waterbody. I say that further steps for restoration which is to be taken by Kolkata Municipal Corporation in furtherance of the said joint committee report can only be initiated after clear demarcation of the portion of land which is said to be created by filling up of the waterbody.

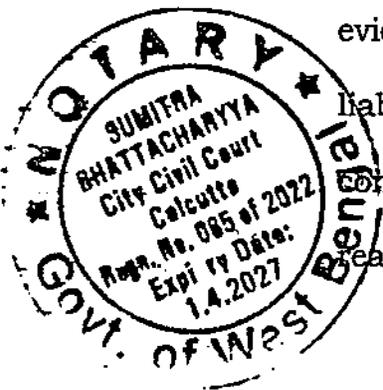
7. With reference to paragraphs 7 to 11 of the said reply, I deny and dispute the contentions raised therein save and except which are matters on record. I say that the show cause notice could not have been issued without first adjudicating the rights and contentions of the applicant. In any event, CPCB not being the authority responsible for issuance of the said show cause notice is incompetent to make any comment thereon. The comments on the said show cause notice is completely superfluous, motivated and directed to cause further complications in the matter so as the harass the applicant.

8. With reference to paragraphs 12 to 15 of the said reply, I deny and dispute the contentions raised therein save and except which are matters



on record. I say that CZ – 15A does not comprise of any plot of land from RS Plot No. 268. On the contrary, CZ – 15A comprises of a land from 5 Dag Numbers belonging to two separate mouzas. The authorities while demarcating the land on the basis of google map and not on the basis of mouza map based on their land fixities, had erroneously included plot no. 267 as a whole to be a waterbody although the same was recorded as an embankment in the record of rights. Further, which portion of plot no. 267 is the waterbody and the embankment has not been demarcated. Moreover, the portion of CZ – 15A which is included within RS Plot No. 267 is also not demarcated. In absence of such demarcation, the other 4 plots of land comprising CZ – 15A which admittedly do not fall within any waterbody cannot be said to be included in the demolition plan accompanied with restoration map of the waterbody. From the averments in the said reply, it is evident that the entire endeavour of the 8 member committee was to shirk of its responsibility in the garb of complying with the order dated January 3, 2022 passed in OA No. 25 of 2016/EZ. It is evident from the reply that the same has been filed only to evade any liability which might ensue upon CPCB and not to deal with the contentions of the application or to assist this Hon'ble Tribunal so as to reach a logical conclusion.

9. I say that the said reply demonstrates a sorry state of affairs involved in the preparation of 8 member committee report and the entire exercise conducted by the said members are farce and frivolous. The purpose for which the said authority was included in the 8 member committee has thus failed and the true and correct picture has not come up before this



Hon'ble Tribunal through the said final report dated October 20, 2022 as prepared under the directions of the order dated January 3, 2022. Thus, no cognizance of the said report may be taken.

10. That the statements made in paragraphs 1 to 8 are true to my knowledge and best of my belief and rest are my humble submission before this Hon'ble Tribunal.

Prepared in my office

*Hrishikesh Saran Das*  
Advocate

Deponent is known to me

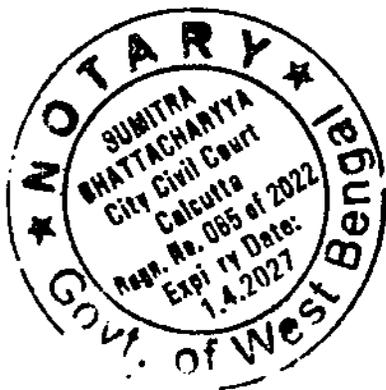
Identified by me

*Hrishikesh Saran Das*  
Advocate

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

*Sumitra Bhattacharyya*

**Sumitra Bhattacharyya**  
Notary, Govt. of W.B.  
Regd. No. 065 of 2022  
City Civil Court, Calcutta



26 MAR 2025

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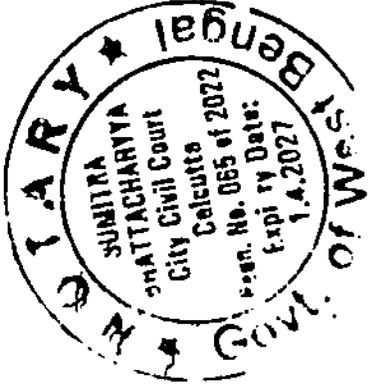
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REJOINDER ON BEHALF OF THE APPLICANT  
AGAINST THE REPLY FILED BY THE  
RESPONDENT NO. 25,i.e. CENTRAL  
POLUTION CONTROL BOARD (CPCB)

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