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**BEFORE THE HON'BLE NATIONAL GREEN TRIBUNAL
EASTERN ZONE BENCH, KOLKATA
ORIGINAL APPLICATION NO.70/2025/EZ**

In The Matter of:-

Jayprakas Chaudhuri

..... Applicant

- Versus-

The State of West Bengal & Ors.

...Respondents



**COUNTER AFFIDAVIT ON BEHALF OF RESPONDENT NUMBERS 04 &
05, KOLKATA MUNICIPAL CORPORATION**

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Filed by:

Sibojyoti Chakrabarti

Mr. SIBOJYOTI CHAKRABARTI,
Advocate,

Kolkata Municipal Corporation

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**BEFORE THE HON'BLE NATIONAL GREEN TRIBUNAL
EASTERN ZONE BENCH, KOLKATA
ORIGINAL APPLICATION NO.70/2025/EZ**

In The Matter of:-

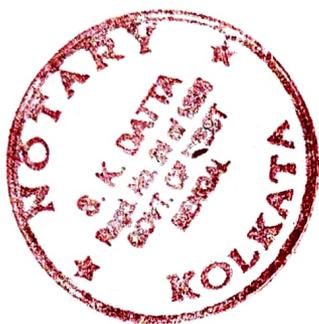
Jayprakas Chaudhuri

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**COUNTER AFFIDAVIT ON BEHALF OF RESPONDENT NUMBERS 04 &
05, KOLKATA MUNICIPAL CORPORATION**

I, Sri Arup Sarkar, S/o Late Arabinda Sarkar, aged about 50 years, by faith-Hindu, by occupation- service and presently posted as Executive Engineer (Civil), Environment & Heritage Department, Kolkata Municipal Corporation, having office at 48, Market Street, Kolkata: 700087, West Bengal, do hereby solemnly affirm and declare as follows: -

1. That I am presently posted as Executive Engineer (Civil), Environment & Heritage Department, Kolkata Municipal Corporation, having office at 48, Market Street, Kolkata: 700087 and I am well acquainted with the facts and circumstances of the case and I have been duly authorized to swear, sign and affirm this affidavit.

X

2. That this Counter Affidavit is being filed in compliance to the Solemn Order dated 17.04.2025, passed by the Hon'ble National Green Tribunal, Eastern Zone Bench, Kolkata.
3. That in the said Solemn Order in paragraph 19 the Hon'ble Tribunal has been pleased to direct the respondents to file their respective counter affidavits.
4. That in this context it is stated and submitted that this respondent had prepared a report in which interalia it has been observed that during inspection it was observed that a construction was going on over the southern side of the water body and a portion of the construction site has been recently filled up adjacent to the water body with earth and bamboo piling with asbestos sheet as per NRSA Aerial map this portion falls within waterbody having an area of more or less 6393.7449 Sq. Mt. However a flex stating that Building plan No. 2022120268 dated 25.08.2022 mentioning premises number 2963 Nayabad Ward Number 109, Borough-XII was found in front of the under construction site. F.I.R being No. 199/09 dated 30.12.2009 has been lodged at Purba Jadavpur Police station as stated in the petition.

The said premises is not included in the departmental 'TANK', list but an entry of Jadavpur Co-operative Nayabad is there and a copy of notice under section 53 vide Notice No.-PMU/12/10-11 dated 18.08.2010 has been enclosed.

Copy of the report as stated above is annexed herewith and marked with the letter 'A'.



X

5. That this respondent seeks leave of the Hon'ble Tribunal to file supplementary affidavit/affidavit as may be necessary for the adjudication of the instant original application.

6. That the statements made in paragraph 1 is true to my knowledge and paragraphs 2 to 4, are based on information derived from the record and which I believe to be true and rest thereof are my humble submission before this Hon'ble Tribunal.

Arup Sarkar

Identified by me

Sibajyoti Chakrabarti
Advocate 02.08.2025
KMC

Deponent
Ex. Engineer/Civil
E. & H. Deptt
K.M.C.

S.L. NO. 03/02/8/2025



RANTOSH KUMAR DATTA
NOTARY
201A, Hari Ghosh Street
Kolkata-700006
Regn. No. - 24 of 1988

Solemnly Affirmed
Declared before me
on Identification by Advocate
S. K. DATTA
S. K. DATTA
NOTARY
02.8.2025

02 AUG 2025

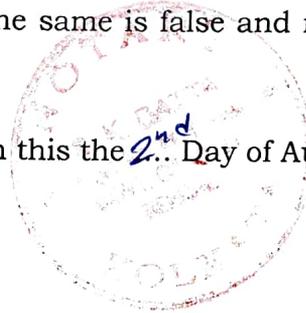


Verification

I, the deponent within named, do hereby solemnly affirm and verify that the contents of the statements made in the above paragraphs of the affidavit are true and correct to the best of my knowledge and belief as per the records available in the office of the Kolkata Municipal Corporation. No part of the same is false and nothing material has been concealed therefrom.

M
R

Verified at Kolkata on this the 2nd Day of August, 2025.



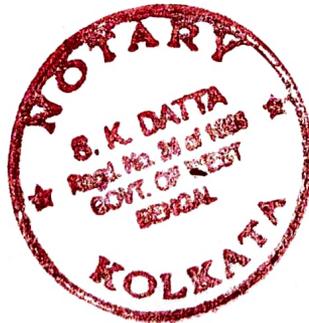
Identified by me

Sibajyoti Chakrobarti
Advocate 02.08.2025
KMC

Arup Sarkar

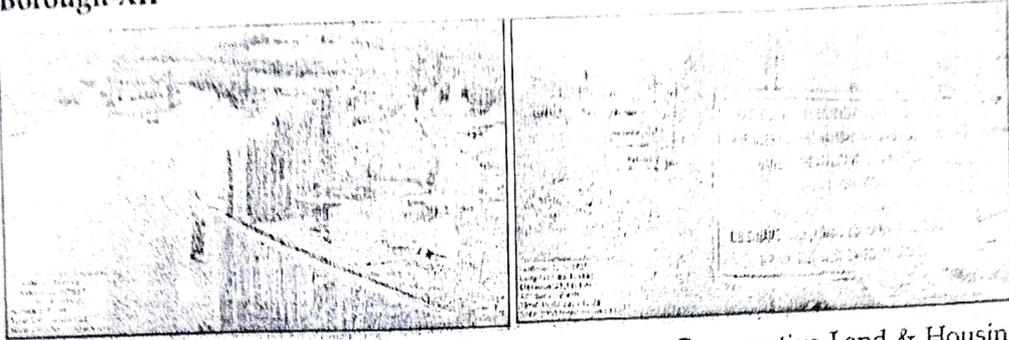
Deponent

**Ex. Engineer/Civil
E. & H. Deptt
K.M.C.**



Annexure "A"

Re: Complaint of illegal construction by filling up of a waterbody at Jadavpur Co-operative Land & Housing Society Ltd. at KMC Ward No-109 under Borough-XII



On receiving of a complaint from a member of Jadavpur Co-operative Land & Housing Society Ltd. regarding the above mentioned matter forwarded by higher authority through Whatsapp and regarding the same matter from EKWMA an inspection was done on 19.03.2024. During inspection it was observed that a construction was going on over the southern side of the waterbody. A portion of the construction site has been recently filled up adjacent to the waterbody with Carried earth and bamboo piling with asbestos sheet. In comparison with NRSA(Aerial) Map this portion falls under waterbody. As per NRSA(Aerial) Map there is an existence of waterbody having area of more or less 6393.7449 SqM.

However a flex informing Building Plan No. 2022120268 dated. 25.08.2022 mentioning Premises No. 2963 Nayabad, Ward-109 was hanged in front of the under construction building.

The said premises is not included in the departmental TANK LIST but an entry of Jadavpur Co-operative, Nayabad is there. Where a copy of notice u/s 53 vide Notice No. PMU/12/10-11 dated. 18.08.2010 has been attached. Which was issued at Jadavpur Co-operative Land & Housing Society Ltd under Mouza- Nayabad, Dag No 132, 135 in Ward-109 under Borough-XII.

The complainant attached a copy of same notice with his complain, and he also said that the department of Fisheries lodged an FIR (FIR No. 199/09) on 30.12.2009 at Purba Jadavpur PS. However these dag nos can not be confirmed for the questioned plot.

Submitted please.

Handwritten signature and date: 22/03/24

Handwritten signature and date: 22/3/24

The above departmental report may pl. kindly be seen. As per report one building construction is going on over the southern side of the ~~waterbody~~ waterbody. But building dept. has issued building sanction plan vide NO. 2022120 dt. 25.08.22 against the alleged construction. Hence before going any drastic action

against accused person some observations from building department is required. Hence the file may be forwarded to building dept. for their observations.

Handwritten notes on the left margin: (1/2/24) ... 22/03/24

Handwritten signature and date: 22.03.24
Exec. Engineer (C)
E & H Department
K.M.C.



DAS PARA PRIMARY
SCHOOL & BASTI
6393.7449 Sqm



PROPOSED THREE STORIED RESIDENTIAL BUILDING
PREMISES NO : 2963, NAYABAD, WARD NO : 109, Br : XII
NAME OF THE APPLICANT : BISWAJIT ROY
MOB NO : 8240810155
ASSESSEE NO : 31-109-08-6005-0
L.B.S. NAME : Jagatjit Singh, License No : 1386, Class : I
B.P. No : 2022/20268, DATED : 25/08/2022

Latitude: 22.48456
Longitude: 88.409663
Altitude: -35.0±2 m
Accuracy: 3.9 m
Time: 19-03-2024 12:20
Note: 2963 Nayabad wd-109



Latitude: 22.484645
Longitude: 88.409667
Elevation: 21.14±1 m
Accuracy: 8.3 m
Time: 19-03-2024 12:21
Note: 2963 Nayabad wd-109

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Submitted by:

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Advocate,
Kolkata Municipal Corporation
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