

S.L. No.

12/26



**BEFORE THE HON'BLE NATIONAL GREEN TRIBUNAL
EASTERN ZONE BENCH, KOLKATA**

ORIGINAL APPLICATION NO. 91/2025/EZ

In the matter of :

Sibnath Chakraborty

..... Applicant

-Versus-

The State Of West Bengal & Ors.

..... Respondents.

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Filed by

Krishnendu Bera

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Advocate

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27 JAN 2026

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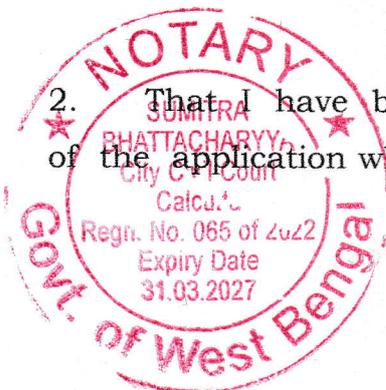
..... Respondents.

**COUNTER AFFIDAVIT ON BEHALF OF ASHIS CHATTERJEE,
RESPONDENT NUMBER 11.**

I, Ashis Chatterjee, Son of Late Haribhola Chatterjee, aged about 70 years, by faith- Hindu, by Occupation- Unemployed, residing at 229, Sarat Chatterjee Road, P.O- Shibpur, District- Howrah, Pin- 711102, do hereby solemnly affirm and state as follows:-

1. That I am the respondent no. 11 in the instant original application and as such I am well acquainted with the facts and circumstances of the instant original application and competent to sign and swear this affidavit.

2. That I have been advised to deal with relevant paragraphs of the application which appears to be material and relevant for



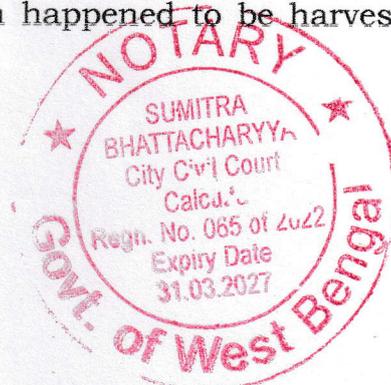
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proper adjudication of the instant case and the paragraphs and/or portion of the paragraphs which are not specifically admitted, be deemed to have been denied by me.

3. With regard to the statements made in paragraphs 1, 2 of the said original application, I say those are matters of record and anything contrary to the records I deny and dispute each and every statements/allegations.

4. That with regard to the statements made in paragraphs 3, 4 and 5 of the said application I deny and dispute each and every allegations made therein and further say that the answering respondent is one of the co-sharer of pond in question situated at H.M.C holding no. 253, Sarat Chatterjee Road, Howrah - 711102 inherited the share of predecessor Late Haribhola Chatterjee measuring 1 Cottah more or less and I have no knowledge about the other co-sharers of the pond in question. It is denied that the answering respondent is filling the said pond and not encroached any portion of the waterbody upon continuous dumping of garbage.

5. That with regard to the statements made in paragraphs 6 and 7 of the said application I say that those are matter of record and anything contrary to the records I deny and dispute each and every allegations and further say that the answering respondent has no knowledge about whether tones of fish happened to be harvested in the said pond few years ago or not.

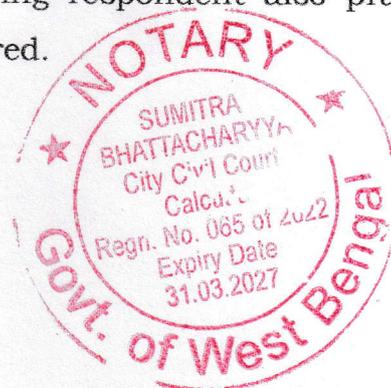


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6. That with regard to the statements made in paragraphs 8, 9, 10 of the said application I deny and dispute each and every allegations made therein and further say that no developer has ever contacted with the answering respondent. It is stated that the share of the answering respondent is at the northern side of the pond/waterbody and have no knowledge about the dumping of debris in the month of April, 2022 in the southern side of the pond in question and the answering respondent never attempted to change the nature and character of the pond.

7. That with regard to the statements made in paragraphs 11, 12, 13, 14 of the said application I deny and dispute each and every allegations made therein which are contrary to the records and further say that answering respondent have no knowledge about the unknown person who started dumping debris since January, 2023 dismantling cautionary boards and it is denied that the answering respondent being the co-owner never dumped any debris in the said pond.

8. That with regard to the statements made in paragraphs 15, 16, 17, 18, 19 of the said application I deny and dispute each and every allegations made therein which are contrary to the records and reiterate that answering respondent have no knowledge about whether on and from 06.03.2024 dumping earth was restarted in the pond and answering respondent never tried to change the nature and character of the pond in question. The answering respondent also prays for balance of ecology of the pond be restored.

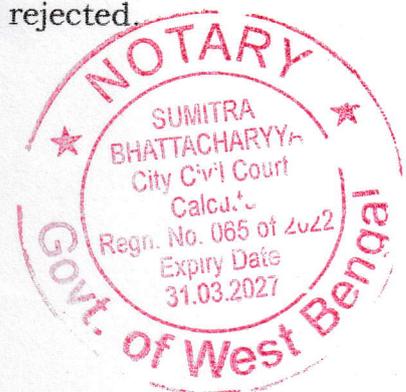


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9. That with regard to the statements made in paragraphs 20 to 28 of the said application I deny and dispute each and every allegations which are contrary to the records and repeat and reiterate statement made in earlier paragraphs. I say further that answering respondent is not aware about lodging of numerous complaints if any before the competent authority. That at the cost of repetition answering respondent again reiterate that he never tried to fill up the large pond comprised in municipal holding no. 253, Sarat Chatterjee Road, Howrah- 711102 for construction of multi-storied building.

10. That with regard to the statements made in paragraphs 29 to 39 of the said application I deny and dispute each and every allegations which are contrary to the records and repeat and reiterate statement made in earlier paragraphs. The answering respondent further state that at any point of time he never tried to fill up the pond comprised in municipal holding no. 253, Sarat Chatterjee Road, Howrah- 711102 by way of dumping debris in the said pond. It is stated that the answering respondent is aged about 70 years who has no physical ability to fill up the pond upon dumping debris in his 1 kattah area over there in the north-west side and if any direction be issued to clean and remove encroachments from the pond, the answering respondent has no objection.

11. With regards to the Grounds and prayers as stated in the said original application I say that save and except those grounds having support of law are frivolous and are liable to be rejected.



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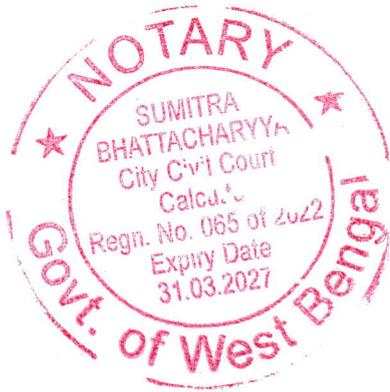
12. It is further submitted that in facts and circumstances of the case the Hon'ble National Green Tribunal be pleased to pass appropriate order in connection the said application for the protection of environment.

13. That the statements made in paragraphs 1 to 10 are true to my knowledge and rest are my respectful submission.

Identified by me

Krishnendu Bera
Advocate

Ashis Chatterjee
DEPONENT



Solemaly Affirmed and
Declared before me U/S 139
CPC, (C)

Sumitra Bhattacharyya
Notary

Sumitra Bhattacharyya
Notary, Govt. of W.B
Regd. No. 065 of 2022
City Civil Court, Calcutta

27 JAN 2026

X

VERIFICATION:

I, Ashis Chatterjee, Son of Late Haribhola Chatterjee, the Deponent within named, do hereby verify and declare that the statements made in the aforesaid paragraphs are true and correct to the best of my knowledge and information and I believe that nothing material has been concealed there from.

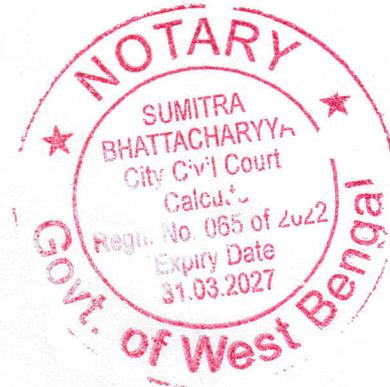
Verified at Kolkata on the 27th day of January, 2026.

Identified by me

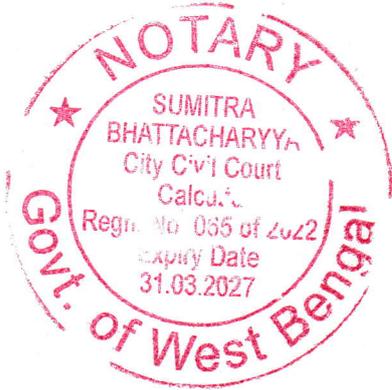
Krishmendu Bera

Advocate

Ashis Chatterjee
Deponent



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BEHALF OF RESPONDENT

NO. 11

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