

BEFORE THE NATIONAL GREEN TRIBUNAL
EASTERN ZONE BENCH, FINANCE CENTRE
3rd FLOOR, NEW TOWN, KOLKATA

I.A. No. _____ of 2025
Original Application No. 161/2024/EZ

In the matter of:
An application under Section 19(4)(a) read with Section 18(1) of the National Green Tribunal Act, 2010 for modification of the solemn order dated 13.05.2025, passed by the Hon'ble Green Tribunal, Eastern Zone Bench, Kolkata, passed in the instant Original Application No. 161 of 2024/EZ

-And-

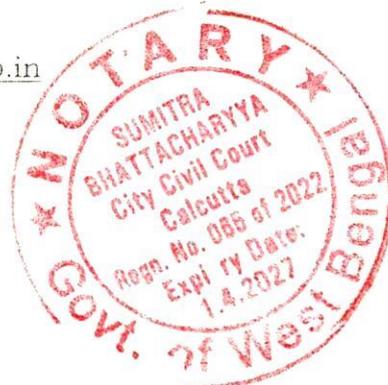
In the matter of:
Jagriti Bhattacharya
... Applicant
Versus
The State of West Bengal & others
... Respondents

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Filed by

Ms. Mousuni Bhowal, Advocate
High Court, Calcutta
Bar Association Room no. 12
Phone - 9339697329
Email: mousumibhowal22@yahoo.in
Enrolment No. WB/1170/2007



15 MAY 2025

BEFORE THE NATIONAL GREEN TRIBUNAL
EASTERN ZONE BENCH, FINANCE CENTRE
3rd FLOOR, NEW TOWN, KOLKATA

I.A. No. _____ of 2025
(Arising out of Original Application No.
161 of 2024/EZ)

In the matter of:

An application under Section 19(4)(a)
read with Section 18(1) of the National
Green Tribunal Act, 2010 for
modification of the solemn order dated
13.05.2025, passed by the Hon'ble
Green Tribunal, Eastern Zone Bench,
Kolkata, passed in the instant Original
Application No. 161 of 2024/EZ;

-And-

In the matter of:

Jagriti Bhattacharya, daughter of Gora
Chand Bhattacharya, residing at 57/2,
Shyamnagar Road, Post Office -
Bangur, Police Station - Dum Dum,
Kolkata - 700 057.

email _____ id:
advj.Bhattacharya@outlook.com

... Applicant



15 MAY 2025

Versus

1. The State of West Bengal, service through the Additional Chief Secretary, Department of Environment, Prani Sampad Bhawan, 5th Floor, Block-LB-II, Salt Lake, Sector-III, Bidhannagar, Kolkata – 700 106.
email id: psecy.env-wb@gov.in

2. Additional Chief Secretary, Department of Environment, Prani Sampad Bhawan, 5th Floor, Block-LB-II, Salt Lake, Sector-III, Bidhannagar, Kolkata – 700 106.
email id: psecy.env-wb@gov.in

3. Chief Environment Officer, Department of Environment, Prani Sampad Bhawan, 5th Floor, Block-LB-II, Salt Lake, Sector-III, Bidhannagar, Kolkata – 700 106.
email id: psecy.env-wb@gov.in

5. Member Secretary, West Bengal Pollution Control Board, Paribesh Bhawan, Plot No. 10A, Block No. LA, Sector-III, Bidhannagar, Kolkata – 700106.
Email id: ms.wbpcb-wb@bangla.gov.in



15 MAY 2025

6. Director, State Water Investigation Directorate, West Bengal, Nirman Bhawan, Top Floor, Salt Lake City, Kolkata – 700091.
email id: directorswid@gmail.com

7. South Dum Dum Municipality service through the Executive Officer, Dum Dum Road, Nagerbazar, Kolkata – 700 074.
email: southdumdum74@gmail.com

9. Commissioner of Police, Barrackpore Police Commissionerate, having his office at B.T. Road near Latbagan Main Gate Chiriamore, Barrackpore, Kolkata – 700120.
email:
bkppolicecommissionerate@gmail.com

10. Officer-in-Charge, Dum Dum Police Station, having office at 39/1 Post Office Road, Gorabazar, Rajbari, Dum Dum, Kolkata – 700 028.
email id: dumdumps@gmail.com

12. Regional Director, Central Ground Water Board, Eastern Region Office at Bhujalika CP Blokc-6, Sector-V, Bidhannagar, Kolkata, West Bengal – 700091, email: rder-cgwb@nic.in



15 MAY 2025

13. Emami City Apartment Owners' Association, having office at 2, Jessore Road, Golpark, Kolkata – 700 028.

14. Mahadev Dev, father's name not known to your petitioner, residing at Emami City, 2, Jessore Road, Golpark, Kolkata – 700 028.

... Respondents

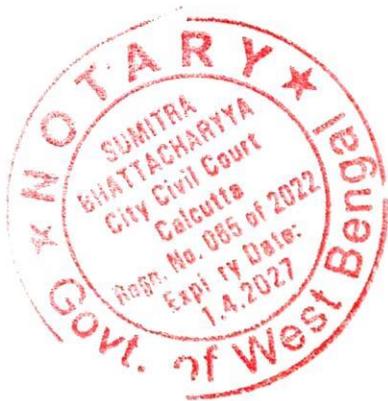
-And-

In the matter of:

South Dum Dum Municipality service through the Executive Officer, Dum Dum Road, Nagerbazar, Kolkata – 700 074.

email: southdumdum74@gmail.com

... Applicant/Respondent No. 7



To

The Hon'ble Chairperson and His Companion Members of the said Hon'ble Tribunal.

The humble petition on behalf of the applicant/the respondent no. 7 above-named:

MOST RESPECTUFLY SHEWETH:

1. The instant original application filed before the Hon'ble Tribunal challenging the inaction on the part of the concerned

15 MAY 2025

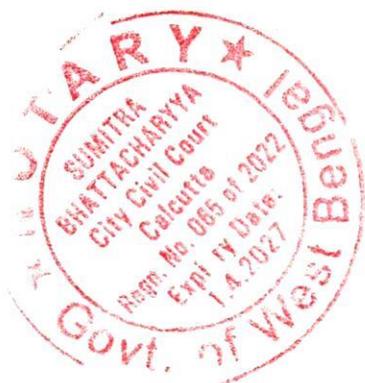
respondent for not taking any step to stop the illegal and wrongful extraction of ground water at the Emami City, situated at 2, Jessore Road, Golpark, Kolkata – 700 028. The said original application is pending decision before the Hon'ble Tribunal.

2. The Hon'ble Tribunal vide an order dated 23.12.2024 was pleased to direct the respondent no. 7/the applicant to file a supplementary affidavit indicating the per capita supply of drinking water in the area. Accordingly the respondent no. 7/the applicant affirmed the supplementary affidavit on 01.05.2025. The said supplementary affidavit was duly uploaded in the official website of the National Green Tribunal, Eastern Zone, Kolkata and duly served upon the concerned respondents.

3. The said original application was taken up for hearing on 06.05.2025. The supplementary affidavit filed on behalf of the respondent no. 7/the applicant was taken on record. At the time of call the said original application, Ms. Mousumi Bhowal, the learned Advocate-on-Record of the respondent no. 7/the applicant could not appear before the Hon'ble Tribunal due to some inconvenience. Mr. Ishan Bhattacharya, the learned Advocate sought for an accommodation on behalf of Ms. Mousumi Bhowal, the learned Advocate-on-Record.

4. The Hon'ble Tribunal was pleased to proceed with the original application and pass a necessary order. The operative part of the said order dated 06.05.2025 is quoted herein below:

“5. We grant the Executive Officer, South Dum Dum Municipality one week time to reply to the affidavit of the Respondent nos. 13 and 14 dated 05.05.2025 filed today to show what they are doing about the shortage of water



15 MAY 2025

to the resident of Respondent Nos. 13 and 14 and why no steps have been take for meeting the water deficiency by providing for tap water.”

A copy of the order dated 06.05.2025, passed by the Hon’ble Tribunal is annexed hereto and marked as “P/1”.

5. It is apposite to mentioned herein that the said supplementary affidavit dated 05.05.2025, affirmed on behalf of the respondent nos. 13 and 14 was served upon Ms. Mousumi Bhowal, the learned Advocate-on-Record for the respondent no. 7 on 06.05.2025 through email when the said matter was already heard. A copy of the print out of email is annexed hereto and marked as “P/2”.

6. Since the learned Advocate-on-Record could not appear before the Hon’ble Tribunal on 06.05.2025, she was not aware of the order dated 06.05.2025. The said order dated 06.05.2025 was uploaded in the portal on of the Hon’ble Tribunal on 07.05.2025.

7. On 09.05.2025, 10.05.2025, 11.05.2025 and 12.05.2025 the office of the respondent no. 7 was closed due to holiday. Therefore, the learned Advocate-on-Record could not take any instruction in respect of the filing of reply to the affidavit of the respondent nos. 13 and 14.

8. The said original application was duly appeared before the Hon’ble Tribunal on 13.05.2025. Due to some technical difficulties, the learned Advocate-on-Record could not download the daily cause list dated 13.05.2025 where the link for joining the virtual hearing was available. Resultantly the learned Advocate-on-Record could not join the hearing in virtual mode. Due to aforesaid technical difficulties, the Executive Officer, South Dum Dum Municipality, the respondent no. 7 also could not join and be present in person before the Hon’ble

15 MAY 2025

Tribunal in virtual mode in compliance with the order dated 06.05.2025, passed by the Hon'ble Tribunal.

9. In such circumstances, upon hearing, the Hon'ble Tribunal was pleased to pass a necessary order on 13.05.2025. The operative part of the said order is quoted herein below:

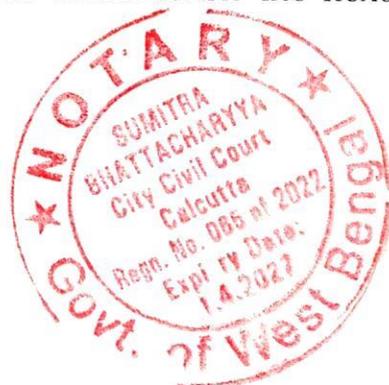
“4. We, therefore, in exercise of powers vested in us under Section 19(4)(a) of the National Green Tribunal Act, 2010 read with Section 32 of the Civil Procedure Code, 1908, direct bailable warrants be issued against the Executive Officer, South Dum Dum Municipality to secure his presence before this Tribunal on the next date of listing.”

A copy of the order dated 13.05.2025 is annexed hereto and marked as “P/3”.

10. The applicant submits that there is no wilful latches and/or negligence on the part of the applicant/respondent no. 7 in not complying with the order dated 06.05.20~~13~~²⁵, passed by the Hon'ble Tribunal.

11. The applicant prays for an unconditional apology for this act.

12. It is respectfully submitted that the order dated 13.05.2025, passed by the Hon'ble Tribunal may kindly be modified to the extent recalling the direction of bailable warrant, issued against the Executive Officer, South Dum Dum Municipality, the respondent 7 to secure her presence before the Hon'ble Tribunal on the next date of listing.



15 MAY 2025

13. The applicant submits that time for filing the reply on behalf of the respondent no. 7 to the affidavit of respondent nos. 13 and 14 dated 05.05.2025 may kindly be extended for a reasonable period.

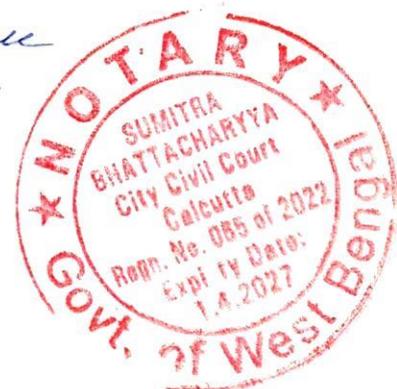
14. Until and unless the application for modification of the order dated 13.05.2025, is allowed by the Hon'ble Tribunal, the applicant will irreparable loss and injury.

15. The application is made bona fide and for the interest of justice.

In the above facts and circumstances, the applicant humble prays that Your Lordship would graciously be pleased to allow this application and modify the order dated 13.05.2025, passed by the Hon'ble Tribunal to the extent that the direction of bailable warrant, issued against the Executive Officer, South Dum Dum Municipality, the respondent 7 to secure her presence before the Hon'ble Tribunal on the next date of listing may kindly be recalled and to pass such other order or orders as the Hon'ble Tribunal may deem fit and proper;

And your applicant/the respondent no. 7 as in duty bound, shall ever pray

Lovely Mukherjee



15 MAY 2025



AFFIDAVIT

I, Lovely Mukherjee, wife of Subhajyoti Mukherjee, aged about 61 years, by occupation – Service, by religion – Hindu, residing at BL-R, Flat – 3, 40/1, Tangra Road, Government Housing Estate, Kolkata – 700 015, do hereby solemnly affirm and say as follows:

1. I am the applicant/the respondent no. 7 and as such I am well acquainted with facts and circumstances of the case. I am competent to affirm this affidavit.

2. The statements made in paragraphs 1, 2, 3, 4, 5, 6, 7, 8, 9 and 14 are true to my knowledge and those made in paragraphs 10, 11, 12, 13 and 15 are my humble submission.

Prepared in my office

Monsumi Bhowal
Advocate

Enrolment No. WB/1170/2007

Date:

Place:

Lovely Mukherjee

Deponent

Lovely Mukherjee
Identified by me

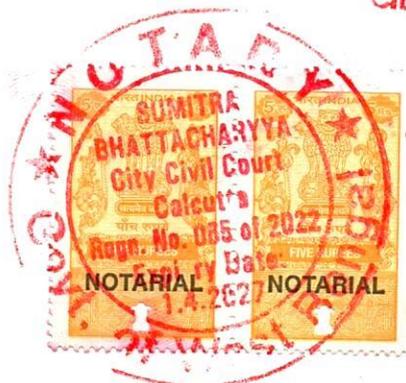
Monsumi Bhowal
Advocate

Solemnly Affirmed and
Declared before me
U/S 189 CPC (C)

Notary

Sumitra Bhattacharya
Sumitra Bhattacharya

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



15 MAY 2025

Item No.06

Court No.1

**BEFORE THE NATIONAL GREEN TRIBUNAL
EASTERN ZONE BENCH, KOLKATA
(THROUGH PHYSICAL HEARING WITH HYBRID MODE)**

Original Application No.161/2024/EZ

Jagriti Bhattacharya

Versus

Applicant(s)

State of West Bengal & Ors.

Respondent(s)

Date of hearing: 06.05.2025

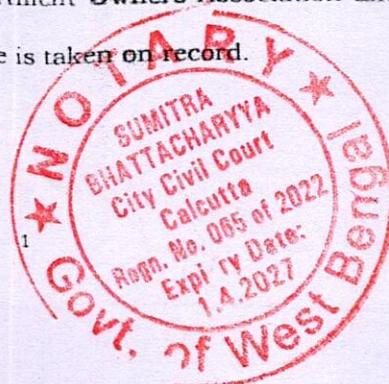
**CORAM: HON'BLE MR. JUSTICE B. AMIT STHALEKAR, JUDICIAL MEMBER
HON'BLE DR. ARUN KUMAR VERMA, EXPERT MEMBER**

For Applicant(s) : Mr. Meghnad Dutta, Advocate (in Virtual Mode) a/w
Mr. Abhishek Shaw, Advocate

For Respondent(s): Mr. Sibojyoti Chakraborty, Advocate for R-1, 2, 3, 6, 9 & 10,
State Respondents (in Virtual Mode),
Mr. Dipanjan Ghosh, Advocate for R-5,
Mr. Ishan Bhattacharya, Advocate for R-7 (in Virtual Mode),
Mr. Ashok Prasad, Advocate for R-12 (in Virtual Mode),
Ms. Paushali Banerjee, Advocate a/w
Mr. Sandip Roy, Advocate for R-13 & 14

ORDER

1. Mr. Meghnad Dutta, learned Counsel assisted by Mr. Abhishek Shaw, learned Counsel is present for the Applicant.
2. Affidavit dated 01.05.2025 has been filed by the Respondent No.7, Executive Officer, South Dum Dum Municipality; the same is taken on record.
3. Affidavit dated 05.05.2025 has been filed by the Respondent No.6, Director, State Water Investigation Directorate (SWID), West Bengal; the same is taken on record.
4. Affidavit dated 05.05.2025 has been filed by the Respondent Nos.13 and 14, Emami City Apartment Owners Association and Mahadev Deb respectively; the same is taken on record.



5. We grant the Executive Officer, South Dum Dum Municipality one week time to reply to the affidavit of the Respondent Nos.13 and 14 dated 05.05.2025 filed today to show what they are doing about the shortage of water to the residents of Respondent Nos.13 and 14 and why no steps have been taken for meeting the water deficiency by providing for tap water.
6. If the affidavit is not filed by the South Dum Dum Municipality, the Executive Officer of the Municipality shall be present in person in Virtual Mode with his explanation.
7. The parties shall exchange affidavits among themselves and any party not served shall download the same from the portal of the National Green Tribunal.
8. List on 13.05.2025.

.....
B. Amit Sthalekar, JM

.....
Dr. Arun Kumar Verma, EM

May 06, 2025,
Original Application No.161/2024/EZ
OM



OA 161/24

- 12 -

ANNEXURE - P2

From: paushali banerjee (paushali_b@yahoo.com)

To: mousumibhowal22@yahoo.in; dpnjnghsh0@gmail.com; sibo.chakrabarti@gmail.com

Date: Tuesday 6 May, 2025 at 10:47 am IST

Pls find attached the affidavit along with all annexures

Regards
Paushali Banerjee
Advocate

Sent from Yahoo Mail for iPhone



DocScanner May 5, 2025 21-23.pdf
3.1MB



Item No.06

Court No.1

13 -

XNNBx URP3

**BEFORE THE NATIONAL GREEN TRIBUNAL
EASTERN ZONE BENCH, KOLKATA
(THROUGH PHYSICAL HEARING WITH HYBRID MODE)**

Original Application No.161/2024/EZ

Jagriti Bhattacharya.

Versus

Applicant(s)

State of West Bengal & Ors.

Respondent(s)

Date of hearing: 13.05.2025

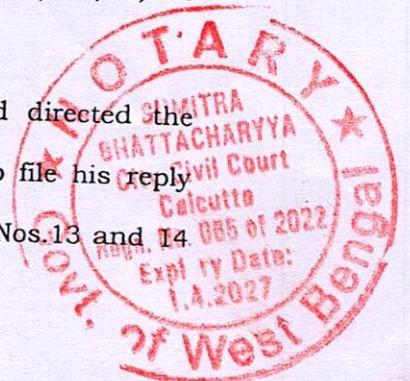
**CORAM: HON'BLE MR. JUSTICE B. AMIT STHALEKAR, JUDICIAL MEMBER
HON'BLE DR. ARUN KUMAR VERMA, EXPERT MEMBER**

For Applicant(s) : Mr. Abhishek Shaw, Advocate

For Respondent(s) : Mr. Sibojyoti Chakraborty, Advocate for R-1, 2, 3, 6, 9 & 10,
State Respondents,
Mr. Dipanjan Ghosh, Advocate for R-5 (in Virtual Mode),
Mr. Ashok Prasad, Advocate for R-12,
Ms. Paushali Banerjee, Advocate a/w
Mr. Sandip Roy, Advocate,
Mr. Sagarmay Ghosh, Advocate (in Virtual Mode) and

ORDER

1. Mr. Abhishek Shaw, learned Counsel is present for the Applicant.
2. In the affidavit of the Respondent Nos.13 and 14, there is a specific averment in paragraph no.9 that the *Respondent No.7, South Dum Dum Municipality is obtaining water at the rate of 94.85 litres per capita per head per day in that event Respondent No.13, Emami City Apartment Owner's Association should receive 94.85 Litres X 5000 (residents of Emami City) = 4,74250 KL per day in total, whereas Respondent No.7 is actually supplying water to Respondent No.13 (Emami City) as per Record @ 28.15 Ltr. X 5000 (Member) = 1,40,750 Ltr.*
3. This Tribunal by its order dated 06.05.2025 had directed the Executive Officer, South Dum Dum Municipality to file his reply within one week to the affidavit of the Respondent Nos.13 and 14.



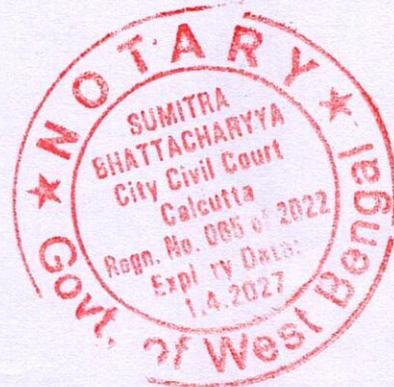
dated 05.05.2025, failing which the Executive Officer, South Dum Dum Municipality shall be present in person in Virtual Mode with his explanation. Today neither has affidavit been filed nor is the Executive Officer, South Dum Dum Municipality present before this Court. Their Counsel, Ms. Mousumi Bhowal is also not present.

4. We, therefore, in exercise of powers vested in us under Section 19(4)(a) of the National Green Tribunal Act, 2010 read with Section 32 of the Civil Procedure Code, 1908, direct bailable warrants be issued against the Executive Officer, South Dum Dum Municipality to secure his presence before this Tribunal on the next date of listing. A copy of this order shall be placed before the Additional Chief Judicial Magistrate (ACJM), Barrackpore by the office of this Tribunal for execution.
5. **List on 23.05.2025.**

.....
B. Amit Sthalekar, JM

.....
Dr. Arun Kumar Verma, EM

May 13, 2025,
Original Application No.161/2024/EZ
OM



Re: I.A. No. of 2025 in O.A. No. 161 of 2025

From: mousumi bhowal (mousumibhowal22@yahoo.in)

To: poushali_b@yahoo.com; subho.advocate@gmail.com; dpnjnghsh0@gmail.com; ankurshaw94@gmail.com

Date: Thursday, 15 May, 2025 at 05:39 pm IST

Madam/Sir

Please find enclosed herewith an advanced copy of the abovenamed I.A. application in connection with O.A. No. 161 of 2024/EZ along with all annexure which will be mentioned before the Hon'ble Court No. 1 of the National Green Tribunal, Eastern Zone Bench on 16.05.2025 at the time first sitting of the Hon'ble Tribunal for hearing of the aforesaid I.A. application out of turn in view of the urgency involved in the instant matter.

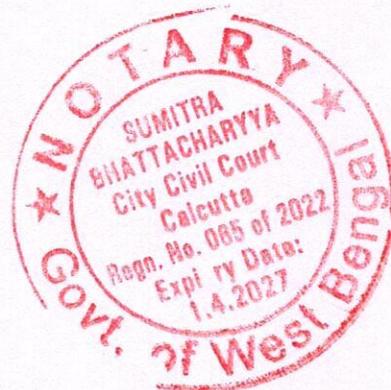
Kindly be present at the time of mentioning.

Please acknowledge the receipt of the same.

With thanks,
Mousumi Bhowal, Advocate



Jagriti Bhattacharyya IA Application.pdf
3.9MB



BEFORE THE NATIONAL GREEN
TRIBUNAL, EASTERN ZONE BENCH,
KOLKATA

I.A. No. _____ of 2025

Original Application No. 161/2024/EZ

In the matter of:

An application under Section 19(4)(a)
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In the matter of:

Jagriti Bhattacharya

... Applicant

Versus

The State of West Bengal & others

... Respondents

15 MAY 2025

APPLICATION

Advocate-on-Record:

Ms. Mousumi Bhowal, Advocate

High Court, Calcutta

Bar Association Room no. 12

Phone - 9339697329

Email: mousumibhowal22@yahoo.in

Enrolment No. WB/1170/2007