

BEFORE THE HON'BLE NATIONAL GREEN TRIBUNAL

EASTERN ZONE BENCH AT KOLKATA

ORIGINAL APPLICATION NO. 43/2025/EZ

In the mater of :

Ankur Sharma

..... Applicant

Versus

The State of West Bengal & Ors.

..... Respondents

**AFFIDAVIT-IN-REJOINDER ON BEHALF OF THE APPLICANT TO THE
AFFIDAVIT FILED ON BEHALF OF THE RESPONDENT NO. 3**

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Ankur Sharma

Ankur Sharma

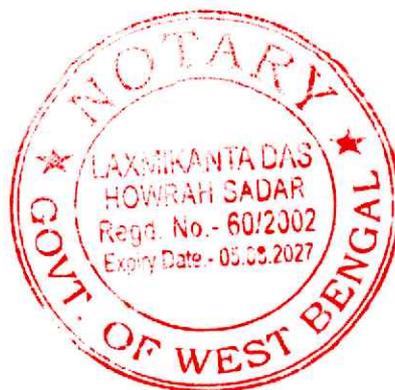
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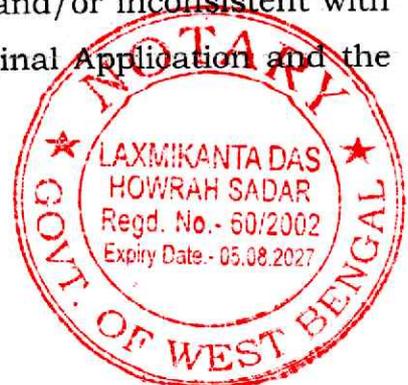
SL. NO. ~~K/AUG/164/25~~

BEFORE THE NOTARY PUBLIC
HOWRAH

**AFFIDAVIT-IN-REJOINDER ON BEHALF OF THE APPLICANT TO THE
AFFIDAVIT FILED ON BEHALF OF THE RESPONDENT NO. 3**

I, Ankur Sharma, the Applicant aged about - 28 years by occupation - Advocate residing at 13/3, Dr. P. K. Banerjee Road, Howrah - 711101 do hereby solemnly affirm and state as under :

1. I am the Applicant in the abovementioned Original Application. I have received a copy of the Affidavit filed on behalf of the Respondent no. 3 affirmed on 23.05.2025. I have gone through the contents and purports of the Affidavit (hereinafter for the sake of brevity referred to as the 'said Affidavit'), and I am making the present Affidavit in Rejoinder thereto.
2. I deny the contents and averments made in the Affidavit on behalf of the Respondent no. 3 those are contrary to and/or inconsistent with anything stated in the abovementioned Original Application and the present Affidavit in Rejoinder.



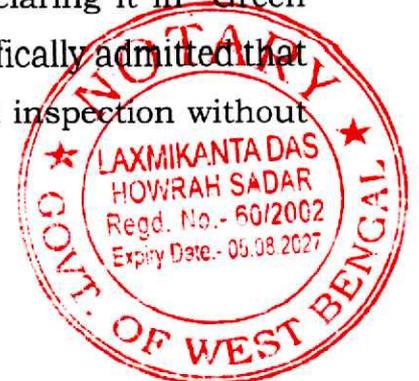
3. At the outset I say that as soon as the order of this Hon'ble Tribunal dated 25.03.2025 was communicated the owner of the erring unit before preparation of the inspection report as annexed to the Affidavit shifted the unit to a nearby location at 142, Foreshore Road (earlier also known as Grand Foreshore Road), P.S. - Howrah near Ramkrishnapur Ghat and Hooghly river bank on a property owned by Syama Prasad Mookherje Port (erstwhile Kolkata Port Trust). The unit is running therein by violating environmental and other norms, effluent is being drained into municipal drains leading to the river Hooghly, no environmental display board has been installed in front of the unit, gas cylinders are stored openly on public throughfare, vehicles are parked throughout the day causing traffic congestion etc.
4. The report of the Deputy Commissioner of Police, Traffic, Howrah Police Commissionerate annexed in the Affidavit filed by the District Magistrate, Howrah i.e. Respondent no. 4 dated 14.05.2025 in page no. 66 confirms that the unit has shifted near Ramkrishnapur Ghat at 142, Grand Foreshore Road, Howrah - 711101.
- Some photographs of the unit at its new location are annexed herewith and marked by the letter and figure 'A-1'
5. I also say that unit is in operation since the year 2023 and despite multiple complaints, order of the West Bengal Pollution Control Board the unit did not comply with environmental norms and laws but as soon as it found that an order for inspection has been passed by this Hon'ble Tribunal it shifted its entire unit to a nearby location in order to skip compliance and environmental norms and laws and to avoid paying environmental compensation for the damages already caused to the environment due to its operations.

6. Now I shall deal with Affidavit in seriatim :



7. As regard paragraph no. 1 and 2 of the said Affidavit I say that the same does not require any specific reply.
8. As regard paragraph no. 3 and 4 of the said Affidavit I deny and dispute all contents, contentions, averments statements and allegations made therein save and except those which are matters of record. On contrary, I say that the statement made in paragraph nos. 3 and 4 have been dropped in the verification of the Affidavit filed by West Bengal Pollution Control Board so those are not any statements verified. I had no knowledge in advance about date and time of inspection as alleged though the unit is situated at a stone throw distance from my residence. So, I cannot vouch that there was at all any inspection on the time and date or it was only a deskwork as contended in the said Affidavit that the unit was found closed during the time of alleged inspection, and that they have allegedly gathered from the local people that the unit has been closed since last two months. No name, address and identity of any local people as canvassed has been disclosed, nor any photograph of the alleged inspection and/or the closed unit, and/or the alleged local people have been annexed.

Two words "previously" and "earlier" were used in para 4 (b) and (c) of the said Affidavit without any date though so many descriptions of the unit have been incorporated in those two paragraphs and in paragraph 4 (d) these are all indications of deskwork, maybe, in consultation with the violator over phone or otherwise because without inspection of the unit the statement "No kitchen equipment, e.g. LPG-fired ovens were found inside the shed during inspection" cannot be made. Yet, they have taken for granted that the unit belongs to Green Category without any physical knowledge but, maybe, based on gesture extended by DIC, Howrah to the unit declaring it in "Green Category". The Respondent no. 3 has also not specifically admitted that the unit was operational before the date of alleged inspection without obtaining any "Consent to Operate".



9. In view of the above it is humbly prayed that a fresh inspection in presence of the Applicant may be directed to be conducted at the new location of the erring unit as stated hereinabove.

Solemnly affirmed at Howrah

On this 13th day of August, 2025

Ankur Sharma
Applicant

Identified by me
Ayushi Khatun, Advocate
F/498/371/2021

VERIFICATION

I, Ankur Sharma, the abovenamed Applicant do hereby verify that the contents of the above Affidavit in Rejoinder are true and correct to the best of my knowledge, no part of it is false and nothing material has been concealed there from.

Verified at Howrah on this day of 13th day of August, 2025.

Ankur Sharma
Applicant



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

13.08.25
Laxmikanta Das

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

LAXMIKANTA DAS
NOTARY HOWRAH
Govt. of West Bengal

13 AUG 2025



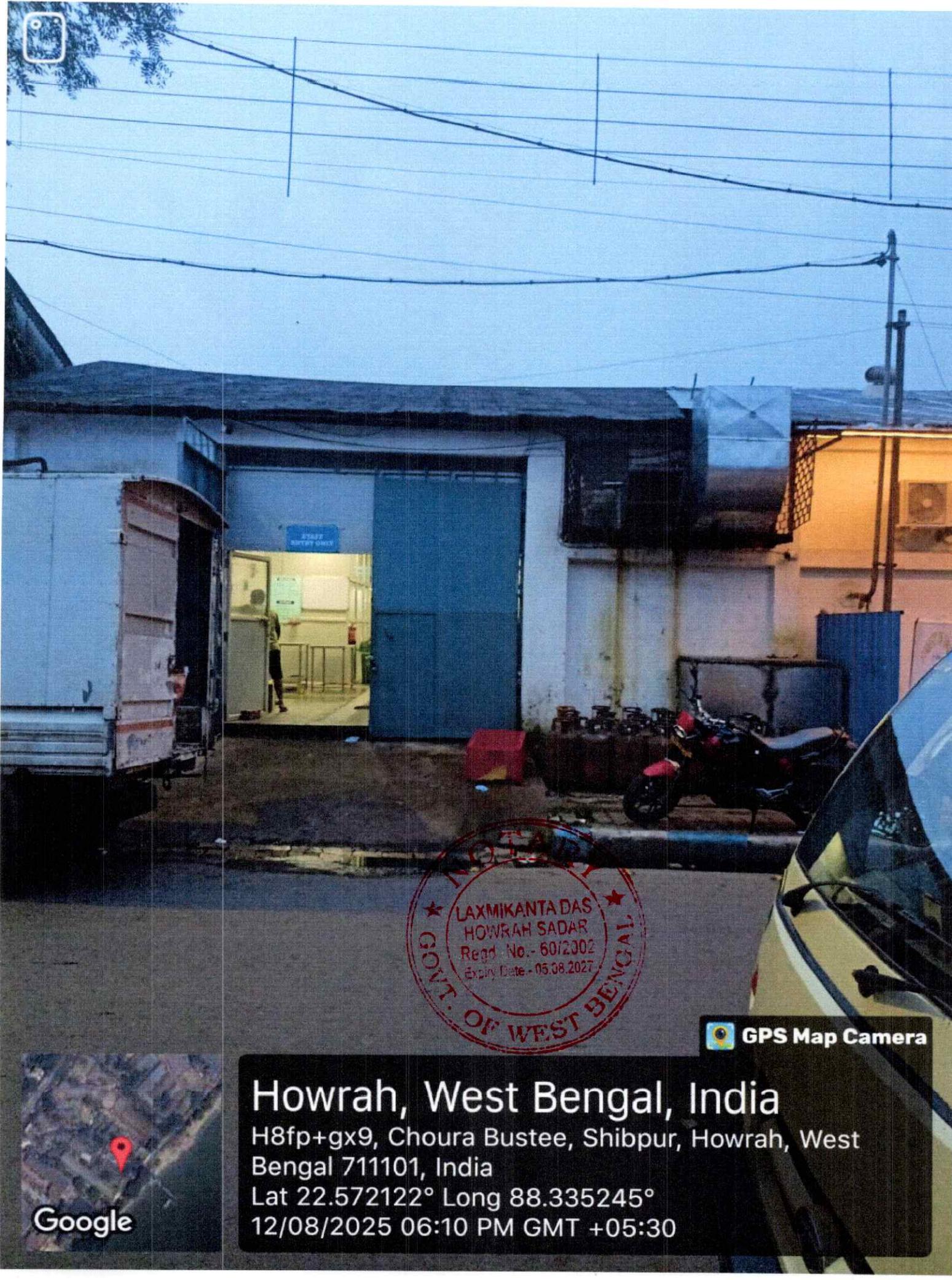
NOTARY
 LAXMIKANTA DAS
 HOWRAH SADAR
 Regd. No. - 60/2002
 Expiry Date - 05.08.2027
 GOVT. OF WEST BENGAL

 **GPS Map Camera**



Howrah, West Bengal, India
 141, Choura Bustee, Shibpur, Howrah, West Bengal
 711101, India
 Lat 22.572286° Long 88.335261°
 13/08/2025 12:14 PM GMT +05:30

Google



NOTARY
 LAXMIKANTA DAS
 HOWRAH SADAR
 Regd. No. - 60/2002
 Expiry Date - 05.08.2027
 GOVT. OF WEST BENGAL

GPS Map Camera

Howrah, West Bengal, India

H8fp+gx9, Choura Bustee, Shibpur, Howrah, West Bengal 711101, India

Lat 22.572122° Long 88.335245°

12/08/2025 06:10 PM GMT +05:30



Google



Howrah, West Bengal, India

151/1, Choura Bustee, Shibpur, Howrah, West Bengal 711101, India

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GPS Map Camera

Howrah, West Bengal, India

H8fp+gx9, Choura Bustee, Shibpur, Howrah, West Bengal 711101, India

Lat 22.572207° Long 88.33535°

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