

Before the National Green Tribunal Eastern Zone Bench, Kolkata

Original Application no. 39 of 2025/EZ

In the matter of :-

Parijat Mullick & Ors.

...Applicants

Versus

State of West Bengal & Ors.

...Respondents

**Written objection filed by the Respondent no. 7 against the
Memorandum of Application filed by the Applicants**

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Filed by -



SOURAV BAIDYA, ADVOCATE

ENROLLMENT NO. WB/2217/2013

ALIPORE JUDGES' COURT, KOLKATA - 700027

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Before the National Green Tribunal Eastern Zone Bench, Kolkata

Original Application no. 39 of 2025/EZ

Parijat Mullick & Others ...Applicants

Versus

State of West Bengal & Others ...Respondents

Written objection filed by the Respondent no. 7 against the Memorandum of Application filed by the Applicants

The Respondent no. 7 states as follows :-

1. That the Applicants have no cause of action for the present application against the Respondent no. 7.
2. That the application is not maintainable either in law nor in facts and circumstances against the Respondent no. 7.
3. That the instant application is false, frivolous, concocted, misconceived, speculative, harassing one and has been filed with ulterior motive with mala fide intention against the Respondent no. 7.
4. That the application is barred by the principles of waiver, estoppel and acquiescence and the principles akin thereto.
5. Save and except which have been specifically admitted in this written objection, this Respondent no. 7 denies each and every allegation made in the Application and puts the Applicants to strict legal proof thereof.
6. That regarding the statements made in paragraph nos. 1 and 2 of the instant Application under question, this Respondent no. 7 does not want to pass any comment as the same is matters of record and the Applicants are put to strict legal proof thereof.
7. That regarding the statements made in paragraph no. 3(i) of the original application, this Respondent no. 7 admits that it is engaged in the process of iron moulding as could be established from the Certificate of Enlistment cum e-Receipt bearing CE no. 202912001544 wherein the nature of trade has been specifically mentioned as "WORKSHOP OF NON



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Dr. J. P. Singh
19/04/2025

FOOD ITEMS - IRON MOULDING", issued by the Licence Department, Kolkata Municipal Corporation. That it is denied by the Respondent no. 7 that the operation of its workshop does cause any "...severe noise pollution from early morning 5AM till late night at 10 AM". Regarding the averments made in the rest of the paragraph, this Respondent no. 7 does not want to pass any comment as it is concerning other Respondents. **Photocopy of the Certificate of Enlistment printed on 29th May, 2025 is annexed herewith for your kind perusal.**

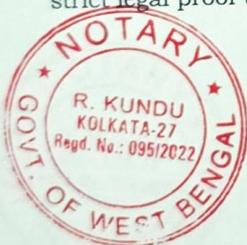
8. That regarding the statements made in paragraph no. 3(ii) of the original application, this Respondent no. 7 denies and disputes the same in toto only regarding the allegations thrown against it for being concocted and generalized, except those which are matters of record and put the Applicants to strict legal proof thereof. It is denied that the operation of the workshop of the Respondent no. 7 causes severe noise pollution for the entire day save and except the night time. However, contradicting its own statements made in the very previous paragraph, where the Applicants stated that the Respondents is allegedly causing noise pollution "...till late night". Therefore, the Applicants are falsely alleging that the Respondent no. 7 continues to allegedly make noise pollution till late night. Also, this Respondent will not pass any comment towards the allegations brought against Respondent no. 9 in the present paragraph under question.
9. That regarding the statements made in paragraph no. 3(iii) of the Original Application, this Respondent no. 7 denies and disputes the same in toto except those which are matters of record and put the Applicants to strict legal proof thereof. It is entirely denied that due to continuous noise and air pollution occurring, the Applicants are unable to live peacefully and unable to stay. Furthermore, the Applicants have miserably failed to produce any evidentiary document to show before this Hon'ble Tribunal that there has been any serious hearing problems for the elders nor that there has been any 4 months newborn baby in the family of the Applicants. The truth is the operation of the workshop of the Respondent no. 7 has never caused any nature of pollution for any of the residents in the locality for the last around 70 years and also there has never been any previous complaint case filed against this Respondent no. 7 for creating pollution since its inception of business. This Respondent no. 7 has only been implicated in this application for illegal and ulterior motives.



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10. That regarding the statements made in paragraph no. 3(iv) of the original application, this Respondent no. 7 denies and disputes the same in entirety except those which are matters of record and the Applicants are put to strict legal proof thereof. This Respondent denies that its operation of the workshop ever caused any serious air pollution but this Respondent cannot pass any comment as to under what circumstances the Applicants keep their windows closed but the operation of the workshop of the Respondent no. 7 does not emanate any obnoxious and pungent smell which can be called as "...serious air pollution".
11. That regarding the statements made in paragraph no. 3(v) of the original application, this Respondent no. 7 denies and disputes the same in toto except those which are matters of record and put the Applicants to strict legal proof thereof. That this Respondent, does not intend to pass any opinion and comment regarding any complaint proceedings filed by the Applicants against the Respondent no. 8 before the Pollution Control Board dated 24.11.2022 solely because of the fact that the Respondent no. 7 has never been made a party in the said complaint case, which further shows that the Applicants have admitted themselves by not implicating the Respondent no. 7 in the said Case, that operation of the workshop of the Respondent no. 7 is of no environmental concern nor is it a concern for the peaceful habitation of the Applicants.
12. That regarding the statements made in paragraph no. 3(vi) of the original application, this Respondent no. 7 denies and disputes the same in toto and put the Applicants to strict legal proof thereof. It is strongly denied by the Respondent no. 7 that operation of its workshop is creating sound unbearable for the mental peace at home for the Applicants. It is further denied that the said workshop of the Respondent no. 7 is causing extreme hazard and inconvenience for the Respondent no. 7 and also denied that the Applicants are suffering health problems like hearing discomfort and headache. This Respondent no. 7 hereby states that the Applicants have failed to produce a single document in the annexures to show that the operation of the workshop of the Respondent no. 7 is causing serious health problems, furthermore that any of the Applicant has produced any medical document to show such ill-health as alleged in this application.
13. That regarding the statements made in paragraph no. 3(vii) of the original application, this Respondent no. 7 does not want to pass any comment as the same are matters of record and the Applicants are put to strict legal proof thereof.



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14. That regarding the statements made in paragraph no. 3(viii) of the original application this Respondent no. 7 denies and disputes the same in toto as the same is manufactured, misconceived and concocted against the Respondent no. 7. Further, the Applicants have generalized the allegations against the Respondent no. 7 by accusing all the Respondent nos. 7 to 9 of this application under one roof and hence the Applicants have miserably failed to point out any single allegation specifically against this Respondent no. 7.
15. That regarding the statements made in paragraph no. 3(ix) of the original application, this Respondent no. 7 denies and disputes the same in toto except those which are matters of record and put the Applicants to strict legal proof thereof. This Respondent no. 7 states that the authority of the Pollution Control Board has never passed any order against this Respondent no. 7 and therefore question of non-obedience of any such abstract order never arise by this Respondent no. 7.
16. That regarding the statements made in paragraph nos. 3(x) to 3(xiii), this Respondent no. 7 denies and disputes the same in toto as any such submissions and prayers by the Applicants before this Hon'ble Tribunal are not applicable against this Respondent no. 7 as the Applicants failed to make out a single case of pollution being created at the cause-titled address mentioned by the Applicants by the operation of the workshop of the Respondent no. 7.
17. That regarding the statements made in paragraph no. 3(xiv) of the original application, this Respondent no. 7 states that this application is made mala fide against this Respondent no. 7.
18. That regarding the statements made by the Applicants in paragraph nos. 4(I) to 4(VIII), this Respondent no. 7 denies and disputes the same in toto of any allegations put against itself and does not pass any comments regarding any allegations put forward against any other Respondent. That these paragraphs are the repetition of the previous paragraphs under point no. 3 of the original application and have already being dealt with by this Respondent, and for the sake of brevity, this Respondent no. 7 is not dealing with them individually again.
19. That regarding the statements made in paragraph no. 5 of the original application, this Respondent no. 7 states that no cause of action ever arose against the Respondent no. 7 and so this application is



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defective for absence of any proper cause of action against this Respondent.

20. That regarding the prayer portion of the original application, this Respondent no. 7 states that the said prayers before this Hon'ble Tribunal are not applicable against this Respondent as the Applicants have miserably failed to provide a single incident and evidentiary document for creation of pollution of any nature against this Respondent no. 7 and they have generalized the allegations against this Respondent, which thereby discharges the Respondent no. 7 from creating any pollution as alleged.

21. Hence, it is prayed before this Hon'ble Tribunal, that this Original Application be dismissed against the Respondent no. 7 with exemplary costs.

VERIFICATION

I, Sri Debasish Dey, representative of the said Company Amiya Sales and Industries, do hereby state that the statements made above are true to the best of my knowledge and belief and I sign this verification on 15/04/2025 at my Advocate's chamber.



15 APR 2025

BEFORE THE NOTARY
ALIPORE JUDGES' COURT



15 APR 2025

Sr No. 02 dated

AFFIDAVIT

I, Sri Debasish Dey, son of Late Benoy Narayan, aged about 60 years, by faith - Hindu, by occupation - service, by nationality - Indian, working for gain at "AMIYA HOUSE", 5A, Orient Row, Darga Road, Kolkata - 700017 do hereby solemnly, affirm, state and declare as follows :-

1. That I am currently the General Manager - HR of Amiya Commerce & Construction Co. Pvt. Ltd. and I have been duly authorised by the said Company to swear this affidavit on its behalf and am also well and sufficiently conversant with the facts and circumstances of this Case.
This is true to my knowledge.

2. That the statements made above in paragraph nos. 1 to are true to the best of my knowledge and belief and the rest are my humble submission before this Ld. Council.

Debasish Dey

DEPONENT

is identified by me,

Rajsekhar Kundu
Advocate.

Solemnly declared and affirmed before me on identification at Alipore Judges' Court, Kolkata-700 027 at Alipore, under the Notaries Act. at..... A.M.P.M.

RAJSEKHAR KUNDU
Notary, Govt. of West Bengal
Regd. No.: 095/2022



15 APR 2025



Certificate of Enlistment cum e-Receipt
Licence Department, Kolkata Municipal Corporation
Certificate of Enlistment

Printed On: 29/05/2024

RECEIPT INFORMATIONFinancial Year :
2024-2025Receipt No :
E/05/2024/1405007Receipt Date :
29/05/2024 18:55:43

Transaction Id : 0520240000175701
 C.E. No : 2029 1200 1544
 Demand Type : Renewal
 Demand Nature : PRIMARY(0)
 Assessee No : 110291200011
 M/S : AMIYA SALES & INDUSTRIES
 Name of CE Holder: S N GHATAK & OTHERS
 Buisness Address : 237A SATIN SEN SARANI KOLKATA 700006
 Ward No : 029
 Nature of Trade : WORKSHOP OF NON FOOD ITEMS - IRON MOULDING



Parameter : Unit Value
 AREA : 900

Section No	Description (As per KMC Act, 1980)	Amount(Rs)
199	Certificate of Enlistment	50.00
238(2)	Water Supply	800.00
307	Drainage & Sewerage	200.00
435/435A	Non-Residential Use	1400.00
	Processing Fee	50.00

Total Amount Paid(Rs) : 2500.00

Amount in Words : Rupees Two Thousand Five Hundred only

Note: This Receipt is to be treated as Payment Receipt cum Certificate of Enlistment and Valid upto 31/03/2025
 Concerned Authorities/Agencies/Institutions can Verify the Validity of the Receipt cum C.E from KMC web portal.



E. and O.E.

This document being an e-Receipt cum Certificate of Enlistment, does not require any signature

For Receipt Authentication visit url : <https://www.kmcgov.in/KMCPortal/jsp/LicenseReceipt.jsp>