

S.L. NO. 117

## BEFORE THE NATIONAL GREEN TRIBUNAL

Eastern Zone; Kolkata Bench

Original Application No. OA/43/2025

In the matter of:

Ankur Sharma

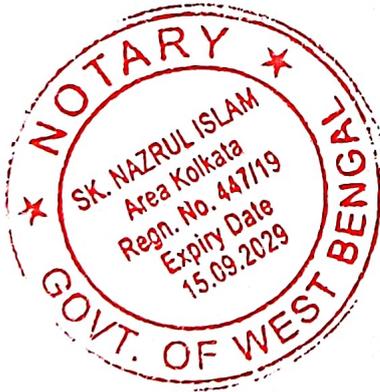
...Applicant

Versus

State of West Bengal &amp; Ors.

...Respondents

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Filed by

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Advocate

WB/1741/2009

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9 NOV 2025

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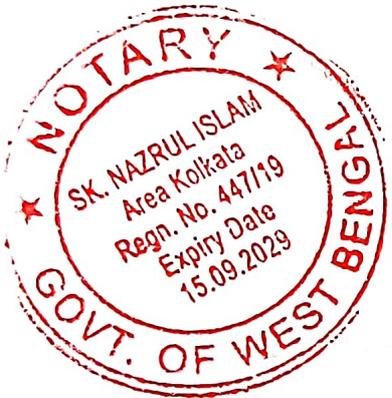
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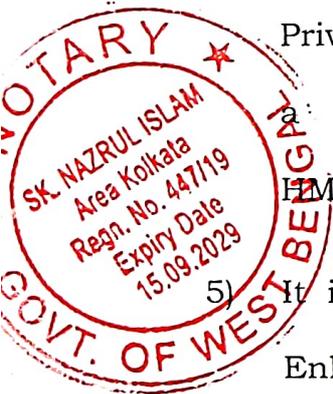
## AFFIDAVIT-IN-REPLY ON BEHALF OF RESPONDENT NO. 5

I, Alakes Guchhait aged about 41 years, son of Late Bidyut Kumar Guchhait employed as the Officer on Special Duty (License Department)] in the Howrah Municipal Corporation, the Respondent No. 5 herein, do hereby solemnly affirm and state as follows:

- 1) I am the deponent to this affidavit and am conversant with the facts of the present case. I am duly authorized by the Respondent

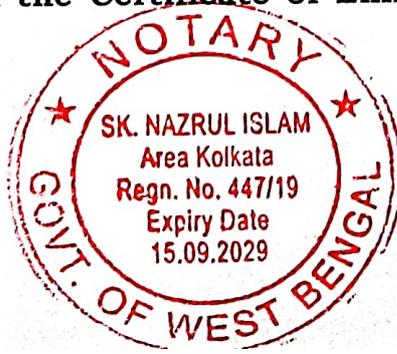
No. 5, the Howrah Municipal Corporation (hereinafter referred to as "HMC"), to swear this affidavit on its behalf. The contents of this affidavit are based on official records and are true and correct to the best of my knowledge, information, and belief.

- 2) This affidavit is filed in reply to the Original Application filed by the Applicant and is limited to the issue of certificate of enlistment. I crave leave to file a detailed affidavit, if this Hon'ble Tribunal is not satisfied with the present affidavit.
- 3) It is submitted that the HMC is a statutory authority responsible for, inter alia, the grant and regulation of trade licenses/Certificates of Enlistment within its jurisdiction.
- 4) With reference to the entity M/s. R.K. Associates & Hoteliers Private Limited, it is submitted that the said entity had obtained a Certificate of Enlistment (Trade License) No. HMC/W29/315840/25 from the HMC.
- 5) It is a specific and mandatory condition of the Certificate of Enlistment granted by the HMC that the applicant who obtains the same is required to obtain, maintain, and submit all further mandatory certificates and clearances as mandated under various other laws, including but not limited to environmental and pollution control laws. The onus is perpetually on the holder



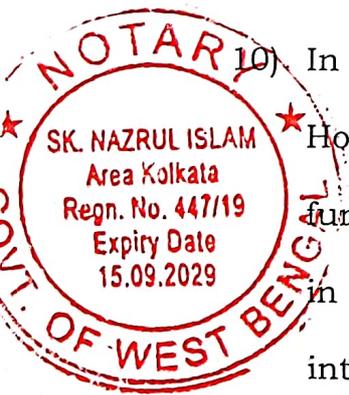
of the Certificate of Enlistment to comply with these statutory requirements and furnish proof of such compliance to the HMC as and when required.

- 6) That the HMC issued a Show Cause Notice cum Hearing Notice vide Memo No. LID/1062/25-26 dated 31.10.2025 to the entity being M/s. R.K. Associates & Hoteliers Private Limited, specifically highlighting the absence of the WBPCB consents and other documents, and directing it to appear for a hearing on 10.11.2025.
- 7) That the said entity, M/s. R.K. Associates & Hoteliers Private Limited, failed to attend the hearing and did not submit the required WBPCB consents or any other justification for its failure to comply with the mandatory environmental norms. Consequently, considering the serious nature of the violation, particularly the non-compliance with environmental mandates, the HMC was constrained to temporarily block the Certificate of Enlistment vide Memo No. LID/1107/25-26 dated 14.11.2025, while granting a final opportunity to submit justifications and documents. **In this connection, copies of the said show cause notice dated 31-10-25, Hearing Sheet dated 10-11-25 and the order to block the Certificate of Enlistment vide Memo No.**



**LID/1107/25-26 dated 14.11.2025 are annexed hereto and marked with letter A collectively.**

- 8) That the action taken by the HMC is lawful, bonafide, and in the larger public interest to uphold environmental compliance and statutory rules. The HMC has acted as a vigilant authority to ensure that commercial entities operating within its jurisdiction adhere to the mandatory requirements of environmental protection.
- 9) That the contents of the Original Application, to the extent they involve the HMC, are misconceived. The HMC has taken a necessary compliance action against a defaulting entity for its failure to meet mandatory environmental conditions attached to its Certificate of Enlistment.
- 10) In view of the foregoing, it is most respectfully prayed that this Hon'ble Tribunal may be pleased to pass such other order or further orders as this Hon'ble Tribunal may deem fit and proper in the facts and circumstances of the present case and in the interest of justice.
- 11) That the contents of the Original Application, to the extent they involve the HMC, are misconceived. The HMC has taken a necessary compliance action against a defaulting entity for its



failure to meet mandatory environmental conditions attached to its Certificate of Enlistment.

- 12) That it is respectfully submitted that the Respondent No. 5, Howrah Municipal Corporation, is ready and willing to abide by all directions and orders passed by this Hon'ble Tribunal in the present matter.
- 13) That the statements made in paragraph nos. 1 to 3, 11 are matters of record and the statements made in paragraph nos. 4 to 9 are information derived from record and the rest thereof are my humble submissions before this Hon'ble Tribunal.

Prepared in my Office  
& Identified by me

*Amrita Pandey*  
Advocate  
WB/1741/2009

*Arkes Buehant*  
19/11/2025  
DEPONENT



Solely Affirmed and  
Declared before me on the  
Identification of the Advocate

*SK*  
Notary

*SK Nazrul Islam*  
Notary, Govt. of W.B  
Govt. No. 447/19  
City Civil Court, Calcutt

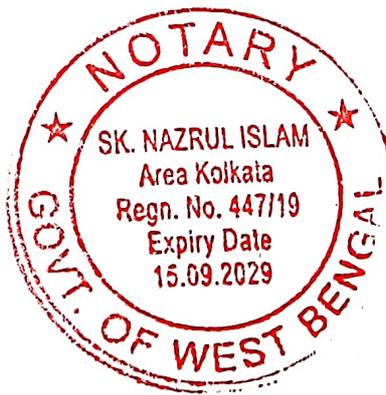
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### Verification

I, the deponent above-named, do hereby verify that the contents of statements made in paragraph nos. 1 to 3, 11 are matters of record and the statements made in paragraph nos. 4 to 9 are information derived from record and the rest thereof are my humble submissions before this Hon'ble Tribunal and no part of it is false and nothing has been concealed therefrom.

Verified at Kolkata on this 19<sup>th</sup> day of November, 2025.

*Alakes Buekhad*  
19/11/25  
DEPONENT





# HOWRAH MUNICIPAL CORPORATION

4, Mahatma Gandhi Road, Howrah – 71101

Tel: (91-33) 2638-3211-13, 2641-5218, Fax: (+91-33) 2641-5846/214

Memo No: LID/1062/25-26

Date: 31.10.2025

To

M/S R. K. Associates & Hoteliers Private Limited,  
Prop. Sharan Bihari Agarwal / his Legal heir,  
41/1, Dr. Probodh Kr. Banerjee Road, Howrah- 711101,  
Mobile No - 7029910645.

**Sub:** Hearing Notice against Insufficient Submission of the mandatory documents for renewal of your Certificate of Enlistment No HMC/W29/315840/25 from License Department of Howrah Municipal Corporation.

**Ref:** Earlier Show Cause notice vide memo no: LID/074/23-24 dated 29/01/2024

This is to inform you that License Department of HMC had received serious complaint against your Certificate of Enlistment and therefore thoroughly checked all the available documents submitted from your end for obtaining the Certificate of Enlistment HMC/W29/315840/25 from the year 2024-25 to 2025-26. The status report of verification of the mandatory documents against your Certificate of Enlistment is given as follows:

Year	Document Submitted	Mandatory Documents which were not Submitted
2024-25	1. Aadhaar Card 2. Tax Bill & Rent Agreement	1. Application for Fassai License 2. Consent to Establish and Consent to Operate from WBPCB 3. Application for Permission from West Bengal Fire & Emergency Service
2025-26	1. Aadhaar Card 2. Old Trade License	1. Tax Bill & Rent Agreement 2. Fassai License 3. Consent to Establish and Consent to Operate from WBPCB 4. Permission from West Bengal Fire & Emergency Service

As per The Order from Urban Development Department and Municipal Affairs vide order number: 877/UDMA-15011(22)/6/2021-LS-MA SEC dated the 30<sup>th</sup> June, 2021 it is stated that "If it is detected at a later date post issuance of Certificate in real time that such certificate has been issued on the basis of false information or in violation of any provisions of relevant sections of the Act then such certificate shall be cancelled forthwith" vide clause 8 (d). It is found that you have submitted insufficient mandatory documents for obtaining the Certificate of Enlistment through online.real-time application process.

You are strictly instructed to attend a hearing on 10.11.2025 at 03:00 pm in the chamber of the Joint Commissioner, HMC to justify above objection and submit all mandatory documents against your Certificate of Enlistment failing which will lead to blocking of your Certificate of Enlistment permanently.

*This may be treated as most urgent.*



*Shuehapat*  
31/10/25

OSD (License Department)  
Howrah Municipal Corporation  
Date: 31.10.2025

Memo No: LID/1062/1(6)/25-26

Copy forwarded for information and necessary action to:

1. The Commissioner, HMC.
2. The Joint Commissioner, HMC.
3. OSD (Law) Department- request to be present during the hearing.
4. Additional Director General & Inspector General of Police, State Vigilance Commission West Bengal, Bikash Bhavan, Salt Lake, Kolkata- 700091.
5. The Divisional Fire Officer, West Bengal Fire and Emergency Services, 430, G.T. Road, Howrah-711101.
6. Officer-in-Charge, Howrah Police Station, Howrah.

*Shuehapat*  
31/10/25

OSD (License Department)  
Howrah Municipal Corporation

O/C



# HOWRAH MUNICIPAL CORPORATION

Central Office: 4, Mahatma Gandhi Road, Howrah - 711 101  
Phone: (+91-033) 26383211/3212/3213 :: Fax: (91-033) 2641-2214/5846/5218  
Website: www.myhmc.in

## HEARING SHEET

Premises No.: 41/1, P.K. Banerjee Rd Street Name: Dr P K Banerjee Road  
 Ward No.: 29 License No. HMC/W29/315846 Business Name: M/s R.K. Associates & Hoteliers  
 Assesse No.: 12 Part No.: 01/11/2024  
 Hearing Notice Issued on: 31/10/2025 Hearing Notice served on: 01/11/2024  
 Hearing taken on: 10/11/2024  
 Name & Address of the Owner & Occupier: \_\_\_\_\_

Hearing Notes/Remarks: The defaulter of trade license M/s R K ~~Hotel~~ Associate & Hoteliers Pvt Ltd remained absent without any intimation.  
 Shuehbat  
 10/11/25



Owner & Occupier Present: Personally  
 Through authorized agent

Officials of H.M.C present at Hearing:

Shuehbat  
 10/11/25  
 OSD (License)

10/11/25



# HOWRAH MUNICIPAL CORPORATION

4, Mahatma Gandhi Road, Howrah – 711101

Tel: (91-33) 2638-3211-13, 2641-5218, Fax: (+91-33) 2641-5846/214

Memo No: LID/1107/25-26

Date: 14.11.2025

To

M/S R. K. Associates & Hoteliers Private Limited,  
Prop. Sharan Bihari Agarwal / his Legal heir,  
41/1, Dr. Probodh Kr. Banerjee Road, Howrah- 711101,  
Mobile No - 7029910645.

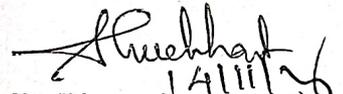
**Sub:** Serious Allegation against your submitted Documents.

**Ref:** Letter from HMC vides memo no- LID/1062/25-26 dated 31/10/2025 for a hearing on 10/11/2025.

This is to inform you that a earlier a letter was issued vide memo no LID/1062/25-26 dated 31/10/2025 for hearing on 10/11/2025 in the chamber of the Joint Commissioner, HMC against your insufficient submission of mandatory documents in obtaining trade license HMC/W29/315840/25 as 1. Application for Fassa License 2. Consent to Establish and Consent to Operate from WBPCB 3. Application for Permission from West Bengal Fire & Emergency Service 3. Tax Bill & Rent Agreement . However no documents have been submitted from your end. You remained absent in the hearing without any intimation.

In reference of above serious complaint of submitting insufficient documents for obtaining trade license from HMC through unfair way, your trade license HMC/W29/315840/25 is temporarily blocked at present. You are instructed to submit your justification with appropriate documents (if any) for reviewing the matter of unblocking of the trade license in future.

*This may be treated as most urgent.*

  
14/11/25  
OSD (License Department)  
Howrah Municipal Corporation

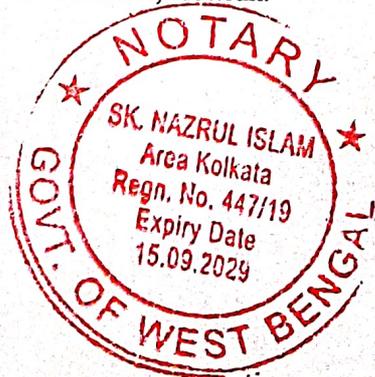
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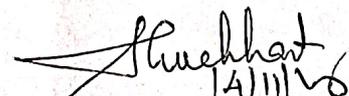
Date: 14.11.2025

Copy forwarded for information and necessary action to:

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2. Additional Director General & Inspector General of Police, State Vigilance Commission West Bengal, Bikash Bhavan, Salt Lake, Kolkata- 700091.
3. The Joint Commissioner, HMC.
4. OSD (Law) Department, HMC.
5. The Divisional Fire Officer, West Bengal Fire and Emergency Services, 430, G.T. Road, Howrah-711101.
6. Officer-in-Charge, Howrah Police Station, Howrah.

O/C.



  
14/11/25  
OSD (License Department)  
Howrah Municipal Corporation