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BEFORE THE HON'BLE NATIONAL GREEN TRIBUNAL  
EASTERN ZONE BENCH AT KOLKATA  
ORIGINAL APPLICATION NO. 24/2025/EZ

In the mater of :

Yogesh Kumar

..... Applicant

Versus

M/s. Gupta Food Product & Ors.

..... Respondents

12/17/25 ON TS

BEFORE THE NOTARY PUBLIC  
HOWRAH

**AFFIDAVIT-IN-REJOINDER ON BEHALF OF THE APPLICANT  
TO AFFIDAVIT ON BEHALF OF RESPONDENT NO. 04.**

SL.	PARTICULARS	ANNEXURE	PAGE
1.	Rejoinder		1-5
2.	Photographs captured during effluent sample collection.	'A-1'	6-7



Filed through

Ankur Sharma

Ankur Sharma

Advocate

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**AFFIDAVIT-IN-REJOINDER ON BEHALF OF THE APPLICANT  
TO AFFIDAVIT ON BEHALF OF RESPONDENT NO. 04.**

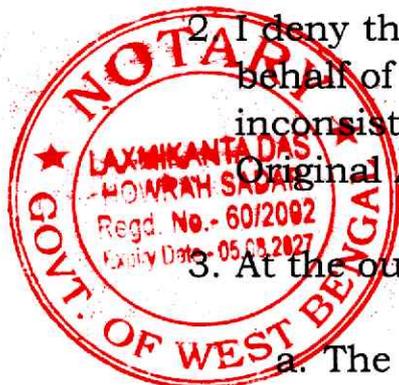
I, Yogesh Kumar, the Applicant aged about 30 years by occupation - service residing at Pandit Niwas, Chaita Road, Chamara Godam, P.O. – Gomoh, P.S. Hariharpur, District – Dhanbad, Jharkhand, PIN - 828401 do hereby solemnly affirm and state as under :

1. I am the Applicant in the abovementioned Original Application. I have read the Affidavit on behalf of Respondent No. 04 i.e. District Magistrate, Dhanbad (hereinafter for the sake of brevity referred to as the 'said Affidavit'), and I am making the present Affidavit in Rejoinder thereto.

2. I deny the contents and averments made in the Affidavit on behalf of the Respondent No. 04 that are contrary to and/or inconsistent with anything stated in the abovementioned Original Application and the present Affidavit in Rejoinder.

3. At the out set, I say the following :

a. The sample was not collected properly. The sample was not collected by any expert, and was collected in two 1





litre empty mineral water bottles. The sample was not even sealed which leads to an inference that the actual sample have been changed to obtain better results. Moreover, the original sample test report prepared by M/s. HURL (Hindustan Urvarak and Rasayan Ltd. Sindri, Dhanbad) has not been annexed with the committee report. The entire sample testing procedure is flawed aiming at extending undue favor to the subject unit.

Some photographs of captured by the Applicant's brother Shri Ajay Kumar during effluent sample collection are annexed herewith and marked by the letter and figure 'A-1'.

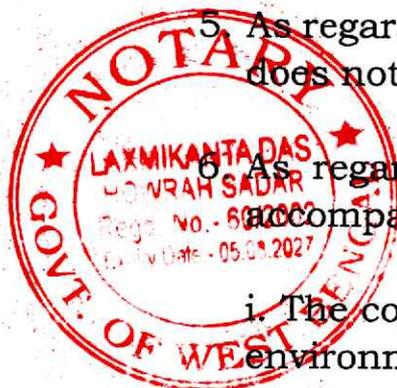
- b. The report of committee clearly states that the subject unit is operating/running without any Consent to Establish and Consent to Operate.
- c. The report of the committee also says that the subject unit is running in violation of the orders of JSPCB vide letter ref no. 315 dated 20.03.2025.
- d. The Committee did not even care to inspect the groundwater drawing permission of the subject unit to ascertain whether it is drawing groundwater within its permissible limit or not.

4. I shall now deal with the Affidavit in seriatim :

5. As regard paragraph nos. 1, 2, 3, 4 and 5 I say that the same does not requires any specific reply.

6. As regards paragraph no. 6 of the said Affidavit and its accompanying report I say the following :

- i. The committee failed to ascertain the period of violation of environmental norms and laws by the subject unit.





ii. The committee resorted to make mention of alleged civil dispute but did not mention whether the subject unit is complying with the industrial siting criteria, and carrying operation upon a factory land or a residential land.

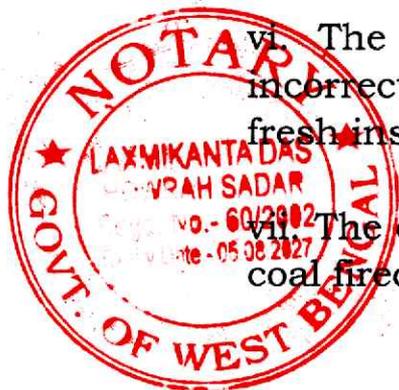
iii. The Applicant vehemently denies the statements made in paragraph nos. III (13) and III (15) of the committee report that both sides informed that there has been land related dispute and land demarcation was carried out by local revenue officials and that complainant informed about civil dispute is under adjudication at Civil Court between both parties. The Applicant was not present at the time of inspection his younger brother Shri Ajay Kumar was present at the site and not Shri Mantu Pandit as stated in the committee report.

iv. The action taken till date as mentioned in paragraph no. IV of the report does not reflect any effective actions. The JSPCB ought to have issued orders for closure of the unit with disconnection of electricity to ensure that the unit does not operate without Consent to Establish and Consent to Operate.

v. The committee did not impose any environmental compensation/penalty nor it passed orders for closure of the unit with disconnection of electricity despite observing desperate violation of its earlier order directing the unit to operate only after obtaining Consent to Establish and Consent to Operate.

vi. The entire sample collection process is flawed and incorrect. Hence, sample results cannot be relied upon. A fresh inspection

vii. The committee did not inspect stack emissions from the coal fired chullah of the subject unit.



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7. As regards paragraph nos. 7, 8 and 9 I say that the same does not requires any specific reply.

In view of what is stated herein above, I humbly pray before this Hon'ble Tribunal to pass necessary orders in the interest of justice.

Solemnly affirmed at Howrah

On this 8<sup>th</sup> day of May, 2025

*Yogesh Kumar*

Deponent



VERIFICATION

I, *Yogesh Kumar*, aged about 30 years by occupation - service residing at Pandit Niwas, Chaita Road, Chamara Godam, P.O. - Gomoh, P.S. Hariharpur, District - Dhanbad, Jharkhand, PIN - 828401 states that I am the Applicant. I do hereby verify that the contents of the above Affidavit in Rejoinder are true and correct to the best of my knowledge, no part of it is false and nothing material has been concealed there from.

Verified at Howrah on this day of 8<sup>th</sup> May, 2025.

*Yogesh Kumar*

Deponent

Prepared by me

in my chamber

*Ankur Sharma*

Advocate

SOLEMNLY AFFIRMED & DECLARED  
BEFORE ME BY THE DEPONENT ON  
IDENTIFICATION OF ADVOCATE

Place Judges' Court  
Howrah - 711101  
W.B. India

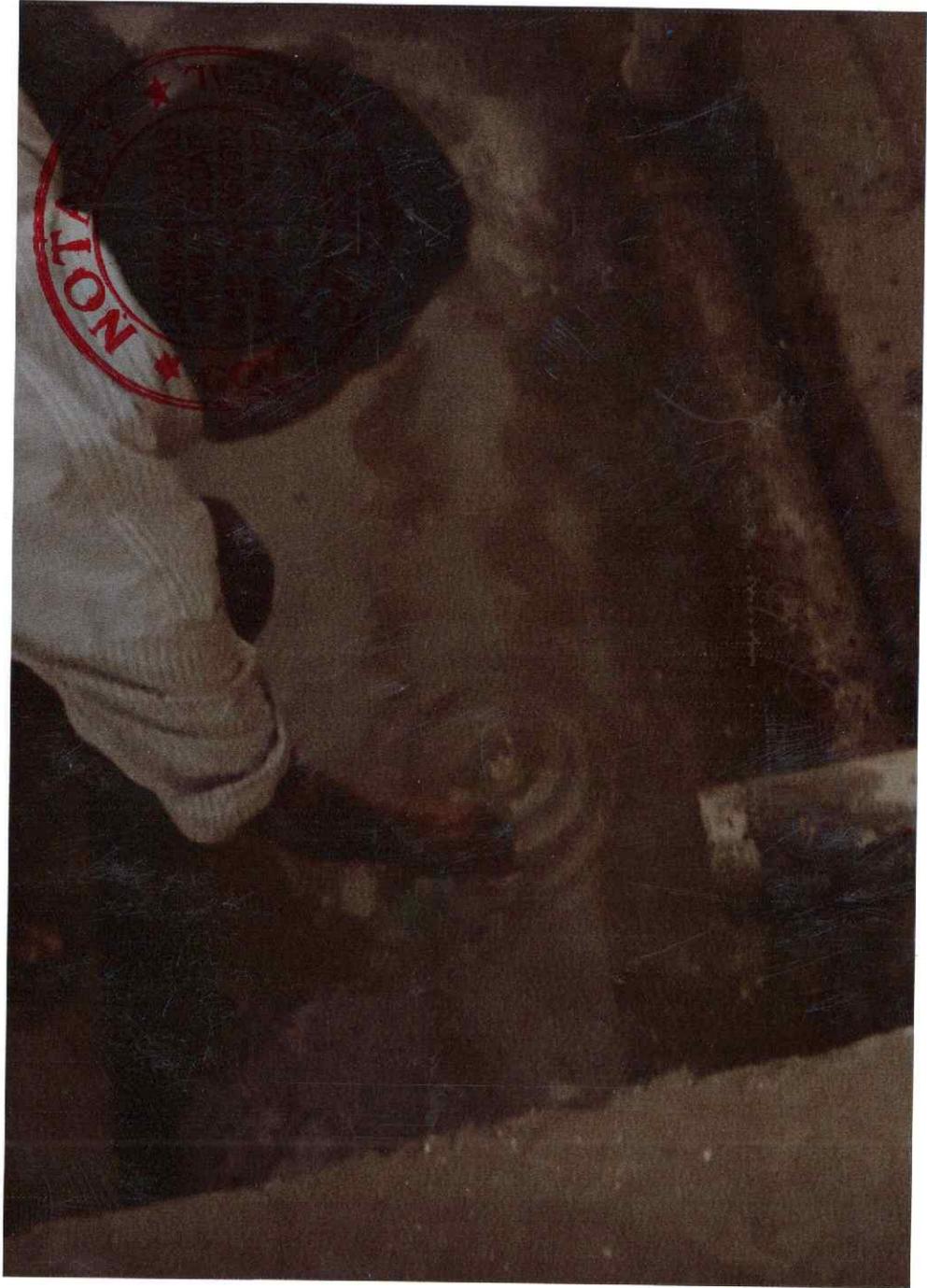
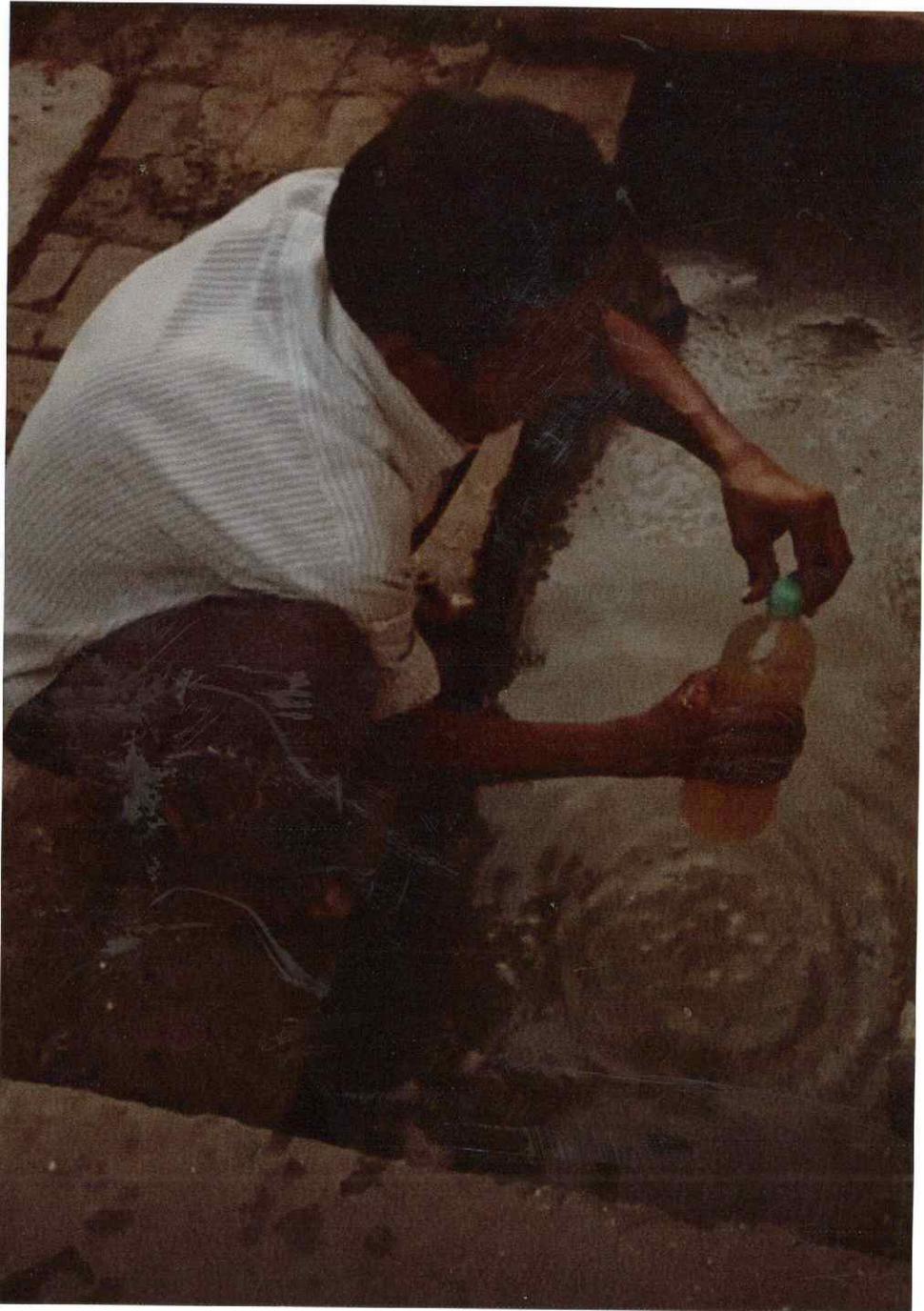
08.05.25  
LAXMIKANTA DAS  
NOTARY HOWRAH  
Govt. of West Bengal

Verified by me

*Ankur Sharma*

Advocate

08 MAY 2025



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