

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-

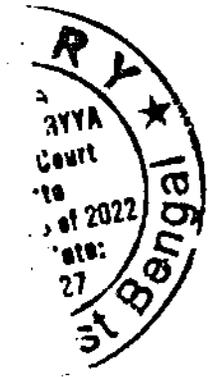
Sabyasachi Mullick Chowdhury & Ors.

..... 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

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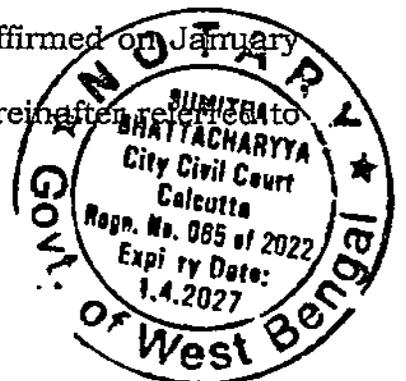
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**SUPPLEMENTARY REJOINDER ON BEHALF OF THE APPLICANT AGAINST  
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SABYASACHI MULLICK CHOWDHURY**

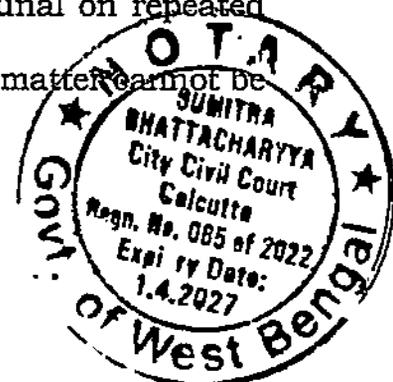
I, Pawan Sharma, son of Sri Radheshyam Sharma, aged about 51 years, by faith – Hindu, by occupation – Business, residing at CZ – 4, Canal South Road, Post Office – Dhapa, Police Station – Pragati Maidan, Kolkata – 700 105, do hereby solemnly affirm and say as follows:-

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 Supplementary Affidavit affirmed on January 21, 2025 and served upon my Learned Advocate (hereinafter referred to



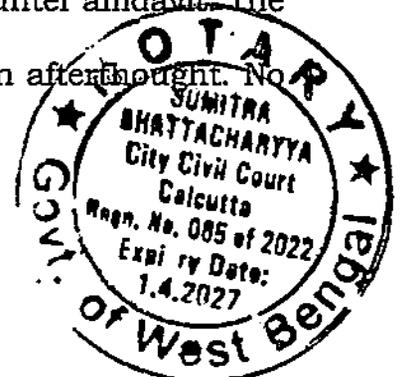
as the "said affidavit"). I have understood meaning, contents and purport thereof.

3. 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.
  
4. With reference to the paragraph nos. 1 to 4 of the said affidavit, I deny and dispute the contentions raised therein save and except which are on record. I say that save and except only one document being the judgment and order dated September 4, 2024 other documents were in due existence when the counter affidavit was filed by the respondent no. 1 on June 28, 2024. Since, the said documents were already in existence and was consciously chosen by the respondent no. 1 not to be made a part of the said counter affidavit, the same cannot be permitted to be included through the present supplementary affidavit. Such a procedure violates the basic principle of amendment of pleadings. I say that it is also not the case of the respondent no. 1 that the said documents were missed out by inadvertence. I say that the order dated September 4, 2024 does not affect the present proceedings in any manner whatsoever. Such a document has only been brought on record so as to confuse the present adjudication. It has been inconsistent endeavour of the respondent no. 1 to approach the Hon'ble Court indicating that the applicant has a relief before this Hon'ble Tribunal. Before this Hon'ble Tribunal on repeated occasions, the respondent no. 1 had indicated that the matter cannot be



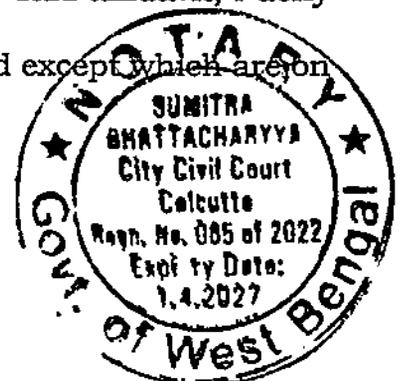
taken up due to the pendency of the proceedings before the Hon'ble High Court at Calcutta. It is only after a direction being obtained from the Hon'ble Division Bench that the present case was permitted to be proceeded before this Hon'ble Tribunal. In a proceeding which assailed the show cause notice issued by the Kolkata Municipal Corporation, the Hon'ble High Court had directed the matter to be heard out before the Corporation. The said proceeding is principally dependent upon the present proceeding which assails the joint committee report which is actually the basis for issuance of the said show cause notice. Thus, unless the present proceeding is disposed of, any discussion with respect to the merits of the show cause notice is equivalent to rendering the applicant remediless which is impermissible under the law.

5. With reference to the paragraph nos. 5 to 8 of the said affidavit, I deny and dispute the contentions raised therein save and except which are on record. I say that the instant proceeding arises out of a direction from the Hon'ble Supreme Court of India whereby the basis was that the property of the applicant was being proceeded with without hearing the applicant. Under such premise, the Hon'ble Supreme Court permitted the applicant to approach this Hon'ble Tribunal. As such the said memo of appeal and other miscellaneous application is only targeted to make the pleadings voluminous and easier for the respondent no. 1 to confuse the adjudication process. I say that the said documents were duly available to the respondent no. 1 at the time of affirming his counter affidavit. The basis of incorporating was immaterial document is an afterthought. No



cognizance may be taken of the said document. I say that I was not made a party in WPA No. 21710 of 2022 and as such, the said orders dated September 29, 2022 and December 15, 2022 are not german to the present context. Moreover, the said orders were also available at the time of filing of the said counter affidavit by the defendant no. 1. There is no case coming forthwith as to why such document was not relied on at the time of filing of the said counter affidavit. No cognizance of the said orders may be taken on record. I say that the alleged act of violation of interim orders passed by the Hon'ble High Court at Calcutta can be adjudicated in a completely different proceeding. The said report was also existing on the day when the counter affidavit was affirmed. There is no cogent reason coming forthwith as to why the said order or the report was not relied on. In any event, the said report does in no manner assist the proceeding of this Hon'ble Tribunal. The said affidavit and/or documents annexed thereto are only to cause prejudice to the adjudicatory process and an afterthought. The issue of alleged illegal construction is a separate cause of action independent to the present case and as such, the same may not be permitted to be joined so as to deviate the adjudication of the present proceeding. I say that the respondent no. 1 having initiated CPAN No. 1632 of 2023 shall have to pursue the same before the Hon'ble High Court at Calcutta and such cause cannot be espoused before this Hon'ble Tribunal in a case instituted by the applicant.

6. With reference to the paragraph nos. 9 to 12 of the said affidavit, I deny and dispute the contentions raised therein save and except which are on



record. I say that the allegation regarding making construction in violation of the orders passed by the Hon'ble High Court at Calcutta is completely misplaced and specifically denied and disputed by me. I say that till date I have not violated any orders passed by any of the fora including this Hon'ble Tribunal. I say that the respondent no. 1 has been in a habit of obtaining orders behind me and/or without making me a party so as to obtain uncontested orders passed by completely misrepresenting cases. From the present affidavit it can be again evident that the respondent no. 1 is trying to deviate the cause of the proceeding from testing the correctness of the joint committee report to that of an issue of illegal construction which is already a subject matter of the contempt proceeding. I reserve my right to deal with such baseless allegations in the contempt proceedings before this Hon'ble High Court at Calcutta. I cannot be forced to convert my present challenge to the joint committee report into a justification of a frivolous and baseless allegation of illegal construction. I deny that there is any willful far less deliberate and contumacious violation of any orders as alleged or at all. I deny that any of the documents or averments are vital for the present adjudication process save and except to prejudice the adjudication process.

7. I say that the supplementary affidavit is motivated, afterthought and a clear manifestation of the intention of the respondent no. 1 to confuse the judicial fora with jugglery of prejudicial statements and unnecessary documents.



8. That the statements made in paragraphs 1 to 6 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

*Atchirek Saran Das*  
Advocate

*Suman Das*

Deponent is known to me

Identified by me

*Atchirek Saran Das*  
Advocate

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

Notary

*Sumitra Bhattacharyya*

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

26 MAR 2025



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