

SL. NO. 11/8 Dt. 01.08.2025

**BEFORE THE NATIONAL GREEN TRIBUNAL
EASTERN ZONE BENCH, KOLKATA**

IN

Original Application No. 101/2025/EZ

IN THE MATTER OF:

Ankur Sharma

...APPLICANT(S)

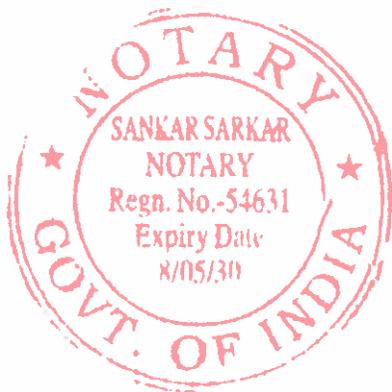
Versus

Govt. of West Bengal & Ors.

...RESPONDENT(S)

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Mrinal Kanti Biswas
 Regional Director & Scientist E
 CPCB, Kolkata

Filed through


 Counsel

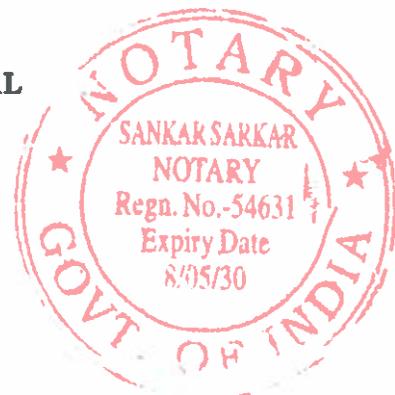
01 AUG 2025

Dated: ____, 2025

Place: Kolkata

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**BEFORE THE NATIONAL GREEN TRIBUNAL
EASTERN ZONE BENCH, KOLKATA
IN
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**REPLY ON BEHALF OF CENTRAL POLLUTION CONTROL BOARD i.e.
RESPONDENT NO. 03**

1. That Hon'ble NGT vide order 23.05.2025 has sought the reply of respondents, including Central Pollution Control Board (hereinafter referred to as "CPCB") in the instant matter. Thereby, the reply is made in succeeding paragraphs.
2. That, this Answering Respondent (CPCB) has been constituted under Section 3 of The Water (Prevention and Control of Pollution) Act, 1974. It performs functions under The Water (Prevention and Control of Pollution) Act, 1974; The Air (Prevention and Control of Pollution) Act, 1981 and The Environment (Protection) Act, 1986.
3. That, the issue raised in the Original Application is alleging construction of massive housing complex in the name of 'Newtown Villas' in close proximity of the East Kolkata Wetlands at L.R. Dag nos. 404, 488(p), 489, 490, 491, 493, 494, 495, 496, 497, 498, 508, 511(p), 513(p), 519(p), and 520(p) of Mouza – Chanda Kanthalberia, J.L. No. 8, Block – Bhangar-II, P.S. – Kolkata, Leather Complex, South 24 Parganas, PIN – 743502 by the Respondent Nos. 11, 12 and 13 namely - Pawanputra Tradecom Private Limited, Gagan Tradelink Private Limited and Shrachi Keventer Abasan Private Limited in violation of various environmental norms e.g construction without environmental clearance, consent to establish (CTE), consent to operate (CTO) etc. from the concerned Authorities. In the referred Original Application, applicant sought direction from Hon'ble NGT(EZ) to the Respondents to stop all construction and other activities at the site under question.

PRELIMINARY SUBMISSIONS

4. That, in context of requirement of Environmental Clearance (hereinafter referred to as "EC"), it is submitted that, the Clause 2 of the Environmental Impact Assessment Notification, 2006 (hereinafter referred to as EIA Notification, 2006) provides for the Requirements of prior EC and as per the above mentioned clause, the projects or activities which are falling under the category 'A' of the Schedule of

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the EIA Notification, 2006; the project proponent shall obtain the EC from the Ministry of Environment, Forest and Climate Change (hereinafter referred to as 'MoEF&CC') and the projects which are falling under the 'B' category of the Schedule of the EIA Notification, 2006; the project proponent shall obtain EC from the State Environment Impact Assessment Authority before carrying out the construction works.

5. That, in context of consent required to be obtained by the projects and various units/components of the project, it is humbly submitted that, State Pollution Control Boards/Pollution Control Committees are the concerned authorities to grant Consent (Consent to Establish/Consent to Operate) under the Water Act, 1974 and the Air Act, 1981 in their respective jurisdiction of State/Union Territory and to ensure the compliance of conditions of consent and prescribed environmental standards.
6. That, in context of generation and management of construction and demolition waste from construction/building materials, it is submitted that, the Central Government has notified "The Construction and Demolition Waste Management Rules, 2016" on 29th March, 2016 vide G.S.R.445(E) for management of C&D Waste. In the said Rules, duties of the various Stakeholders are prescribed for effective implementation of the Rules. In pursuant to the sub-rule 1(a) of Rule 10 of the C&D W M Rules, 2016, the guideline titled "Environmental Management of C & D Wastes" was prepared by CPCB in March, 2017 and the copy was uploaded on the Website of CPCB, available at

<https://cpcb.nic.in/openpdffile.php?id=UmVwb3J0RmlsZXMvNTUyXzE1MTEyNjQwMTVfbWVkaWFwaG90bzQ2OTAucGRm>

Further, in context of dust mitigation measures at the construction and demolition site, following are submitted;

- i. The Central Government has notified "The Environment (Protection) Amendment Rules, 2018" vide G.S.R. 94(E) dated 25th January, whereby following Rules have been notified:

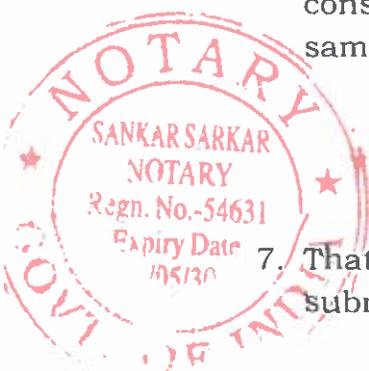
"Mandatory Implementation of Dust Mitigation Measures for Construction and Demolition Activities for projects requiring Environmental Clearance"; and

"Mandatory Implementation of Dust Mitigation Measures for all Construction and Demolition Activities".

- ii. CPCB prepared 'Guidelines on dust mitigation measures in handling construction material and C&D wastes (November, 2017).' Copy of the same is available at:

<https://cpcb.nic.in/openpdffile.php?id=UmVwb3J0RmlsZXMvNTYxXzE1MTE5MzMzNzJfbWVkaWFwaG90bzEyNjcXlnBkZg=>

7. That, with reference to illegal extraction of ground water, it is humbly submitted that the Consolidated Guidelines of Central Ground Water



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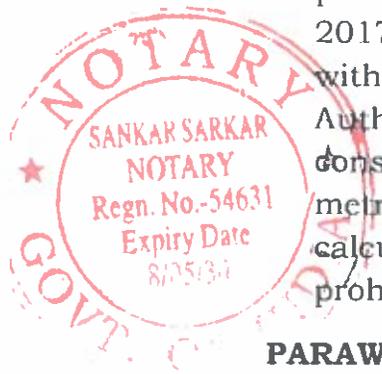
Authority to Regulate and Control Ground Water Extraction in India were notified by MoJS vide Notification dated 24.09.2020 with Amendment Notification dated 29.03.2023 and in West Bengal the West Bengal Ground Water Resources (Management, Control & Regulation) Act, 2005 be followed to manage, control and regulate indiscriminate extraction of ground water.

8. That, in context of conservation and management of the wetland, it is submitted that, the Central Government notified "the Wetlands (Conservation and Management) Rules, 2017" vide G.S.R. 1203(E) dated 26.09.2017. As per Rule 5 of the said Rules, the Central Government constituted the State Wetlands Authority for each State and Union Territory Wetlands Authority for each Union Territory. As per Rule 4 (1) of "the Wetlands (Conservation and Management) Rules, 2017", the wetlands shall be conserved and managed in accordance with the principle of 'wise use' as determined by the Wetlands Authority. Further, as per Rule 4(2)(vi) of the said Rules, any construction of a permanent nature except for boat jetties within fifty metres from the mean high flood level observed in the past ten years calculated from the date of commencement of these rules shall be prohibited within the wetlands.

PARAWISE REPLY:

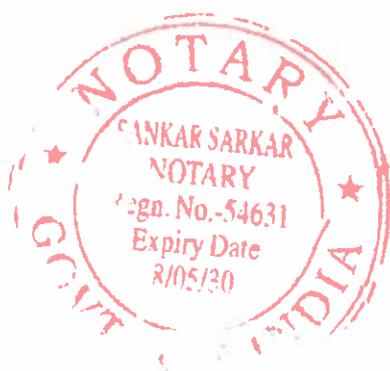
9. That, with regard to the averments made under Paragraph No. 1 and 2 being introductory in nature. Hence, no comments are offered by Answering Respondent.
10. That, with regard to averments made in Paragraph No. 3 and 4 of the Original Application alleging illegal construction of the housing complex without obtaining prior Statutory Clearances, consents etc., the submissions made in preceding Paragraph No. 4, 5 and 8 of this instant Reply are reiterated and not repeated for the sake of brevity.
11. That, with regard to averments made in Paragraph No. 5 of the Original Application in context of illegal extraction of groundwater and air pollution due to construction of said housing complex in violation of environmental norms, it is humbly submitted that the submissions made in preceding Paragraph No. 6 & 7 of this instant Reply are reiterated and not repeated for the sake of brevity.
12. That, the averments made in Paragraph No. 6 to 11 of the Original Application are regarding applicant's various communications to State Environment Impact Assessment Authority, West Bengal, West Bengal Pollution Control Board and State Government of West Bengal and their response. Hence, no comments are offered by Answering Respondent.
13. That, the averments made in Paragraph No. 12 to 16 of the Original Application are about requirement of clearances and permissions from respective authorities and relevant Court matter where direction for taking action for the violation has been mentioned. In this context, submissions made in preceding Paragraph No. 4 & 5 of this instant Reply are reiterated and not repeated for the sake of brevity.

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14. That, with regard to averment made in Paragraph No. 17 of the Original Application in context of unauthorized construction of a pathway over a canal/channel obstructing the natural flow to the Ramsar site of East Kolkata Wetlands. In this context, submissions made in preceding Paragraph no. 8 of this instant Reply are reiterated and not repeated for the sake of brevity. Further, it is humbly submitted that, Department of Irrigation & Waterways, Government of West Bengal are authorized to grant permissions for the construction and ensure that the construction does not harm the environment. Therefore, need no reply from the Answering Respondent.
 15. That, the averments made in Paragraph No. 18 to 37 of the Original Application are about applicant's concern about need of sustainable development in the State having its geographical and ecological diversity and sensitivity, the violation of environmental norms specially in context of clearance, consent etc. at various construction projects including the project under reference, environmental impacts due to those activities, violation of the environmental norms in close proximity of East Kolkata Wetlands, a Ramsar Site of international importance, inaction of authorities and respondents in those cases and prayer seeking direction of Hon'ble NGT in the present matter. In this context, submissions made in preceding Paragraph No. 4, 5 & 8 of this instant Reply are reiterated and not repeated for the sake of brevity. Further, it is humbly submitted that, violations, if any, under the concerned Acts/Rules are to be dealt by the respective agency as per provisions stipulated under such Acts/Rules.
 16. That with regard to the averments made under "Grounds" (A to K) of the Original Application, it is respectfully submitted that the submissions made in preceding paragraphs are re-iterated and are not repeated for the sake of brevity.
 17. That, no comments are offered over the averments contained under the Headings "Limitation", "Interim Relief" and "Prayer" clause which may be adjudicated by the Hon'ble Tribunal.
 18. This Answering Respondent seeks liberty to file additional affidavit if the same is considered necessary at later stage.
 19. That in light of the above submissions, it is respectfully submitted that this Answering Respondent i.e. CPCB shall abide by all the order(s) or direction(s) passed by this Hon'ble Tribunal in this original application.

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Mrinal Kanti Biswas
 Regional Director & Scientist E,
 CPCB, Kolkata

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

 01/08/2025
SANKAR SARKAR
 NOTARY, GOVT. OF INDIA
 REGN NO. 54031
 HIGH COURT, CALCUTTA
 CHAMBER 4 (479) M. B. ROAD, KOL-51
 MAHAJATI HEIGHTS APT.
 Ph-9232445358

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AFFIDAVIT

I, Mrinal Kanti Biswas, S/o Saroj Kumar Biswas aged about 43 years, having office at the Regional Directorate, Central Pollution Control Board, Southend Conclave' Block No.502, 5th& 6th Floor,1582, Rajdanga Main Road, Kolkata-700107, do hereby solemnly affirm and sincerely state as follows: -

1. That the deponent is authorized representative to represent the Respondent CPCB in the present case, and as such, I am well conversant with the facts and circumstances of the present case on the basis of the information derived from the official records, and hence, I am competent and authorized to verify, sign and swear this affidavit on behalf of the Respondent CPCB.
2. That the accompanying reply may be read part and parcel of the present affidavit as I am competent to swear this affidavit.
3. That the accompanying reply has been drafted and filed under my instructions and authority the contents thereof are true and correct on the basis of the record maintained during ordinary course of business of CPCB and available records and documents and the contents of the same are read over and explained to me and are not repeated herein for the sake of brevity.

Identified by me

Suren Dasgupta
Advocate

[Signature]
DEPONENT

**solemnly Affirmed & Declared Before
me on Identification of Ld. Advocate**

[Signature] 01/08/2025
**SANKAR SARKAR
NOTARY, GOVT. OF INDIA
REGN NO. 54631
HIGH COURT, CALCUTTA
CHAMBER 4 (479) M. B. ROAD, KOL-5
MAHAJATI HEIGHTS APT
Ph-9232445358**

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VERIFICATION

Verified at Kolkata on this day of 01/08 2025 that the contents of the above reply are correct and true on the basis of the record of the cases as mentioned in the day-to-day affairs of the CPCB. Nothing has been concealed therefrom or mis-stated.

Verified at Kolkata on this the... Day of _____ 2025.

Identified by me

[Signature]
DEPONENT

[Signature]
Advocate



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