

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

O.A. No. 99 OF 2024

IN THE MATTER OF:-

NITYENDU SHEKHAR BHATTACHARJEE

..... APPLICANT

VERSUS

THE STATE OF ASSAM & 5 OTHERS

.....RESPONDENTS

**REJOINDER/ RESPONSE TO THE COUNTER AFFIDAVIT FILED BY
THE RESPONDENT NO. 4 (SILCHAR MUNICIPAL CORPORATION)
DATED 07.08.2025**

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THROUGH:

DATE: - 26.09.2025

PLACE: New Delhi


(Madhumita Bhattacharjee)
Advocate for the Applicant
J- 1921, C.R. Park.
New Delhi- 110019
Mob:- 9811785211

Email:- bhattacharjeemadhumita@gmail.com

SL. NO - 702/85
1083

Date - 08-09-25



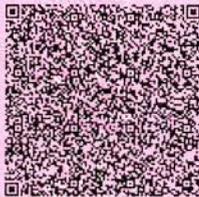
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INDIA NON JUDICIAL

Government of Assam

e-Stamp

Certificate No. : IN-AS85286583256292X
Certificate Issued Date : 08-Sep-2025 12:34 PM
Account Reference : CSCACC (GV)/ ascscceg07/ AS-CGANU0143/ AS-CC
Unique Doc. Reference : SUBIN-ASASCSCSEG0755800224736969X
Purchased by : NITYENDU SHEKHAR BHATTACHARJEE
Description of Document : Article 4 Affidavit
Property Description : Not Applicable
Consideration Price (Rs.) : 0
(Zero)
First Party : NITYENDU SHEKHAR BHATTACHARJEE
Second Party : Not Applicable
Stamp Duty Paid By : NITYENDU SHEKHAR BHATTACHARJEE
Stamp Duty Amount(Rs.) : 100
(One Hundred only)



Please write or type below this line

IN-AS85286583256292X



Nityendu Shekhar
Bhattacharjee

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**BEFORE THE NATIONAL GREEN TRIBUNAL
EASTERN ZONE BENCH, AT KOLKATA
O.A. No. 99 OF 2024**

IN THE MATTER OF:-

NITYENDU SHEKHAR BHATTACHARJEE APPLICANT

VERSUS

THE STATE OF ASSAM & 5 OTHERSRESPONDENTS

**REJOINDER/ RESPONSE TO THE COUNTER AFFIDAVIT FILED BY
THE RESPONDENT NO. 4 (SILCHAR MUNICIPAL CORPORATION)
DATED 07.08.2025**

I, Nityendu Shekhar Bhattacharjee, aged 64 years, R/o House No. 13, Radha Madhab Park, Bilpar, Silchar, PIN- 788001 do hereby solemnly affirm and declare as under:-

1. That I am the Applicant in the captioned matter and being acquainted with the facts and circumstances of the case and I am competent and authorized to swear the present Rejoinder/ Response.
2. That the contents of the Counter Affidavit on behalf of the Respondent no. 4 has been read over and understood by me and at the very outset, I say that the averments made therein, which are contrary to the facts stated are denied and disputed, until and unless specifically admitted to be true in the present rejoinder/ response.
3. That the detailed facts leading to the filing of this Rejoinder/ Response have been stated in detail in the accompanying Original Application, which may



be read as part and parcel of this rejoinder/ response and the same are not being repeated herein for the sake of brevity and convenience.

PRELIMINARY SUBMISSIONS

4. That before averting to para wise reply, the Applicant begs to refer to the following preliminary submission:-

a. That it is most humbly submitted that Section 3(18) of the Solid Waste Management Rules, 2016, explicitly defines “door-to-door collection” as the collection of solid waste from the doorstep of households, shops, commercial establishments, offices, institutional or any other non-residential premises, and includes collection from the entry gate or a designated location on the ground floor in a housing society, multi-storied building or large residential, commercial or institutional complex.

However, it is submitted that such mandatory door-to-door collection is not being carried out regularly from the commercial establishments as well as for the households situated in Silchar. It is pertinent to note that the residents of Silchar are compelled to keep the garbage accumulated for several days, as the workers of the Silchar Municipal Board collect the same only once in a week. Due to such irregular collection, the residents are constrained to throw the garbage into the drains or at unauthorized dumping sites. This failure has resulted in indiscriminate dumping of garbage, clogging of drains, and unhygienic conditions in the locality.

b. It is most humbly submitted that Rule 15 of the Solid Waste Management Rules, 2016 also explicitly states that it is the statutory duty of the Respondent No. 4 being the local authority, to ensure regular door-to-door collection, proper transportation and disposal of such waste. The deliberate failure of the Respondents to discharge their statutory obligations has caused grave prejudice to the Applicant and other residents of the locality.





- c. That it is most humbly submitted that the residence of the Applicant is situated in a commercial as well as residential locality where several transport and other commercial offices are located. It is submitted that these commercial establishments are in the habit of not disposing of their garbage in a proper and lawful manner and, instead, indiscriminately dump the same at nearby dumping sites, which leads to frequent clogging of the drains and accumulation of filth in the locality. It is therefore respectfully submitted that it is the duty of the Respondents to regulate and ensure mandatory collection of garbage from such commercial establishments. As a result there is frequent water logging in this area causing grave prejudice to the Applicant and the local residents.
- d. That it is most humbly submitted that despite the fact that the Applicant and other residents of the locality regularly pay a sum of Rs. 100/- per month to Respondent No. 4 towards garbage collection charges, the said service is not being provided consistently. It is submitted that garbage is collected only once in a week, as a result of which the accumulated waste are disposed by the residents in the streets, drains or dumping sites thereby creating unhygienic conditions.

A copy of the monthly challan is annexed and marked herewith as **ANNEXURE P- 11 (PAGES 10 TO)**.

- e. That it is most humbly submitted that the responsibility for water supply within Silchar Town also falls under the jurisdiction of the Silchar Municipal Corporation. It is most respectfully submitted that from the year 2022 till date, the water being supplied has been consistently contaminated, containing mud, drain water, bacteria, and even insects, rendering it wholly unfit for human consumption.

It is further submitted that this is not an isolated grievance of the Applicant alone. Residents across the Applicant's locality, and indeed



several parts of Silchar Town, are suffering from the same condition of polluted and unsafe water supply. Such large-scale contamination poses a grave risk to public health, increases the possibility of outbreaks of water-borne diseases, and is in blatant violation of the fundamental right to clean drinking water, which forms an integral part of the Right to Life under Article 21 of the Constitution of India.

It is pertinent to highlight that after the Silchar Municipal Board was declared to have become a Municipal Corporation, the water taxes levied on the residents were substantially increased. However, despite this enhanced taxation, the quality of water supply has not improved and continues to remain hazardous, thereby causing immense hardship to the Applicant and the general public. This amounts to failure of the Respondent Corporation to discharge its statutory duties in a reasonable and efficient manner.

True copy of the Water Tax Receipt is annexed herewith and marked as **ANNEXURE P- 12 (PAGES 11 TO 12)**

True copy of photographs of Water Supply's water received by the Applicant is annexed herewith and marked as **ANNEXURE P- 13 (PAGES 13 TO)**.

- f. That it is most humbly submitted that the drains of the locality have neither been desilted nor dug by the concerned authorities, thereby resulting in continuous accumulation of mud and silt. Owing to such inaction and negligence, the water level of the drains has risen to the height of the road surface, causing frequent overflow of drain water onto the public road, which not only obstructs free movement but also poses serious health and environmental hazards to the residents of the area.



PARA WISE REPLY:-

5. That it is most humbly submitted that the contents of para 1 are matters of record and does not warrant for any reply.
6. That it is most humbly submitted that the contents of para 2 are vehemently denied and disputed and the same is misleading. It is pertinent to highlight that although a work order for door-to-door collection of garbage was issued to the concerned NGO on 24.04.2023, till date, the garbage collection has not been carried out on a regular basis. There exists a persistent gap of 4 to 5 days in such collection, thereby causing inconvenience to the residents. It is further submitted that the statement to the effect that "*Silchar Municipal Corporation through their machineries clear the area daily in the morning and also in the evening*" is wholly false and misleading. In reality, the Respondent No. 4 clears the dumping sites only once in every alternate day. Moreover, the drains in the said area remain completely choked with garbage as the same are not being cleared regularly.
7. That it is most respectfully submitted that on 25.07.2025, the Applicant was not present at the premises at the time when the worker was engaged in cutting the coconut tree leaves. It had been repeatedly instructed to the said worker not to dump the cut leaves at any place other than within the confines of the Applicant's premises. However, the said instruction was not complied with by the worker. The Applicant in adherence to civic responsibility, has duly paid the fine that was imposed on 20.08.2025.



It is pertinent to highlight that the Applicant had sent one of his relatives to pay the fine amount before the office of the Respondent No. 4. However, the concerned officials initially declined to accept the said payment and thereafter subjected the said relative to unnecessary harassment by making unwarranted and irrelevant references to the proceedings pending before this Hon'ble Court. Furthermore, the leaves of the coconut tree are

biodegradable in nature and do not pose any environmental hazard or non-biodegradable waste concern.

A true copy of the receipt of the payment of the fine is annexed herewith and marked as **ANNEXURE P- 14 (PAGES 14 TO)**.

8. That it is most humbly submitted that the contents of para 3 are wholly denied and disputed as the same is being misleading and misconceived. It is submitted that when the officials of Respondent No. 4 visited the residence of the Applicant with the purported notice, the Applicant and his wife, being unaware of the matter made a bona fide inquiry regarding the same. However, instead of responding appropriately, the said officials behaved in an unbecoming and discourteous manner and, with malafide intent, affixed the notice at a conspicuous place near the entrance gate of the Applicant's residence, thereby deliberately attempting to tarnish and lower the reputation of the Applicant in the eyes of the society. The said act was carried out knowingly and with ulterior motives by the officials of Respondent No. 4.
9. That it is most humbly submitted that the contents of para 4 are vehemently denied and disputed as being false, incorrect, misleading and misconceived. It is submitted that the photographs relied upon were recently taken and duly filed before this Hon'ble Court. The same condition of the clogged drains were also put up in news by "News Live Bangla" during that period of time, which also clearly depicts that the photographs were not backdated. A whole new group of photographs are annexed herewith which clearly demonstrate that even as on date, the collection of garbage and cleaning of the premises in and around the Applicant's house and locality are not being carried out on a regular basis, and further reveal that the drains remain clogged with garbage. Furthermore, the accumulation of stagnant water in the locality creates a breeding ground for mosquitoes and other disease-causing vectors, thereby posing a serious threat to public health and hygiene.



A true copy of photographs taken in and around the residence of the Applicant is annexed herewith and marked as **ANNEXURE P- 15 (PAGES 15 TO 35)**.

10. That it is most humbly submitted that the contents of para 5 and 6 are specifically denied and disputed as being false, misleading and incorrect. It is pertinent to note that vide order dated 14.07.2025, this Hon'ble Court had directed Respondent No. 4 to furnish proper documentation and details in support of its claims. However, instead of complying with the said direction, Respondent No. 4 has merely annexed certain Utilisation Certificates which do not disclose, depict or establish where and how the funds have been utilised or what actual work has been executed on the basis of such funds. Mere filing of Utilisation Certificates, without any supporting material or pictorial proof, cannot demonstrate the implementation of the Swachh Bharat Mission funds. Even assuming that funds were released, the question as to why the requisite work has not been carried out in the locality still remains unanswered. This clearly reflects gross mismanagement and lack of transparency in the utilisation of government funds by Respondent No. 4.

11. That the contents of the present rejoinder/ response have been prepared under my instruction as well as read over and explained to me and I say that the facts mentioned herein are true to my knowledge and belief, no part of the same is false and nothing material has been kept concealed there from.

12. That the contents of the present rejoinder/ response are confined to the pleadings and records before the learned Court below except to the extent necessary to effectively rebut the contentions raised in the counter affidavit under reply.

Nityendu Shekhar Bhattacharjee

DEPONENT



VERIFICATION

Verified at Silchar on this 8th day of September, 2025 that the contents of the present affidavit are true and correct to the best of my knowledge and belief and not and no part of the same is false and nothing material has been kept concealed there from.



Nityendra Shekhar Bhattacharjee

DEPONENT

HP Bhatt
8/9/25

Moumita Bhattacharjee
BALLB, Advocate
District Bar Association, Silchar
313 of 2023

(Signature)
Prasenjit Bhattacharjee
NOTARY
Govt. of Assam
District Cachar Assam
Regn No SLC-13 of 2018

08 SEP 2025

SILCHAR MUNICIPAL BOARD



"Swachh Sundar Silchar"



FEE CARD

Sl. No.

Date... 21/11/24

Name

N. S. Bhattacharjee

Address

House/Shop No.

13

Ward No.

9

Phone No. :

9984 140913

MONTH	PAID	UNPAID	RESIDENT'S. SHOP KEEPER SIGN	RECEIVER'S SIGN
OCTOBER	100/-	Paid		[Signature] 21/11/24
NOVEMBER	100/-	Paid		[Signature] 21/11/24
DECEMBER	100/-	Paid		[Signature] 21/11/25
JANUARY	100/-	Paid		[Signature] 21/12/25
FEBRUARY	100/-	Paid		[Signature] 29/13/25
MARCH	100/-	Paid		[Signature] 23/11/25
APRIL	100/-	Paid		[Signature] 24/5/25
MAY	100/-	Paid		[Signature]
JUNE	100/-	Paid		[Signature] 24/7/25
JULY	100/-	Paid		[Signature] 27/8/25
AUGUST	100/-	Paid		[Signature] 21/9/25
SEPTEMBER				

"Losing this card will invite a fine of Rs. 500/-

C.P.O

Mobile No. 8473962068

Rumi Laskar

President/Secretary

Signature

Tax Revenue

(Form GEN - 8)

Silchar Municipal Board

Silchar, Assam

Receipt :

Enrollment No : 1005010091500017 (9/13)

Date : 18-03-2024

Receipt No : 3005012300022189

Received from Sri/Smt JYOTSNA RANI DAVI a sum of Rs. 2031.00 (TwoThousand Thirty One Only)

towards Demand No: 2005012300082886 for the Period from

Q1, 2022-23 to Q4, 2023-24 via cash / cheque/demand draft / Banker's cheque no.

 dated drawn on

Bank, Place of the Bank.

For Silchar Municipal Board

[Cashier / Tax Collector]

N.B. Cheque / Draft / Banker's cheque are subject to realisation.



Printed By:- Brajagopal Das Printed On:- 18-03-2024 3:10:43 PM

Silchar Municipal Board

SILCHAR

Date : 18-03-2024

Receipt No.

61703

PROVISIONAL RECEIPT

Received from

Jyotsna Rani Dahi

Ward No. 9

Holding No. 13

Municipal Tax Rs.

2031.00

From

up To 4th 2023-24

Urban Tax

From

To

Other

Rs

Total Rs.

2031.00

Rupees in Words

Two thousand and thirty one only

Receiver Signature

- N.B. : 1. Over writing not acceptable
2. Colour of Receipt must be in Red

Executive Officer
Silchar Municipal Board



Silchar Municipal Corporation

Form : 36 Misc. Receipt **Silchar**

Receipt No. : **0039**

Date : 20/08/25

Received from Nitenchu Shekhar Bhattachajee

On account of Holding No. 13 Ward No. 09

Municipal Tax Rs. Penalty for Throwing Garbage on the Roadside - As per Notice Date

Betterment Fee Rs. 06/08/2025

Urban Tax Rs.

Other Rs. 2000/-

Total Rs. 2000/-

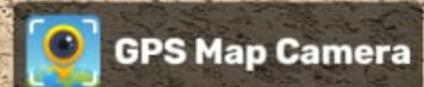
Rupees in Words Two Thousand only

[Signature]
Commissioner
Silchar Municipal Corporation
Silchar Municipal Corporation

Shri Ramkrishna Paper Corporation Sil-5



097



Silchar, Assam, India 

H.no-13, Bilpar, Kanakpur, Silchar, Assam 788001, India

Lat 24.817063° Long 92.804002°

08/09/2025 10:13 AM GMT +05:30

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India
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Uttar Krishnapur Pt li, Assam, India 
Rr83+684, Kanakpur, Uttar Krishnapur Pt li, Assam 788005, India
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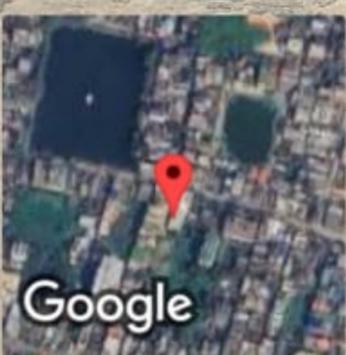
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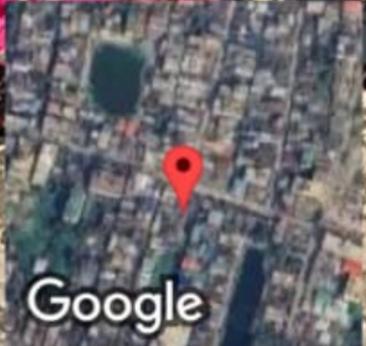
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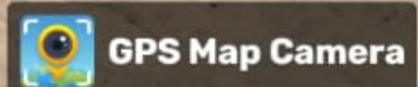
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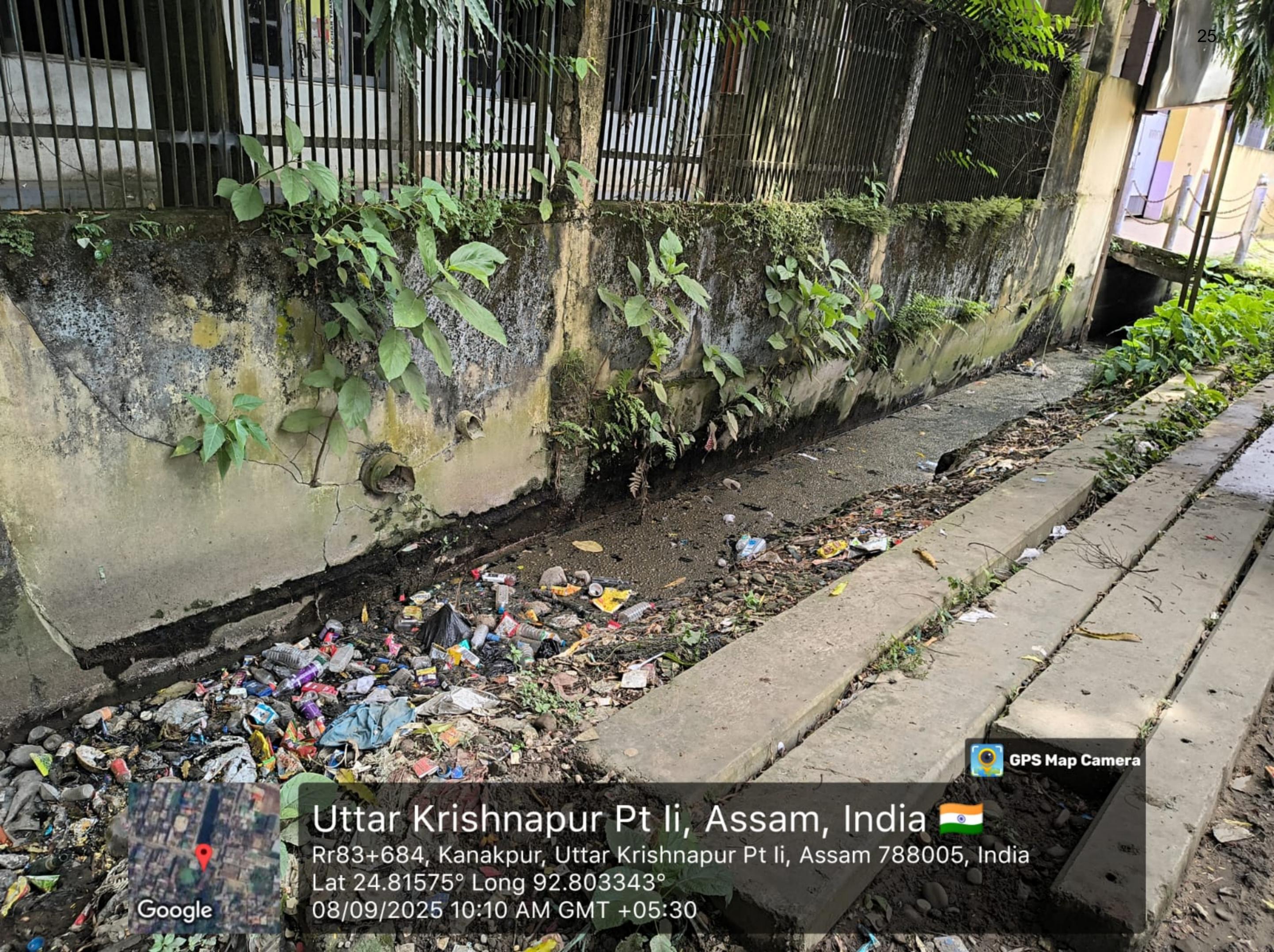
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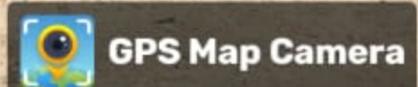


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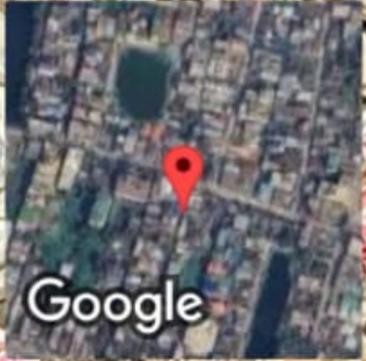
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26, Mahut Para, Kanakpur, Silchar, Assam 788001, India

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Silchar, Assam, India 

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Uttar Krishnapur Pt li, Assam, India 
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India
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**Advance service in matter of Rejoinder in matter of Nityendu Shekhar
Bhattacharjee vs State of Assam & Ors. [O.A. NO. - 99/2024/EZ]**

1 message

Lexcuria Lawyers LLP <office.advocate.madhumita@gmail.com>

Fri, Sep 26, 2025 at 3:31 PM

To: mrdey@rediffmail.com, routsattik@gmail.com, surendra kumar <surendra_kr15@rediffmail.com>, shayamvar_deb@hotmail.com

Dear Sir,

PFA.

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With Regards

Office of Advocate Madhumita Bhattacharjee
1921, J Block, Opposite Ariston Hospital, C.R. Park,
New Delhi-110019
Mob. No. 7011332809Chamber No. 807, Additional Building Complex,
Supreme Court of India,
New Delhi-110001
Telephone No. 011-43029802**REJOINDER_NITYENDU_FINAL.pdf**
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