

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

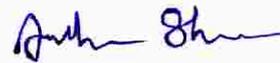
In the mater of :
Sibnath Chakraborty
..... Applicant
Versus
State of West Bengal & Ors.
..... Respondents

**AFFIDAVIT-IN-REJOINDER ON BEHALF OF THE APPLICANT TO
THE AFFIDAVIT FILED ON BEHALF OF THE RESPONDENT NO. 5.**

SL.	PARTICULARS	ANNEXURE	PAGE
1.	Rejoinder		1 - 6



Filed through



Ankur Sharma

Advocate

Mob: 9433883322

Email: Adv.ankursharma9@
gmail.com

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

State of West Bengal & Ors.

BEFORE THE NOTARY PUBLIC
HOWRAH

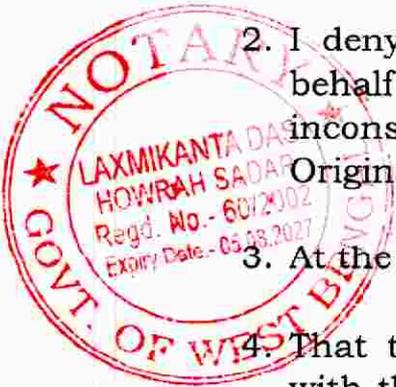
..... Respondents

~~SL. NO. K/Nov 1331/25~~

**AFFIDAVIT-IN-REJOINDER ON BEHALF OF THE APPLICANT TO
THE AFFIDAVIT FILED ON BEHALF OF THE RESPONDENT NO. 5.**

I, Sibnath Chakraborty, the Applicant, aged about 64 years by occupation service, residing at 258/1, Sarat Chatterjee Road, P.S. Chatterjeehat, District - Howrah, West Bengal, PIN - 711102, do hereby solemnly affirm and state as under :

1. I am the Applicant in the above-mentioned Original Application. I have received a copy of the Report of the Fact-finding Committee in the form of Affidavit filed on behalf of the Respondent No. 5 affirmed on 10.09.2025. 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. 5 those are contrary to and/or inconsistent with anything stated in the above-mentioned Original Application and the present Affidavit in Rejoinder.
3. At the outset, I say the following :
4. That two contradictory inspection reports have been annexed with the Affidavit viz. (i) Report of the Revenue Inspector, Town



Survey Unit, Howrah (page no. 66) and (ii) Report of the District Fisheries Officer (Normal) and Assistant Fishery Officer, Howrah. The Report of the Revenue Inspector, Town Survey Unit, Howrah says that the subject pond is comprised in L.R. Dag Nos. 99 and 100. While the Report of the District Fisheries Officer (Normal) and Assistant Fishery Officer, Howrah shows that the subject pond is situated at Plot no. 85, 100 and 143.

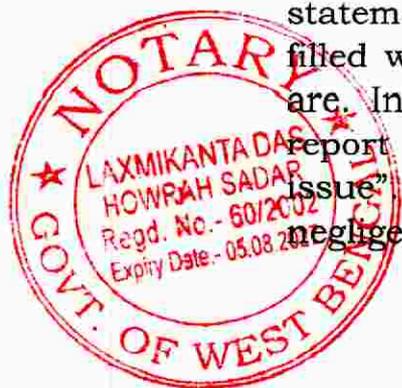
The term "joint inspection by the committee" has been frustrated apparent from different times of visit as evinced from the separate reports annexed with the affidavit under reply. This apart, different facts/observations in composition of the dag numbers of the pond how botched up inspections were carried on to further frustrate the purpose as directed by this Hon'ble Tribunal in which the A.D.M. & D.L.L.R.O himself is involved while acting on behalf of the District Magistrate, Howrah.

5. Now I shall deal with the Affidavit in seriatim :
6. As regard paragraph nos. 1 to 3 of the said Affidavit I say that the same do not require any specific reply.
7. As regards paragraph no. 4 (a) of the said Affidavit I deny and dispute all contentions, averments and statements made therein. On contrary, I say that use of the expression "alleged pond" also by the District Magistrate herself was a purposeful mala fide and is factually false, legally untenable aiming to dilute the existence of a recorded waterbody. The pond situated at 253, Sarat Chatterjee Road, P.S. Chatterjeehat, erstwhile Shibpur, Howrah is a listed and recorded pond/tank in government records. Once a waterbody is recorded in municipal/ government records, its legal existence cannot be washed away merely because it has been neglected or allowed to deteriorate. Therefore, labeling a statutorily recorded pond as an "alleged pond" is a gross misrepresentation and an attempt to mislead the Hon'ble Tribunal.
8. As regard paragraph no. 4 (b) of the said Affidavit I say that the observation "the area is covered with wild vegetation/hydrophytes, making it difficult to ascertain the presence/dimensions of the waterbody" only exposes the attempt not to unearth the truth regarding condition and size of



the pond. Vegetation and hydrophytes grew because the pond so close to Nabanna – the State Secretariat has been allowed to decay deliberately by the administration. A pond does not lose its legal character merely due to neglect.

9. A recorded pond located near the State Secretariat (Nabanna) being allowed to reduce to such a miserable condition reflects (i) gross dereliction of statutory duties of the authorities under the Howrah Municipal Corporation Act, 1980 (ii) showing apathy in deliberate violations of Wetlands (Conservation & Management) Rules, 2017. The reports are only attempts of hiding the actual size of the pond, which are suppression of material facts.
10. As regard paragraph no. 4 (c) of the said Affidavit, I say that the admission “Significant solid-waste dumping observed” itself shows that statutory authorities have failed to implement the Solid Waste Management Rules, 2016. Encourage using a protected waterbody as a dumping ground is not only negligence but is also commission of continuing environmental offence. This establishes the Applicant’s allegation that the pond is being deliberately degraded to create a justification for future illegal filling, if not with a mind set for raising high rise building over the pond — an approach consistently deprecated by the Hon’ble NGT in several judgments concerning waterbody encroachments.
11. As regard paragraph no. 4 (d) of the said Affidavit, I say that the omission of not disclosing the source and origin of domestic waste outlet is deliberate and inexplicable. Identifying the source of the effluent is a basic requirement of any fact-finding exercise. The report’s failure to name the violator enables the continuation of the offence. The Committee’s refusal to name the violator is therefore a direct violation of the “Polluter Pays Principle” and the “Precautionary Principle”, both of which are binding in India.
12. As regard paragraph no. 4 (e) of the said Affidavit I say that the statement of the committee that another pond nearby is also filled with vegetation/waste show how negligent the authorities are. Instead of treating this as a serious systemic failure, the report attempts to pass it off as a generic “waste management issue”. Multiple degraded ponds indicate (i) institutional negligence, (ii) absence of statutory monitoring, and (iii) a



persistent pattern of illegal destruction of waterbodies in the city/district.

13.As regards the report of the Committee being annexure R-1 I say that most of the observations of the committee have been dealt with in the foregoing paragraphs except for the observation related to "Satellite Imagery Analysis" under the heading "Findings of the Inspection" (Page No. 62). The Fact-Finding Committee itself is making contradictory and self-defeating statement. In one instance, they are affirming that it is making them difficult to ascertain the presence of water or the exact dimensions of the waterbody. On the other hand, they are assuring that the waterbody has remained intact in its general area and dimensions since at least 2011 thus behaving in a self contradictory manner, may be, due to haste and hurry and absence of proper mind in effectively framing the story.

14.As regards paragraph no. 5 of the said Affidavit I say that the same do not require any specific reply.

In light of the above, it is most humbly prayed that the subject pond be inspected afresh and exact area be submitted before this Hon'ble Tribunal, and necessary order/orders may be passed as may be deemed fit and proper in the interest of justice.

The Applicant most respectfully tenders an unconditional apology for the delay in filing this Rejoinder.

Lit. mth Chakraborty

DEPONENT



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, state that I am the Applicant of this Application. I do hereby verify the contents of paragraph nos. 1 to 13, 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 Shu

Advocate

Date : 24/11/2025

Place : Howrah

Verified by me

Ankur Shu

Advocate



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

24.11.25
LAXMIKANTA DAS
NOTARY HOWRAH
Govt. of West Bengal

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

24 NOV 2025