

S.L. No. 26/25



**BEFORE THE HON'BLE NATIONAL GREEN TRIBUNAL
EASTERN ZONE BENCH, KOLKATA, WEST BENGAL
ORIGINAL APPLICATION No. 87/ 2025/EZ**

In The Matter of:

Roomana Parween

... Applicant

Versus

State of West Bengal & Ors.

... Respondents

COUNTER AFFIDAVIT ON BEHALF OF APPLICANT, ROOMANA PARWEEN

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Filed by

Krishnendu Bera

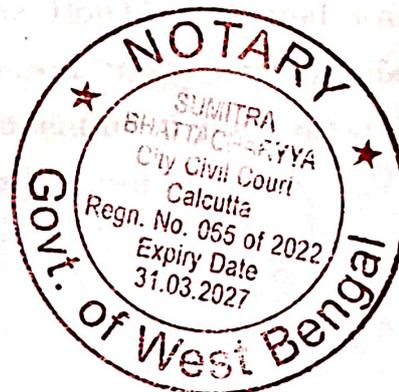
KRISHNENDU BERA

Advocate

For the Applicant.

Email: krishnendubera87@gmail.com

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17 JUL 2025

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In The Matter of:

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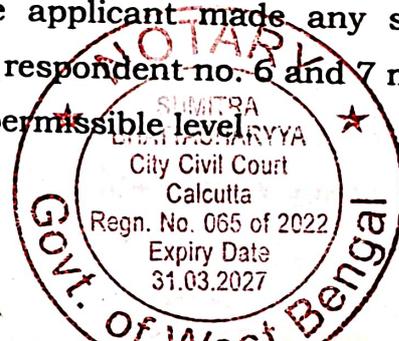
State of West Bengal & Ors.

..... Respondents

SUPPLEMENTARY AFFIDAVIT ON BEHALF OF APPLICANT, ROOMANA PARWEEN.

I, Roomana Parween, wife of Ishrat Ali, aged 37 years, by faith- Islam and by occupation- housewife, presently residing at 14/A, Ali Haidar Road, Mathpara, P.O- Titagarh, District- North-24-Parganas, Kolkata- 700119, do hereby solemnly affirm and submit as follows:

1. That I am the applicant in the instant application and I am competent to swear and affirm this affidavit and well conversant with the facts and circumstances.
2. That being aggrieved with the excessive sound pollution at the instance of the respondent no. 6 and 7 for the carrying on operations of the factory without reducing sound level and/or maintaining pollution norms inspite of repeated request, the applicant constrained to move before this Hon'ble Tribunal for her redressal.
3. That at the time of admission hearing the Hon'ble Tribunal was pleased to observe that whether the applicant made any specific pleading as to whether the unit run by respondent no. 6 and 7 making sound pollution beyond the statutory permissible level.



4. Your applicant states that due to installation of heavy paper cutting machine without maintaining proper norms and regulations to reduce sound level at the time of operation of unit, the daily life of the applicant is hampered and the children who are studying in school are also not in a position to concentrate when they are living in house as well as could not take rest properly as the said units run by the said private respondents from 7 a.m to till midnight.
5. Your applicant states that being a simple living citizen and being a housewife she has no proper equipment's to measure the sound level of the machineries used by the respondents, but from the other local inhabitants applicant is of the knowledge that sound noise level of the machineries used by the respondent no. 6 and 7 is beyond 70 db(A). As a result most of the times the applicant is constrained to keep the windows closed to avoid extreme noise.
6. The applicant states that the sound coming from the units of the respondents is very much unbearable for which the mental peace at home is shaken. That due to massive/excessive noise from the unit of the of the respondents unreasonably interferes with the peace, comfort of the applicant which her family and children has to bear for 18 hours in a day. As such having found no other alternative the applicants were constrained to submitted complaint before several authorities, but it is unfortunate that none of the respondent authorities paid heed to the prayer of the applicant and the Pollution Control Board even not issued any notice in favour of respondent no. 6 and 7 upon taking Public hearing to address the complain of the applicant.
7. The applicant stats that on similar kind of issues this Hon'ble Court was pleased to admit several original applications and constituted a Fact finding committee to ascertain the allegations made in the



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Original application. The applicant prays for similar directions from the Hon'ble National Green Tribunal so that the grievance of the applicant be redressed.

Copy of the Orders are annexed hereto and marked with the letter 'A' to this affidavit.

8. It is respectfully submitted and prayed that the instant supplementary affidavit be treated as part of the said original application and the said application be admitted for adjudication.

9. That it is most humbly submitted that this Hon'ble Tribunal may kindly be pleased to pass necessary Order/Orders as is deemed fit for the ends of justice and that the deponent has high regard to the Order/Orders as passed by this Hon'ble Tribunal.

Identified by me

Keishvendra Bose

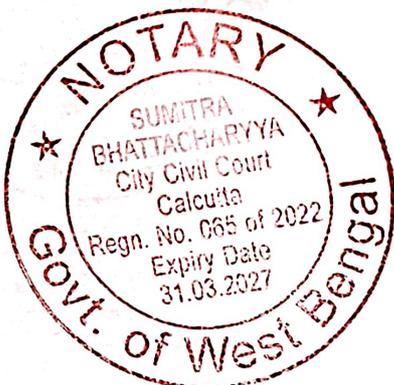
Advocate

Roomana Ferween
Deponent

**Solemaly Affirmed and
Declared before me U/S 139
CPC, (C)**

Sumitra Bhattacharyya
Notary

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



17 JUL 2025

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VERIFICATION:

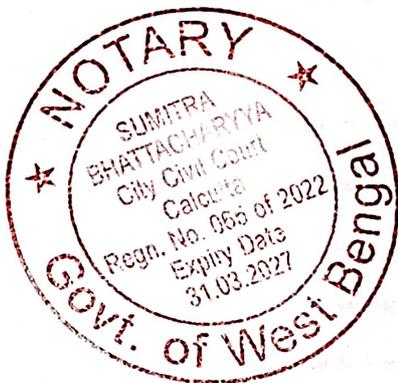
I, Roomana Parween, wife of Ishrat Ali, the deponent do hereby verify and declare that the statements made in the aforesaid paragraphs are true and correct to the best of my knowledge and information and I believe that nothing material has been concealed there from.

Verified at Kolkata on the 17th day of July, 2025.

Identified by me

Krishmendu Bose
Advocate

Roomana Parween
Deponent



Answer - A

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Item No.01

Court No.1

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

Original Application No.75/2025/EZ

Dipankar Bakshi

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. Sagarmay Ghosh, Advocate

ORDER

1. Heard Mr. Sagarmay Ghosh, learned Counsel present for the Applicant.
2. The Original Application has been filed by the Applicant alleging that the Respondent No.11, M/S Biswakarma Associates, private respondent, is operating a unit involved in the manufacture of different grill items e.g. grill window, fences, doors, etc. from M/S Bars steel sheets etc. It is stated that the unit utilizes one drilling machine, one small grinding machine, one cutting machine and one welding machine and a hammer. It is stated that the unit operates between 9.00 A.M. to 5.00 P.M. and during the operation, due to hammering, cutting and other activities, considerable noise is created.
3. It is stated that there is a gap of about 12 feet between the unit and the house of the complainant applicant. The unit has installed a sliding door which remains closed during heavy hammering and MS Bar cutting activities.



7. It is also stated that previously also in 2022 the Applicant had complained about noise pollution caused during the operation of the units by Respondent Nos.11 and 12 and the Pollution Control Board had issued notice to the Respondent Nos.11 and 12 dated 23.06.2022 fixing 7th of July, 2022 for hearing and in the proceedings so held, directions were issued to the Respondent No.11 to avoid nuisance caused by noise by taking adequate noise control measures which may include, but not limited to, measures like installation of acoustic insulation panels, use of rubber pads, shifting of noise producing equipment etc, so that sound does not travel outside the respondent unit beyond the permissible limits.
8. Directions were issued to the Respondent No.12 also to operate only after obtaining valid trade license of the local Authority and to take effective measures for controlling the dispersion of dust in the neighborhood.
9. It is alleged that inspite of several proceedings having been held and directions issued to the Respondent Nos.11 and 12 but the Respondent Nos.11 and 12 are carrying on with the operation of their units causing noise pollution and dust pollution unabated.
10. Matter requires consideration.
11. Issue notice to the Respondents, returnable within four weeks.
12. Mr. Sibojyoti Chakrabarti, learned Counsel appearing (in Virtual Mode), accepts notice on behalf of the Respondent Nos.1, 3, 4 and 8, State Respondents, Government of West Bengal.
13. Ms. Paushali Banerjee, learned Counsel who is present in Court, accepts notice on behalf of the Respondent No.2, Department of Urban Development and Municipal Affairs, Government of West Bengal.

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14. Mr. Surendra Kumar, learned Counsel who is present in Court, accepts notice on behalf of the Respondent No.9, Central Pollution Control Board.
15. Mr. Dipanjan Ghosh, learned Counsel who is present in Court, accepts notice on behalf of the Respondent No.10, West Bengal Pollution Control Board.
16. Issue notice to the Respondent Nos.11 and 12, private respondents, returnable within four weeks.
17. We find that since the Respondent No.4, Barasat Municipality is already represented through its Executive Officer, the Respondent Nos.5, 6 and 7 are directed to be deleted from the array of Respondents.
18. All the Respondents shall file their counter-affidavits within four weeks.
19. Considering the allegations made, we deem it appropriate to constitute a Fact Finding Committee comprising of the following Members:-
 - i. District Magistrate, District – North 24 Parganas or his representative not below the rank of Additional District Magistrate (ADM);
 - ii. Barasat Municipality, through its Executive Officer or his representative; and
 - iii. Senior Scientist, West Bengal Pollution Control Board.
20. The Committee shall visit the site in question and thereafter submit a Fact Finding Report/Action Taken Report on affidavit within four weeks with regard to the allegations made in the Original Application.

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21. The District Magistrate, District – North 24 Parganas shall be the Nodal office for all logistic purposes and for filing the Fact finding Report on affidavit.
22. The Counsel for the Applicant shall serve e-copy/soft copy of the Original Application along with all its annexures upon Mr. Sibojyoti Chakrabarti, Ms. Paushali Banerjee, Mr. Surendra Kumar and Mr. Dipanjan Ghosh, learned Counsel for the Respondents, within 24 hours.
23. **List on 17.07.2025.**

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B. Amit Sthalekar, JM

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Dr. Arun Kumar Verma, EM

May 06, 2025,
Original Application No.75/2025/EZ
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Item No.03

Court No.1

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

Original Application No.70/2025/EZ

Jayprakas Chaudhuri

Applicant(s)

Versus

State of West Bengal & Ors.

Respondent(s)

Date of hearing: 17.04.2025

**CORAM: HON'BLE MR. JUSTICE B. AMIT STHALEKAR, JUDICIAL MEMBER
HON'BLE DR. SATYAGOPAL KORLAPATI, EXPERT MEMBER**

For Applicant(s) : Mr. Krishnendu Bera, Advocate (in Virtual Mode)

ORDER

1. Heard Mr. Krishnendu Bera, learned Counsel appearing (in Virtual Mode) for the Applicant.
2. The present Original Application has been filed by the Applicant, Jayprakas Chaudhuri, with the following prayers:-
 - a) *Mandatory order commanding the respondents each one of them, their men, agents, assigns, subordinates to take necessary action against illegal filling up of water body at Dag nos. 132 and 135 of Mouza- Nayabad on north west side and entire Southern side and to restore the land to it's original condition.*
 - b) *An order directing the respondents each one of them, their men, agents, assigns, subordinates to demolish the unauthorised construction constructed over the said wet land at Dag nos. 132 and 135 of Mouza- Nayabad upon illegal filling up the water body and constructed without obtaining permission from Kolkata Municipal Corporation.*

- c) *An order directing the Officer-in-Charge of Purba Jadavpur Police Station to take necessary steps against the private respondents.*
 - d) *Any other order and/or orders, direction and/or directions as this Hon'ble Tribunal may deem fit and proper.*
 - e) *Cost and/or incidental to the instant application.*
3. The allegation of the Applicant is that during 2000-2004, three moderately big water bodies at Dag no. 132 and 135 within the Jadavpur Co-operative Land and Housing Society were filled up partially with truck loads of fly ash and debris by the then authorities with the purpose of creating some additional Housing plot. The said plots are recorded as water body and fishing pond in the official website of the Land and Land Reforms and Refugee Relief and Rehabilitation Department.
 4. It is stated that the offenders as well as the Secretary, Board of Directors acted in collusion to fill up the said water body and a hearing was also conducted in this regard by the West Bengal Pollution Control Board on 13.02.2006.
 5. It is stated that some members of the Cooperative also lodged complaint before the Officer-in-Charge, Purba Jadavpur Police Station on 06.06.2009 for filling up of the pond in the North-West corner of the cooperative. It is stated that pursuant to the complaint, an (F.I.R.) was registered being FIR No.199/09 dated 30.12.2009 and a chargesheet has also been submitted.
 6. It is further stated that till date no penal action has been taken against the offenders.
 7. It is also alleged that vide Memo no.204/1(3)sch-47F dated 05.04.2010, the Deputy Director of Fisheries, Kolkata Zone

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informed the Superintendent of Police, South 24 Parganas that he personally enquired about the alleged illegal filling of Dag nos. 132 and 135 of Mouza- Nayabad but no action has been taken against the offenders till date.

8. It is stated that vide Memo dated 27.05.2010, the Deputy Director of Fisheries, Kolkata Zone once again informed the Superintendent of Police, South 24 Parganas that he had requested the Police Sub Inspector (PSI' for short) of Purba Jadavpur Police Station to identify the place of occurrence and take cognizance of the offence.
9. It is stated that with regard to the illegal filling of Dag nos. 132 and 135 in the said Cooperative land, the Executive Engineer (C), Project Management Unit, Kolkata Municipal Corporation also directed restoration of the land to its original condition within one month and again vide Memo dated 30.12.2010, the Environmental Engineer (PG & A Cell), West Bengal Pollution Control Board requested the Officer-in-Charge, Jadavpur (East) Police Station to take necessary action and also direct the Director General (PMU) Convenor Water Body Management Board, Kolkata Municipal Corporation for restoration of the water body.
10. Further Memo dated 23.06.2011 was issued informing the Director General (PMU) about the illegal filling of the water body under East Kolkata Wetland at the site in question located at the Jadavpur Co-operative Land & Housing Society, Mouza- Nayabad, K.C. Ward No. 109, Borough XII, P.S.- Purba Jadavpur, Kolkata 94 & 99.
11. The allegation is that the Respondent Nos.9, 10, 11 and 12 have illegally filled up the entire southern part of the water body being Dag no. 135 and created new plots being nos.180A to180E, 66A and 66B wherein the respondents, Biswajit Roy Sachin Das and

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Mahadev Das, respondent nos.9, 10 and 11 are residing and by filling up the north west part of the pond being Dag no.132, the Respondent No.12, Basudev Roy has created a new plot being plot no.75A and made constructions therein in which he is residing.

12. Matter requires consideration.
13. Issue notice to the Respondents, returnable within four weeks.
14. Mr. Sudip Kumar Dutta, learned Counsel who is present in Court, accepts notice on behalf of the Respondent Nos.1, 3, 6, 7 and 8, State Respondents, Government of West Bengal.
15. Mr. Dipanjan Ghosh, learned Counsel appearing (in Virtual Mode), accepts notice on behalf of the Respondent No.2, West Bengal Pollution Control Board.
16. Mr. Sibojyoti Chakrabarti, learned Counsel who is present in Court, accepts notice on behalf of the Respondent No.4, Kolkata Municipal Corporation.
17. Issue notice to the Respondent No.5, Director General (Project Management Unit), Convenor Water Body Management Board respectively, returnable within four weeks.
18. Issue notice to the Respondent Nos.9, 10, 11 and 12, private respondents, returnable within four weeks.
19. All the Respondents shall file their counter-affidavits within four weeks.
20. The Counsel for the Applicant shall serve e-copy/soft copy of the Original Application along with all its annexures upon Mr. Sudip Kumar Dutta, Mr. Dipanjan Ghosh and Mr. Sibojyoti Chakrabarti, learned Counsel for the Respondents, within 24 hours.

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21. List on 21.05.2025.

.....
B. Amit Sthalekar, JM

.....
Dr. Satyagopal Korlapati, EM

April 17, 2025,
Original Application No.70/2025/EZ
OM

**BEFORE THE NATIONAL GREEN TRIBUNAL
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BENGAL**

O.A. No. 87/2024/EZ

In the matter of :

Roomana Parween

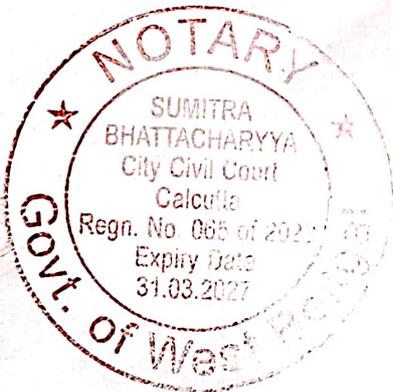
.....Applicant

-Versus-

State of West Bengal & Ors.

....Respondents.

**SUPPLEMENTARY AFFIDAVIT ON
BEHALF OF APPLICANT**



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