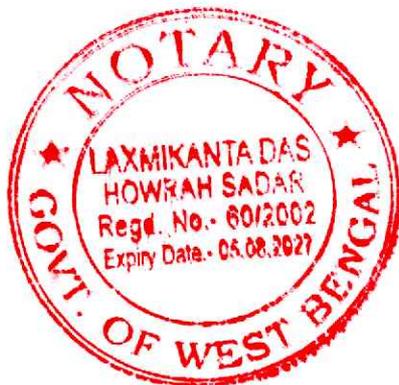


BEFORE THE HON'BLE NATIONAL GREEN TRIBUNAL
EASTERN ZONE BENCH AT KOLKATA
ORIGINAL APPLICATION NO. 91/2025/EZ

In the mater of :
Sibnath Chakraborty
..... Applicant
Versus
The State of West Bengal & Ors.
..... Respondents

**SUPPLEMENTARY AFFIDAVIT BY THE APPLICANT IN COMPLIANCE
WITH SOLEMN ORDER DATED 28.05.2025**

SL.	PARTICULARS	ANNEXURE	PAGE
1.	Affidavit		1-5



Filed through

Ankur Sharma

Ankur Sharma
Advocate

Mob: 9433883322

Email : Adv.ankursharma9@gmail.com

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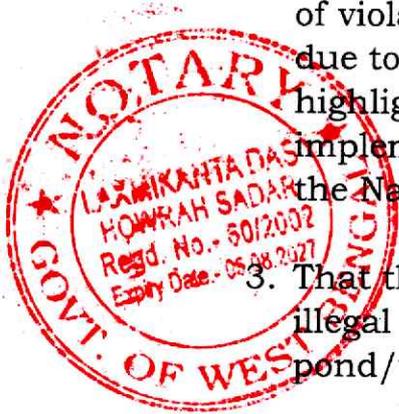
BEFORE THE NOTARY PUBLIC
 HOWRAH

K/Aug/163/25

SUPPLEMENTARY AFFIDAVIT BY THE APPLICANT IN COMPLIANCE WITH SOLEMN ORDER DATED 28.05.2025

I, Sibnath Chakraborty, son of Late Sachindranath Chakraborty, aged about 64 years, residing at 258/1, Sarat Chatterjee Road, P.S. – Chatterjeehat, District – Howrah, West Bengal, PIN – 711 102 do hereby solemnly affirm and state as under :

1. I, the deponent, am the Applicant in the above-mentioned Original Application and am fully conversant with the facts and circumstances of the case. On 28.05.2025, Hon'ble Tribunal allowed me to file a supplementary to bring on record specifically to show violation of environmental laws, particularly the Environmental Statutes mentioned in Schedule I of National Green Tribunal Act, 2010.
2. I file this supplementary affidavit to bring on record the instances of violation of environmental norms and laws caused specifically due to dumping of waste and debris into the subject pond and to highlight the adverse environmental impact arising from the implementation of certain enactments listed under Schedule I of the National Green Tribunal Act, 2010.



3. That the subject matter of the instant Application pertains to the illegal filling, encroachment, and degradation of a natural pond/water body situated at 253, Sarat Chatterjee Road

(Formerly : 325, Circular Road), P.S. – Chatterjeehat erstwhile Shibpur, Howrah - 711 102 which has caused grave environmental consequences, disrupted ecological balance, and violated multiple provisions of environmental law.

4. The following statutes listed under Schedule I of the National Green Tribunal Act, 2010 are violated by the activities at the said site :

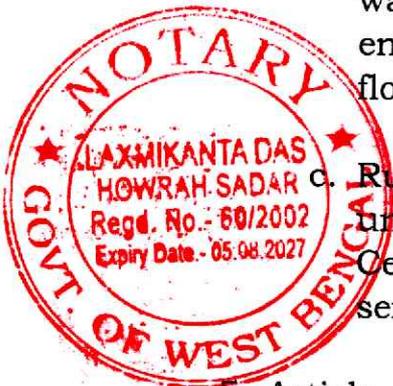
a. Section 24 (1) of the Water (Prevention and Control of Pollution) Act, 1974 prohibits use of stream or well for disposal of polluting matter, etc. Section 33A of the said Act allows the Pollution Control Board to issue closure or regulatory directions against offending activity. The word “stream” is defined under section 2(j) of the Act wherein it is stated that “stream” includes, inter alia, river, water course (whether flowing or for the time being dry), inland water (whether natural or artificial), sub-terranean waters and sea or tidal waters.

b. Rule 3 of the Wetlands (Conservation and Management) Rules, 2017 made under the Environment (Protection) Act, 1986 defines wetlands to include natural ponds. Rule 4 of the said Rules prohibits dumping of waste in wetlands and conversion of wetlands for non-wetland uses. Even if the water body is not notified, its ecological character and environmental functions such as groundwater recharge and flood control qualify it as a wetland under these Rules.

c. Rule 5 of the Environment (Protection) Rules, 1986 made under the Environment (Protection) Act, 1986 empowers the Central Government to prohibit activities in ecologically sensitive areas. Water bodies fall within this purview.

5. Article 48A of the Constitution of India, 1950 lays down the directive principles of state policy for protection and improvement of environment and safeguarding of forests and wildlife. Environment includes water bodies, ponds etc.

6. Article 51A(g) of the Constitution of India, 1950 casts duty on citizens to safeguard natural resources such as lakes and ponds.



7. That I have made multiple representations before local authorities requesting intervention but no substantial steps have been taken. Continued inaction will result in permanent loss of the pond/water body and irreparable ecological damage.
8. I reiterate that Schedule I of the National Green Tribunal Act, 2010 lists key environmental laws that deal with water pollution, including the Water (Prevention and Control of Pollution) Act, 1974, the Environment (Protection) Act, 1986, and other relevant enactments. It is evident that the continued dumping of waste into the subject pond poses a substantial question relating to the environment which falls under the jurisdiction of the Hon'ble Tribunal for adjudication. Water bodies throughout the State of West Bengal are disappearing leading to loss of biodiversity, ecological imbalances, disruption in groundwater recharge, urban flooding resulting from heavy downpour etc.
9. The Applicant tenders unconditional apology for the delay in filing this Affidavit which may kindly be condoned.
10. In view of the above I respectfully request this Hon'ble Tribunal to admit the instant Original Application and issue notice to the Respondents and pass such other or further orders as this Hon'ble Tribunal may deem fit and proper for ends of justice.

Solemnly affirmed at Howrah

On this 6th day of August, 2025

Silmath Chakraborty

Applicant



SOLEMNLY AFFIRMED & DECLARED
BEFORE ME BY THE DEPONENT ON
IDENTIFICATION OF ADVOCATE

Place Judges' Court
Howrah - 711101
W.B. India

LAXMIKANTA DAS
NOTARY HOWRAH
Govt. of West Bengal

06 AUG 2025

X

VERIFICATION

I, Sibnath Chakraborty, son of Late Sachindranath Chakraborty, aged about 64 years, residing at 258/1, Sarat Chatterjee Road, P.S. - Chatterjeehat, District - Howrah, West Bengal, PIN - 711 102 states that I am the Applicant of this Application. I do hereby verify the contents of paragraphs no. 1 to 8, and the rest are true to the best of my knowledge, and are my humble prayers before your Lordship and I have not suppressed any material facts herein.

Sibnath Chakraborty

Deponent

Prepared by me

in my chamber

Ankur Shannu

Advocate

Date : 06/08/2025

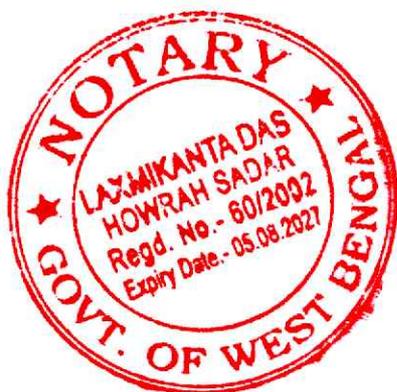
Place : Howrah

Verified by me

Ankur Shannu

F/497/370/2021

Advocate



SOLEMNLY AFFIRMED & DECLARED
BEFORE ME BY THE DEPONENT ON
IDENTIFICATION OF ADVOCATE

06.08.25

LAXMIKANTA DAS
NOTARY HOWRAH
Govt. of West Bengal

Place Judges' Court
Howrah - 711101
W.B. India

06 AUG 2025