

BEFORE THE HON'BLE NATIONAL GREEN TRIBUNAL
EASTERN ZONE BENCH, KOLKATA
ORIGINAL APPLICATION NO. 235/2024/EZ

Ankur Sharma
.....Applicant

-Versus-

State of West Bengal & Ors.

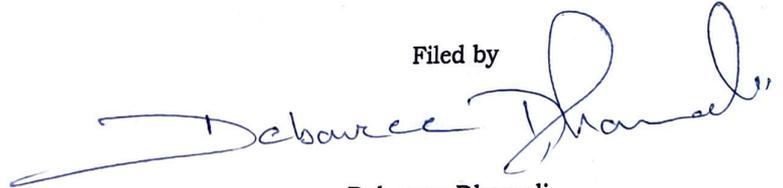
.....Respondents

COUNTER AFFIDAVIT ON BEHALF OF THE ADDED RESPONDENT
NO. 8, BALLY MUNICIPALITY

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Filed by



Debasree Dhamali

Advocate

For Bally Municipality

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.... Respondents

K-357/2025
SI. No.

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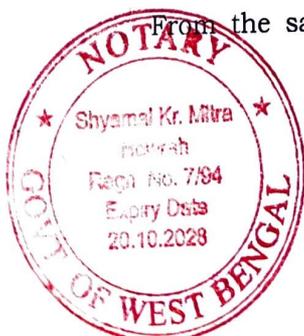
I, Rana Chatterjee, son of Prakash Chatterjee, aged about 53 years, by faith-Hindu, by occupation - Service, residing at 85/1, Dharmatala Road, Belurmath, District- Howrah, Pin- 711202, working for gain in the office of the Bally Municipality, 384, G.T. Road, Bally, Howrah, PIN: 711 201, do hereby solemnly affirm and say as follows :-

1. That I am the Administrator of the Bally Municipality and as such I am well aware of the facts and circumstances from which the instant application arises. I have been duly authorised to affirm this affidavit on behalf of the Bally Municipality and I am competent to do so.

2. That the Respondent No. 8 was added in the present proceeding vide an order dated 28.07.2025 passed by the Hon'ble National Green Tribunal, Eastern Zone Bench, Kolkata.

3. That a copy of the Original Application being O.A. No. 235/2024/EZ, along with a copy of the order dated 28.07.2025, was served by the original applicant upon the Learned Advocate representing Bally Municipality through e-mail dated 21.08.2025, which was thereafter handed over to me. I have perused the contents of the said application and understood the meaning and purport thereof, including the solemn order dated 28.07.2025.

From the said order. the answering respondent came to learn that the



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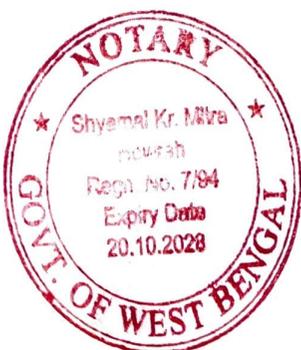
Municipality to take appropriate steps so that, in compliance with the directions of this Hon'ble Tribunal, the affidavit could be prepared and filed. In view of a slight delay in filing the present affidavit, the answering respondent most humbly prays that this Hon'ble Tribunal may graciously be pleased to condone the delay, if any, and be further pleased to accept this counter affidavit on record after condonation of such delay. The answering respondent further submits that the delay, if any, was neither intentional nor deliberate but occurred solely on account of procedural formalities and inter-departmental communications within the Municipality.

4. That this affidavit is filed in compliance to the solemn order dated 28.07.2025 passed by the Hon'ble National Green Tribunal, Eastern Zone Bench, Kolkata.

5. At the very outset, it is humbly submitted that there is no negligence or deliberate laches on the part of Respondent No. 8, Bally Municipality, in performing its statutory obligations regarding control of air pollution caused by cremation furnaces or wood pyre cremations. The answering respondent has at all times acted bona fide within the limits of its resources and in coordination with the concerned authorities.

6. The instant application has been filed alleging rampant air pollution by crematoriums, both electric and traditional wood pyre based, located in densely populated areas of Howrah and Kolkata, which emit thick black smoke owing to absence or non-functioning of Air Pollution Control Devices (APCDs). The applicant prays for installation and regular maintenance of APCDs atop electric crematoriums and for Pyre Fume Collection Systems in traditional wood pyre crematoriums, along with promotion of eco-friendly substitutes such as cow-dung logs and green-waste briquettes to reduce dependence on wood. The grievance further extends to the lack of proper disposal facilities for crematorium waste, thereby causing additional environmental hazards. It is contended that inaction on the part of civic bodies and other statutory authorities has aggravated the menace, necessitating intervention of this Hon'ble Tribunal for appropriate directions to curb pollution, protect public health, and enforce environmental safeguards. ✓

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Howrah - 711201, fall within the jurisdiction of Bally Municipality. The remaining crematoriums referred to in the application are under the control of other municipal bodies, and Bally Municipality cannot be held responsible for their functioning or maintenance.

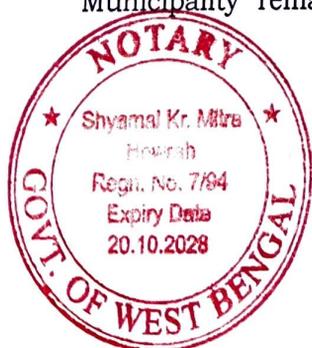
8. That in compliance with the solemn order dated 28.07.2025 passed by this Hon'ble Tribunal, the answering respondent directed the concerned Sub-Assistant Engineer & In-Charge, Electric Department and Sub-Assistant Engineer, Engineering Department, Bally Municipality, to carry out a site inspection and submit a detailed report regarding the allegations of air pollution caused by furnaces of electric cremation incinerators and wood pyre cremations within the municipal area.

9. That pursuant to the said direction, the above-mentioned Engineers inspected the concerned crematoria on 08.09.2025 and submitted a written report. From the said inspection report, the following facts have emerged:

i) Bally Pathak Ghat Crematorium has one Electric Cremation Furnace and one wood pyre cremation system. The Electric Cremation Furnace is already fitted with an Air Pollution Control Device, which is functional and in running condition. Further, as per LOI No. 50/SE/PLANNING CIRCLE/E&AM SECTORF-87 dated 23.07.2025, the Kolkata Metropolitan Development Authority (KMDA) has already commenced construction of an additional electric crematorium at the said ghat, which shall also be equipped with a Pollution Control Unit.

ii) Morapura Ghat Crematorium has only one wood pyre cremation system. At present, there is no Pollution Control Device or chimney at the said site. It is respectfully submitted that, on account of the very limited number of cremations conducted there (4-5 per month), the installation of such a device would involve substantial financial burden. However, the Municipality is actively exploring feasible options and is in touch with higher authorities for support and funding.

10. The answering respondent humbly submits that steps are being taken in a phased and systematic manner to ensure compliance with environmental norms and directions of this Hon'ble Tribunal. The Municipality remains committed to upgrading cremation facilities and



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as may be directed, for effective control of air pollution and for balancing the requirements of public health and environmental protection with available resources.

12. It is therefore humbly prayed that this Hon'ble Tribunal may graciously be pleased to accept the present affidavit as compliance of its earlier direction, and may further be pleased to grant reasonable time to the answering respondent to implement additional pollution control measures at Morapora Ghat Crematorium in consultation with higher authorities, and/or to pass such other order(s) as Your Lordships may deem fit and proper.

13. The answering respondent humbly submit that this affidavit before this Hon'ble Court for kind perusal of the same. I undertake to take all further necessary steps as may be directed by Your Lordships from time to time.

14. That the statements made in paragraphs 1& 2 are true to my knowledge, the statements made in paragraphs 3,6,7,8,9,11 are derived from records which I verily believe to be true and the rests are my humble submissions before this Hon'ble Tribunal.

Identified by me

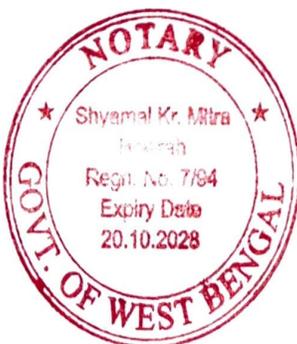
Debaraj Ghoshali

Advocate

For Bally Municipality

Debt
27/11/25
Deponent

ADMINISTRATOR
BALLY MUNICIPALITY



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VERIFICATION

Verified at Howrah by the deponent above named on this ~~14th~~ ^{14th} Day of ~~September~~ ^{November}, 2025 and say that the contents of this affidavit made in paragraphs 1 & 2 are true to my knowledge, the statements made in paragraphs 3,6,7,8,9,11 are derived from records which I verily believe to be true and the rests are my humble submissions before this Hon'ble Tribunal.

Identified by me

Debaraj Ghoshal

Advocate

For Bally Municipality

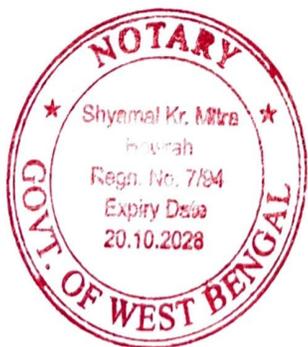
R. Ghosh
Deponent
ADMINISTRATOR
BALLY MUNICIPALITY

SOLEMNNY AFFIRMED & DECLARED
BEFORE ME ON IDENTIFICATION

[Signature]

SHYAMAL KR. MITRA
NOTARY HOWRAH

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AFFIDAVIT BY BALLY MUNICIPALITY

Ms. Debasree Dhamali

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High Court, Calcutta

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Enrolment No. WB/1729/2010