

Serial No. 7/25
As per Register of Notary

BEFORE THE HON'BLE NATIONAL GREEN TRIBUNAL
EAST ZONE BENCH, KOLKATA



In the matter of:-
O.A.NO.162 OF 2024/EZ.

=And=

In the matter of:-
Sri Arun Kumar Dutta & Ors.
... .. Applicants.

=Versus=

The State of West Bengal & Ors.
... .. Respondents.

AFFIDAVIT-IN-REPLY FILED BY THE APPLICANTS AGAINST THE
AFFIDAVIT-IN-OPPOSITION FILED BY THE PRIVATE RESPONDENT
NOS.9, 10, 11, 18, 21, 22 TO 31 AND 32 TO 36.

I, Sri Sujoy Sarkar, son of Sri Nirmal Sarkar, aged about 38 years, by faith - Hindu, by occupation - Business, residing at 3/48, Azad Hind Nagar, Post Office - Agarpara, Police Station - Ghola, District - North 24 -Parganas, Pin - 700109, do hereby solemnly affirm and state as follows:-

01.. That, I am the Constituted Power of Attorney of the applicants herein and, as such, I am well acquainted with the facts and circumstances of the present case. I have been duly authorised by the applicants to swear and affirm this Affidavit-in-Reply on their behalf.

02.. That, a copy of the Affidavit-in-Opposition sworn and affirmed on 17.02.2025 by the above noted private respondents herein served upon me through my learned Advocate (hereinafter referred to as the 'said

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Opposition'). I have gone through the same and understood the contents and purport thereof.

03.. With regard to the statements made in paragraph nos.1, 2 and 3 of the said Opposition, I deny and dispute each and every allegation made therein save and except what are the matters of record.

04.. With regard to the statements made in paragraph nos.4(a), 4(b) and 4(c) of the said Opposition, I deny and dispute each and every allegation made therein save and except what are the matters of record.

It is pertinent to mention here that I have filed an application before the Hon'ble West Bengal National Green Tribunal, East Zone Bench at Kolkata against the pollution of the water-body as it is amenable under the Nation Green Tribunal Act, 2010 and the Rules framed thereunder.

05.. With regard to the statements made in paragraph nos.4(d), 4(e) and 4(f) of the said Opposition, I deny and dispute each and every allegation made therein save and except what are the matters of record.

I specifically state that the Original Application filed within due time and it is not barred by limitation as prescribed under Section 14(3) of the said Act of 2010 and/or Section 16 of the said Act of 2010.

06.. With regard to the statements made in paragraph no.4(g) of the said Opposition, I deny and dispute each and every allegation made therein save and except what are the matters of record.

It is pertinent to mention here that the water-body belong to the applicants herein has been polluted and that has been encroached by



the private respondents illegally, which also comes within the purview of the Green Tribunal Act, 2010 and the water pollution under the Water (Prevention and Control of Pollution) Act, 1974 and such act brings the water-body in an almost unusable condition and that is required to protect to save the environment as well as flora and fauna existing in the said water-body, which is most important.

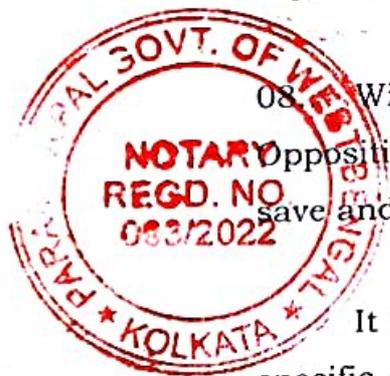
07.. With regard to the statements made in paragraph no.4(h) of the said Opposition, I deny and dispute each and every allegation made therein save and except what are the matters of record.

It is pertinent to mention here that the applicants have approached before this Hon'ble Tribunal with clean hands and have not suppressed any material facts, which are required for proper adjudication of the issue in question.

08.. With regard to the statements made in paragraph no.5 of the said Opposition, I deny and dispute each and every allegation made therein save and except what are the matters of record.

It is pertinent to mention here that the applicants have also made specific representation upon the West Bengal Pollution Control Board as well as other administrative bodies of the District thereby requesting them to take steps for protecting the water-body and, thereafter, approached the Hon'ble Tribunal within the time limit as prescribed under Section 14(3) of the said 2010 Act.

09.. With regard to the statements made in paragraph no.6 of the said Opposition, I deny and dispute each and every allegation made therein save and except what are the matters of record.



It is pertinent to mention here that due to rampant unauthorised construction made over the water body, it is on the verge of extension and from those houses constructed illegally over the said water-body, they are discharging foul water in the said water-body as well as they through the garbages over the said water body and also through the building materials in the said water body which makes the entire water body polluted and the same is also evident from the report filed by the Three Men's Committee in connection with the said matter.

10.. With regard to the statements made in paragraph nos.7, 8, 9, 10, 11 and 12 of the said Opposition, I deny and dispute each and every allegation made therein save and except what are the matters of record and I rely and retreat upon the statements made in the above referred paragraphs.

11.. That, the statements made in paragraph nos. 1 to 10 are true to my knowledge and the rest are my humble submissions before this Hon'ble Tribunal.

Prepared in my office.

Joban Majumdar
Advocate.

Syay Sarkar
Deponent is known to me.

and identified by me.
read over and explain in
Bengali.

Advocate.

Solemnly affirmed and declared
Before me on identification
H
PARAMITA PAL
City Civil Court
Kolkata
Reg. No. 080/2022



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