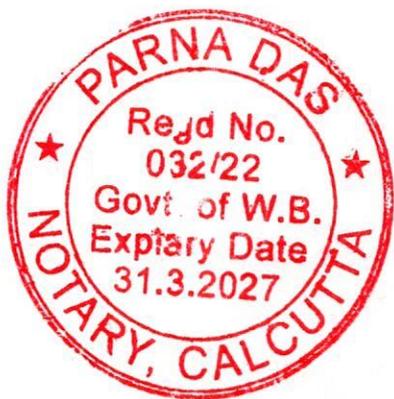


S.L. No. 1.

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

ORIGINAL APPLICATION NO. 169/2024/EZ



In the matter of:

Shri Nabendu Kumar Bandyopadhyay

... Applicant

Versus

Union of India & Ors.

... Respondents

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Mousumi Bhowal

Advocate-on-Record:

Ms. Mousumi Bhowal, Advocate

High Court, Calcutta

Bar Association Room no. 12

Phone - 9339697329

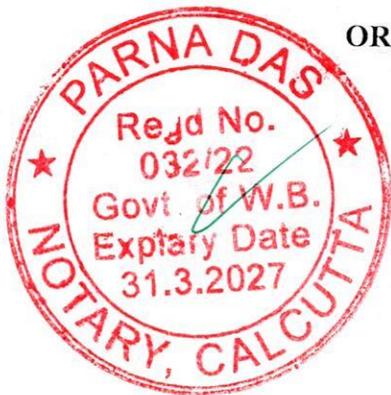
Email: mousumibhowal22@yahoo.in

Enrolment No. WB/1170/2007.



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

ORIGINAL APPLICATION NO. 169/2024/EZ



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... Applicant

Versus

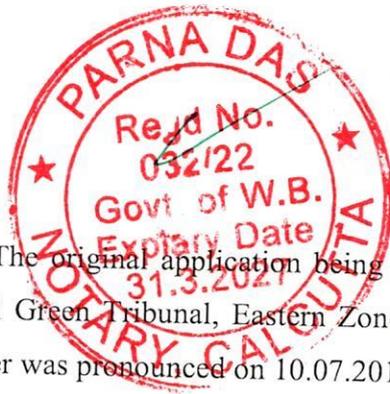
Union of India & Ors.

... Respondents

COUNTER AFFIDAVIT ON BEHALF OF THE RESPONDENT NOS. 10 AND 11

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 at present holding the post of the Executive Officer, South Dum Dum Municipality, I have made myself acquainted with the facts and circumstances of the present case. I am duly authorised to swear and sign this affidavit on behalf of the respondent nos. 10 and 11. I am competent to affirm this affidavit.
2. I have gone through the copy of the original application being O.A No. 169 of 2024/ EZ purported to have been affirmed by one Nabendu Kumar Bandyopadhyay, the applicant and understood the contents and purports thereof.
3. This counter affidavit is being filed in compliance with the order dated 16.08.2024 passed by the Hon'ble National Green Tribunal, Eastern Zone, Kolkata.
4. Save and except what are matters of records and what are admitted facts, I deny and dispute each and every allegation made in the said Original Application. I traverse only those statements which are relevant for adjudication of the dispute, involved in the instant case.



5(a). The original application being O.A. No. 27 of 2015/ EZ was filed before the Hon'ble National Green Tribunal, Eastern Zone, Kolkata by one Dwaipayan Sengupta. The judgement and order was pronounced on 10.07.2017 by the Hon'ble Tribunal in O.A. No. 27 of 2015.

5(b). The following directions were given upon South Dum Dum Municipality, as it would be evident from the judgement and order dated 10.07.2017:

“..... Since there onwards the Nayanjuli is found to exist in its pristine condition, no direction would be necessary except that the South Dum Dum Municipality shall get it free of all garbage, hydrophytes and sedimentation, if not already done.”

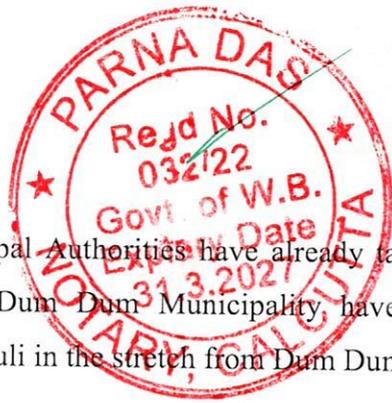
“The South Dum Dum Municipality shall be responsible for the maintenance, preservation and regular cleaning of the entire stretch of the water body as undertaken by them in their letters of proposal submitted to the Public Works Department and the Pollution Control Board in their letters dated December 14, 2010, April 26, 2012 and June 7, 2012.”

6 In compliance with the judgements and orders passed by the Hon'ble Tribunal aforesaid, the authorities of South Dum Dum Municipality have been maintaining, preserving and regularly cleaning Nayanjuli in the stretch from Dum Dum Park to Ultadanga. Copies of photographs are annexed hereto and marked collectively as “R-1”.

Para-wise reply:

7. With reference to the statements made in paragraphs 1, 2 and 3 of the said original application, I say that these are mostly matters of records and the deponent does not comment on the same.

8. With reference to the statements made in paragraphs 4 and 5 of the said original application, I deny that there was any illegal encroachment and filling up of water body commonly known as “Nayanjuli” within the stretch from Ultadanga to Lake Town and moreover I say that the said issue has already been adjudicated and decided by this Hon'ble Tribunal on 10.07.2017 in O.A. No. 27 of 2015. Pursuant to the direction of this Hon'ble Tribunal, the



Municipal Authorities have already taken steps to remove garbage and debris. I reiterate that South Dum Dum Municipality have been maintaining, preserving and regularly cleaning Nayanjuli in the stretch from Dum Dum Park to Ultadanga.

9. With reference to the statements made in paragraphs 6, 7, 8 and 9 of the said original application, I say that the Municipal Authorities are not the principal authorities in discharging activities as stated in those paragraphs under reference. Basically it is the duty and obligation of the State authorities to carry out those activities as provided in law. However, the Municipal authorities are complying with the directions as given by this Hon'ble Tribunal in that regard.
10. With reference to the statements made in paragraphs 10, 11, 12, 13, 14, 15, 16 and 17 of the said original application, I say that these are mostly matter of records and do not admit anything which are contrary thereto and inconsistent therewith.
11. With reference to the statements made in paragraph 18 of the said original application, I say that these are mostly matter of records and do not admit anything which are contrary thereto and inconsistent therewith.
12. With reference to the statements made in paragraph 19 of the said original application, I emphatically deny that the said order dated 10.07.2017 has not been complied with in its true essence and spirit. I further deny that such water body have been further encroached in between Bangur Crossing to Dum Dum Park crossing and a park has been constructed encroaching such water body. I say that in compliance with the judgment and orders passed by the Hon'ble Tribunal, the authorities of South Dum Dum Municipality have been maintaining, preserving and regularly cleaning Nayanjuli in the stretch from Dum Dum Park to Ultadanga.
13. With reference to the statements made in paragraphs 20 and 21 of the said original application, I deny that till date noting fruitful have been done to implement the orders passed by this Hon'ble Tribunal.

X

14. With reference to the submissions made in paragraph 22 of the said original application, I say that the grounds set forth in seriatim are not sound, not sustainable in the eye of law and based on material irregularities.

15. With reference to the statements made in paragraphs 22 (Limitation) and 23 of the said original application, I deny that the cause of action is still continuing. I further deny that the South Dum Dum Municipality, being one of the respondents has failed to perform their statutory duty and obligation and neglected to comply with the order of the Hon'ble Tribunal. I also deny that the balance of convenience is in favour of the orders as prayed for. I deny that this petition is made with bonafide intention. On the contrary, I say that the applicant has not made out any prima facie case to get the relief, as prayed for.

16. The statements made in paragraphs 1, 2, 3, 4, 5(a), 6, 7, 8, 9, 10, 11, 12, 13, 14 and 15 true to my knowledge and those made in paragraphs 5(b) are information derived from the records.

Prepared in my office

Monsumi Bhowal
Advocate

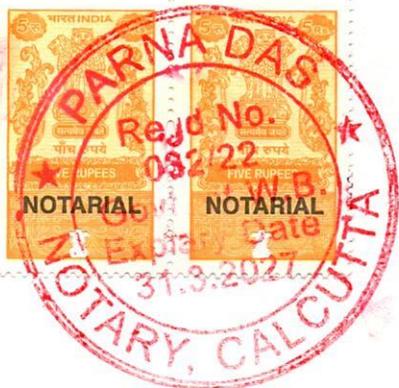
Rovdy Mukherjee
Deponent

Identified by me

Monsumi Bhowal
Advocate

Date:
Place:

17 JUN 2025



Solemnly Affirmed & Declared Before
me on Identification of Ld. Advocate

Parina Das

PARINA DAS
City Civil Court, Kolkata
Regd. No. 032/22,
Govt. of W.B.

17-6-25

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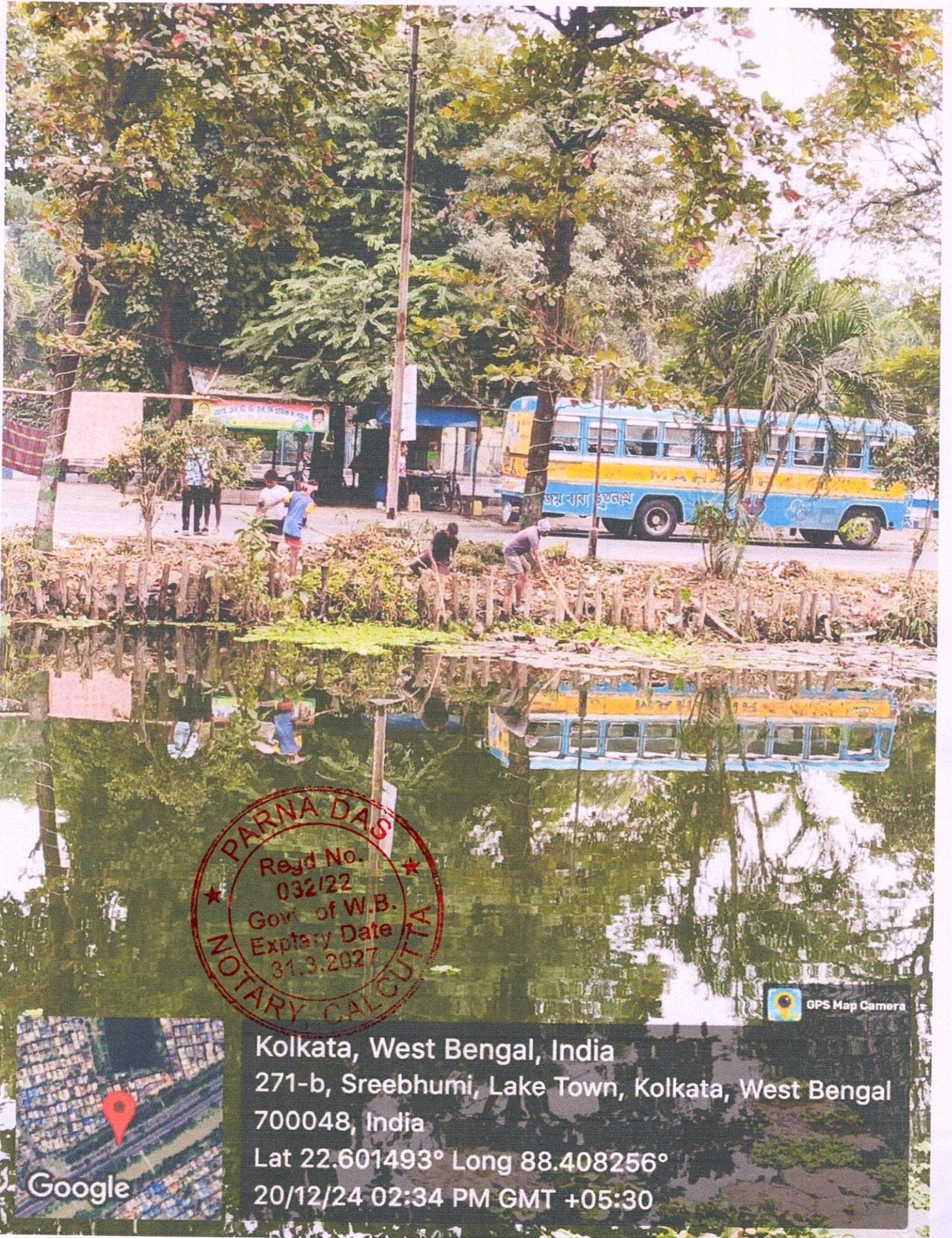
ANNEXURE - R/1



PARNVA DAS
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 Govt. W.B.
 Extra. Date 20/12/24
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 271-b, Sreebhumi, Lake Town, Kolkata, West
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 20/12/24 02:34 PM GMT +05:30

 GPS Map Camera



PARNAL DAS
 ★ Rejd No. 032/22 ★
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 Expiry Date 31.3.2027
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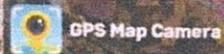


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PARNA DAS
 Regd No. 032122
 Govt of W.B.
 EXPIRY DATE 31.3.2027
 CALCUTTA



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PARNA DAS
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 Govt of W.B.
 EXPIRY DATE 31.3.2027
 CALCUTTA



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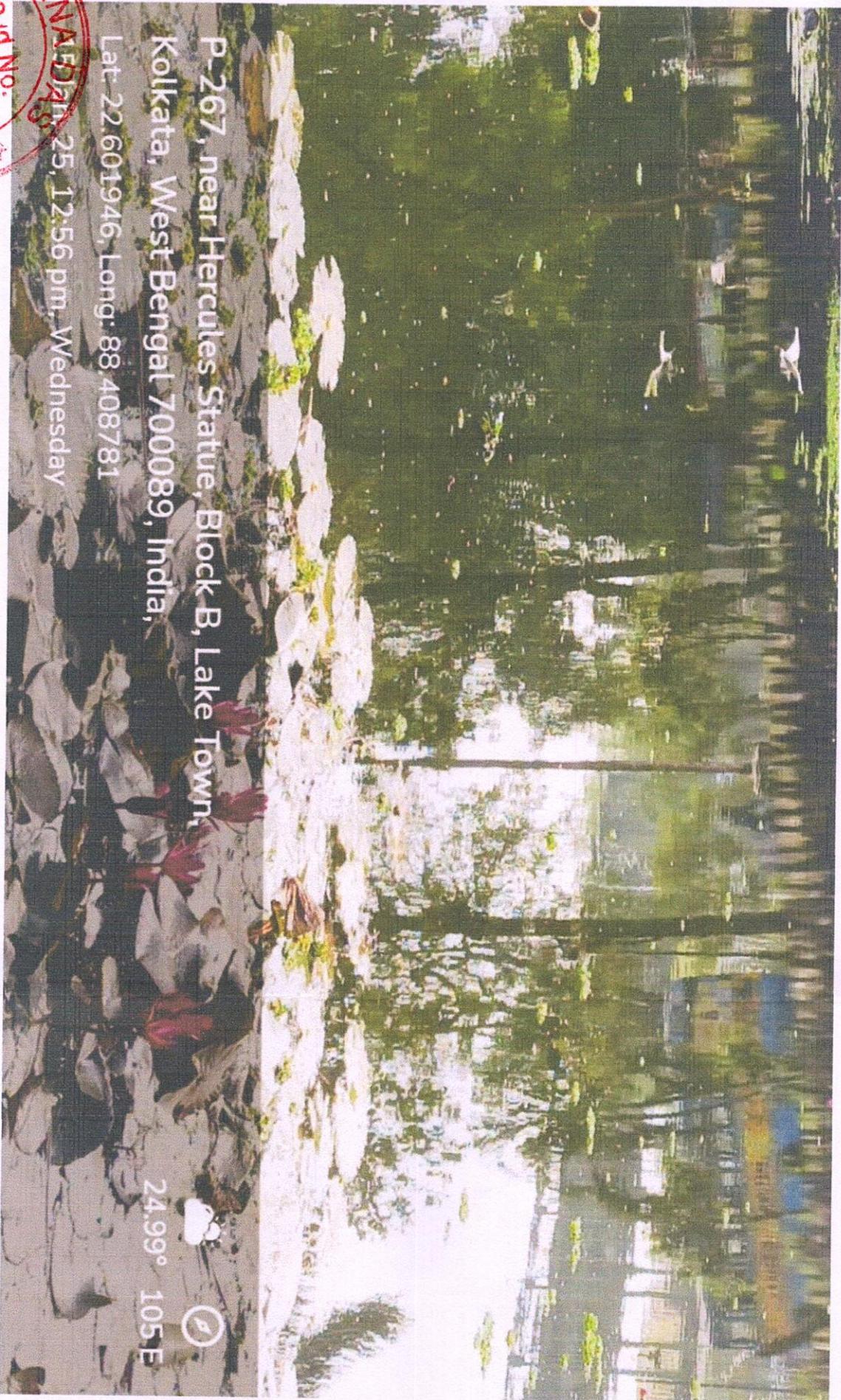
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24.99° 105 E



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 Regd No. 032122
 Govt. of W.B.
 Expiry Date 31.3.2027

IX



P-193/B, Block B, Lake Town,
South Dumdum, West Bengal

 
24.99° 346 N

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 Regd No.
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 Govt of West Bengal
 Expiry Date
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 NOTARY

GPS Map Camera



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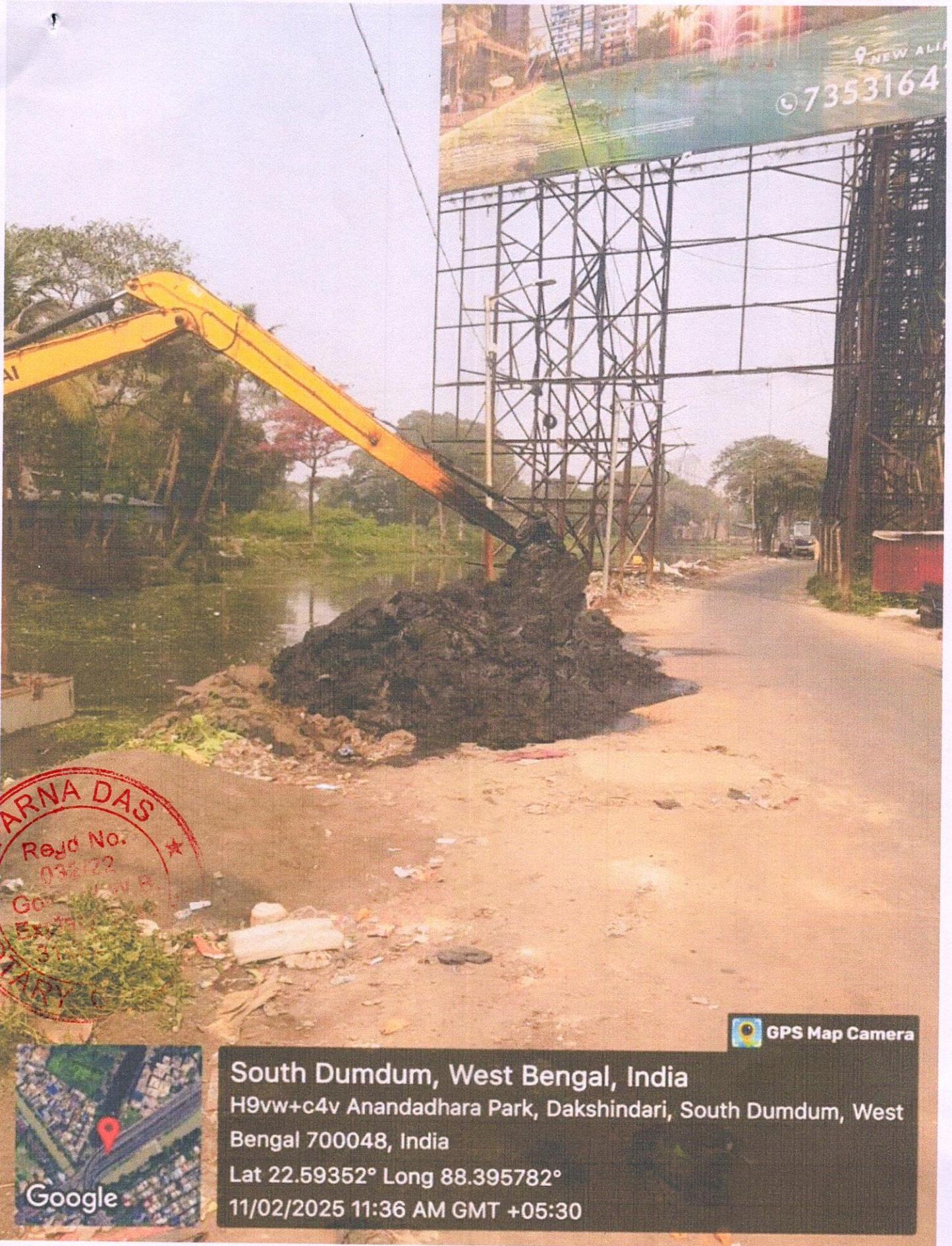
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 GPS Map Camera



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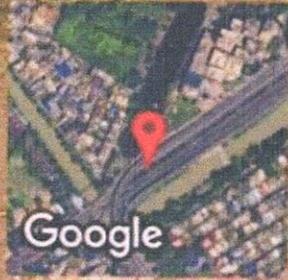
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GPS Map Camera



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GPS Map Camera

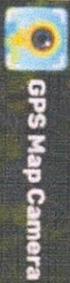
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- 18 -

- 15 -



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PARNAL DAS
 Notary Public
 Govt. of W.B.
 Regd. No. 032/22
 Expiry Date 31.3.2027
 ALL INDIA NOTARY CALL CENTER



Google

South Dum Dum, West Bengal, India
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 GPS Map Camera



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Enrolment No. WB/1170/2007.