

BEFORE THE HON'BLE NATIONAL GREEN TRIBUNAL
EASTERN ZONE BENCH AT KOLKATA
ORIGINAL APPLICATION NO. 101/2025/EZ

In the mater of :

Ankur Sharma

..... Applicant

Versus

The State of West Bengal & Ors.

..... Respondents

SL. NO. ~~K.Feb/30/16~~

**AFFIDAVIT-IN-REJOINDER ON BEHALF OF THE APPLICANT TO THE
AFFIDAVIT-IN-OPPOSITION FILED ON BEHALF OF THE RESPONDENT
NOS. 11 and 13.**

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Ankur Sharma

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In the mater of :

Ankur Sharma

..... Applicant

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BEFORE THE NOTARY PUBLIC
HOWRAH

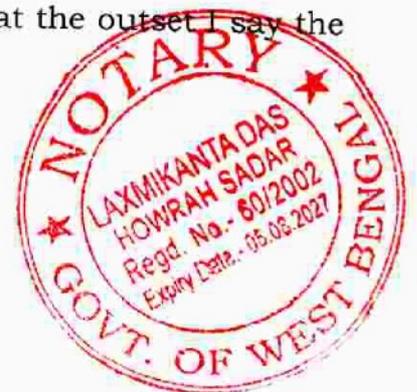
~~SL. NO. K/ Feb/30/26~~ The State of West Bengal & Ors.

..... Respondents

**AFFIDAVIT-IN-REJOINDER ON BEHALF OF THE APPLICANT TO THE
AFFIDAVIT-IN-OPPOSITION FILED ON BEHALF OF THE RESPONDENT
NOS. 11 and 13.**

I, Ankur Sharma, the Applicant aged about - 28 years by occupation - Advocate residing at 13/3, Dr. P. K. Banerjee Road, Howrah, West Bengal, PIN - 711101 do hereby solemnly affirm and state as under :

1. I am the Applicant in the abovementioned Original Application. I have received a copy of the Affidavit in Opposition filed on behalf of the Respondent nos. 11 and 13 affirmed on 08.12.2025. 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 nos. 11 and 13 those are contrary to and/or inconsistent with anything stated in the abovementioned Original Application and the present Affidavit in Rejoinder.
3. Before dealing with the paragraphs in seriatim at the outset I say the following :



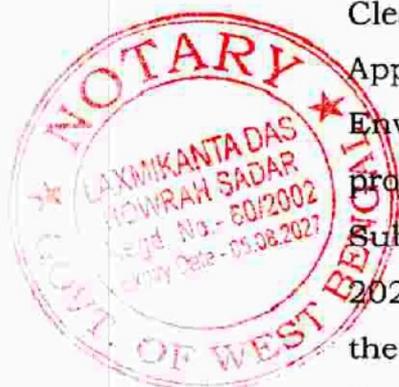
- (i) In the present case the project proponents have used phasing of the project and construction activities artificially as a device to circumvent mandatory prior Environmental Clearance (EC). A single project which received sanctioned building plan of 26,070.24 sq. m. in the year 2024 is being artificially divided into five phases to circumvent mandatory prior Environmental Clearance.
- (ii) I have summarized below a short list of dates and events both prior to the filing of the Original Application and subsequent to the filing of the Original Application which clearly establish the chronology demonstrating that the project is an Environmental Clearance violation project. The list is as follows :

Date	Event :
2023-2024	The project proponents sent Notice of Commencement of Work for all acclaimed phases between the years 2023-2024. Indicating/establishing commencement of the entire project.
19/07/2024	The project proponents obtained consolidated sanctioned building plan for the entire project.
2024	Several bungalows are found raised as per satellite images.
30/12/2024	The Applicant lodged complaint with the authorities against the subject project.
17/01/2024	SEIAA, West Bengal discussed the complaint of the Applicant and decided to seek explanation from the project proponents.
08/04/2025	Another complaint was lodged by the Applicant.



23/05/2025	The Original Application was filed.
30/06/2025	The Original Application was heard and order was passed.
02/07/2025	The Respondent no. 13 made an application for grant of Environmental Clearance for the project Newtown Villas. A Sanctioned master plan of the year 2024 was also uploaded for the project incorporating all acclaimed five phases and showing a built-up area of 26,070 sq. m.
08/07/2025	An application for grant of Consent was made by the Respondent no. 13.

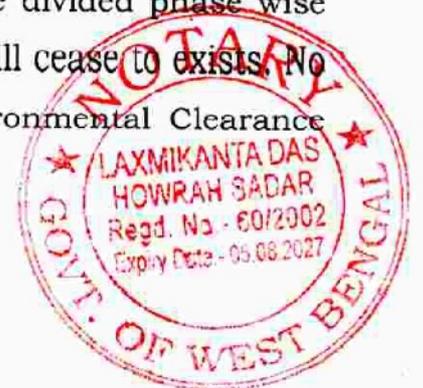
- (iii) Uniqueness of the case is that on 19/07/2024 a master plan of project Newtown Villas incorporating all acclaimed phases of the project i.e. Phase 1, Phase 2, Phase 3 (Club), Phase 4, Phase 5 was sanctioned by the District Engineer, South 24 Parganas Zilla Parishad having a total built-up area of 26070.24 sq. meters i.e. much beyond the threshold limit of 20,000 sq. m. for environmental clearance. Hence, the project is an Environmental Clearance attracting project at least since the year 2024. The Applicant upon finding ongoing constructions without Environmental Clearance lodged complaint against the subject project before the competent authorities on 30th December, 2024. Subsequently, the Original Application was filed on 23rd May 2025 and was admitted on 30th June, 2025, and only thereafter the Private Respondent no. 13 filed an application for grant of Environmental Clearance (EC) before SEIAA, West Bengal on 2nd July, 2025 (proposal no. SIA/WB/INFRA2/ 535611/2025) for the subject project submitting thereto that the total built-up area of the project is 26,070 square meters i.e. at par with the master plan sanctioned in the year 2024. This subsequent act of the



Project Proponent is a clear and categorical admission that the project is a stand-alone construction project falling squarely within the scope and ambit of the EIA Notification, 2006, and that no prior Environmental Clearance (EC) had been obtained at the time of commencement.

A copy of the sanctioned master plan of the subject project is annexed herewith and marked by the letter and figure 'A-1'.

- (iv) Thereafter, SEAC, West Bengal in its 77th meeting dated 09.07.2025 appraised the project and directed the project proponent to submit certain documents before the SEAC, West Bengal for further consideration.
- (v) It is clear from the above that the project is an Environmental Clearance (EC) attracting project and that it is violation project but the WBPCB and SEAC, West Bengal are trying to save the project by whatever means.
- (vi) That the project proponent very cleverly in order to skip compliance of EIA Notification 2006 attempted to divide a single project into 5 different phases. The project can never be divided in parts because it has single entry/exist gate. It has common amenities. It has common boundary walls. All acclaimed phases of project Newtown Villas are mentioned altogether in the sanctioned master plan of the year 2024. Notices of Commencement of Work for all acclaimed phases of Newtown Villas have already been issued well before the year 2025. Each and every project is constructed phase wise one cannot simply install all buildings at once. If projects are divided phase wise then the very purpose of EIA Notification will cease to exist. No project would be required to obtain Environmental Clearance



because project proponents will divide a single project into numerous parts.

Photocopies of the Notices of Commencement of Work for acclaimed phases I, II, IV (dated 09.08.2023) and V (dated 12.03.2024) of Newtown Villas are annexed herewith and collectively marked by the letter and figure 'A-2'.

- (vii) That the above facts clearly establish that the project proponent had planned entire project right in the year 2024, commenced land development and construction activities and thereafter in order to save their project from being termed as a violation project applied for grant of Environmental Clearance after multiple complaints were lodged by the Applicant and after an order was passed before this Hon'ble Tribunal. The satellite images of the year 2024 also confirms commencement of construction activities. In view of the above facts, it is clear that the obligation to obtain prior Environmental Clearance arose at inception of the project and cannot be deferred on the pretext of phased execution.

Satellite image of the year 2024 is annexed herewith and marked by the letter and figure 'A-3'.

4. Now I shall deal with Affidavit in seriatim :
5. As regard paragraph no. 1 and 2 of the said Affidavit I say that the same does not require any specific reply.
6. As regard paragraph no. 3 of the said Affidavit I deny and dispute all contents, statements and allegations made therein. On contrary, I say that the allegation that the present Application is misconceived, frivolous, vexatious, mala fide or filed with vested interest are emphatically denied. The Application raises substantial questions relating to the environment under Section 14 of the NGT Act, 2010 concerning commencement of a construction project exceeding the



statutory threshold without prior Environmental Clearance. The Private Respondents have furnished no particulars whatsoever to substantiate their bald allegation of mala fides. The present proceedings are based on documentary records and statutory violations, and the preliminary objection is therefore liable to be rejected.

7. As regard paragraph nos. 4 & 4(a) of the said Affidavit I deny and dispute all contents, statements and allegations made therein save and except those which are matters of record. On contrary, I say that the present Application is fully maintainable under Sections 14, 15 and 18(2) of the National Green Tribunal Act, 2010. Section 18(2) expressly permits "any person aggrieved" to approach this Hon'ble Tribunal, and the expression has been consistently interpreted to include any person raising a substantial question relating to the environment or seeking enforcement of environmental laws. The present proceeding concerns commencement of a construction project exceeding the statutory threshold without prior Environmental Clearance thereby raising a substantial question relating to the environment. Such violation itself furnishes sufficient cause of action. Accordingly, the objection as to maintainability is misconceived and liable to be rejected.
8. As regard paragraph no. 4(b) of the said Affidavit I deny and dispute all contents, statements and allegations made therein save and except those which are matters of record. On contrary, I say that the instant Application is not premature. The sanctioned building plan for the entire project has already been obtained by the project proponent back in the year 2024 and that Notices of Commencement of Work for all acclaimed phases of Newtown Villas have already been issued well before the year 2025. Construction activities had already commenced without obtaining prior Environmental Clearance as mandated under the EIA Notification, 2006 for projects exceeding the statutory threshold. In such circumstances the cause of action had clearly arisen much prior to filing of the present Application. Hence, the contention



that the Application is premature is wholly misconceived and liable to be rejected.

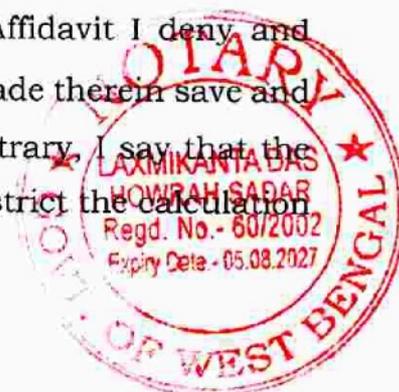
9. As regard paragraph nos. 4(c) and 4(d) of the said Affidavit I say that the same are matters of records and require no specific reply.
10. As regard paragraph no. 4(e) of the said Affidavit I deny and dispute all contents, statements and allegations made therein save and except those which are matters of record. On contrary, I say that the project proponent's intent to obtain environmental clearance only arose after multiple complaints were lodged by the Applicant and the instant Original Application was heard and admitted by this Hon'ble Tribunal. The sweeping self-serving assertions regarding the acclaimed law-abiding character, reputation, environmental consciousness and past projects of the Respondent Nos. 11 and 13 are irrelevant to the adjudication of the present proceedings. The issue before this Hon'ble Tribunal is not their acclaimed credentials but whether the subject project commenced and is continuing without obtaining prior Environmental Clearance as mandated under the EIA Notification, 2006. Mere assertions of compliance and commitment to sustainable development cannot cure or override statutory non-compliance. The question of legality must be determined on the basis of objective facts and documentary records pertaining to the present project and not on general statements of reputation or intent.
11. As regard paragraph no. 4(f) of the said Affidavit I deny and dispute all contents, statements and allegations made therein save and except those which are matters of record. On contrary, I say that say the project proponents have deliberately and artificially restricted the calculation to Phase I, Phase II and Phase III of Newtown Villas project alone in order to contend that the built-up area is below 20,000 sq. m. The said approach is legally untenable. The sanctioned master plan dated 19.07.2024 clearly incorporates all phases of the project as a



single integrated project with common access, common infrastructure and common amenities having a total built-up area of approximately 26,070 sq. meters which grossly exceeds the statutory threshold prescribed under the EIA Notification, 2006. The applicability of Environmental Clearance is determined on the basis of the total built-up area of the entire project and not on the basis of artificial segmentation or phase-wise execution. Phasing of construction cannot be used as a device to circumvent mandatory prior Environmental Clearance. Accordingly, the contention that no EC was required is misconceived and liable to be rejected.

12. As regards paragraph no. 4(g) of the said Affidavit I deny and dispute all contents, statements and allegations made therein save and except those which are matters of record. On contrary, I say that the Private Respondent's assertion that they never contemplated construction of Phases IV and V is wholly false and misleading. Sanctioned building plans for Phase IV and Phase V of the project Newtown Villas were granted on 10.07.2023 and 30.01.2024 respectively. Further, a consolidated master plan incorporating Phases I, II, III, IV and V was sanctioned on 19.07.2024. It is further submitted that Notices of Commencement of Work for Phases I, II, IV and V were already issued to the District Engineer, South 24 Parganas Zilla Parishad. The Private Respondents have deliberately suppressed these material facts before this Hon'ble Tribunal in an attempt to create an impression that subsequent phases were uncertain or unplanned. In view of the above documentary record the plea that Phases IV and V were not contemplated at the relevant time is untenable and liable to be rejected.

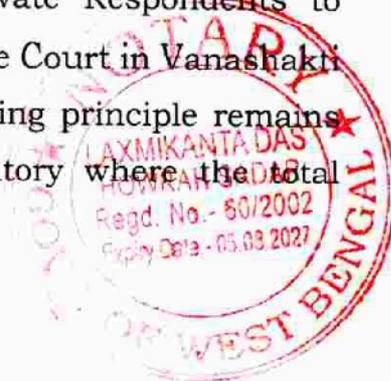
13. As regard paragraph no. 4(h) of the said Affidavit I deny and dispute all contents, statements and allegations made therein save and except those which are matters of record. On contrary, I say that the Private Respondents have once again sought to restrict the calculation



only to Phases I, II and III which is legally impermissible. The project is a single integrated housing project governed by a sanctioned master plan incorporating all phases. For the purpose of applicability of the EIA Notification, 2006 the total built-up area of the entire project is required to be considered and not an artificially segmented portion thereof. I repeat and reiterate the statements made in the preceding paragraphs in this regard.

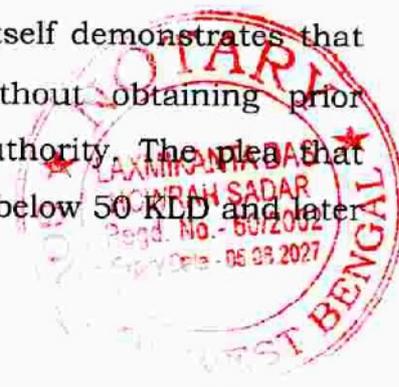
14. As regards paragraph 4(i) of the said Affidavit I deny and dispute all contents, statements and allegations made therein save and except those which are matters of record. On contrary, I say that the plea that the Private Respondents applied for Environmental Clearance voluntarily and prior to undertaking further construction is misleading. It is a matter of record that the application for EC was made only after multiple complaints were lodged by the Applicant and after the present Original Application was filed and heard by this Hon'ble Tribunal. The timing of the Environmental Clearance application clearly demonstrates that the Private Respondents sought to regularize the EC violation project only after judicial scrutiny had commenced. I further repeat and reiterate that the project constitutes a single project and the requirement of prior EC arose at the stage when the total built-up area exceeded the statutory threshold i.e. at least on 19.07.2024 when the master plan was sanctioned. Subsequent application for EC cannot cure the initial non-compliance nor render the present Application infructuous.

15. As regards paragraph no. 5 and its sub paragraphs of the said Affidavit I deny and dispute all contents, statements and allegations made therein save and except those which are matters of record. On contrary, I say that the attempt of the Private Respondents to distinguish the judgment of the Hon'ble Supreme Court in *Vanashakti vs. Union of India* is misconceived. The governing principle remains that prior Environmental Clearance is mandatory where the total



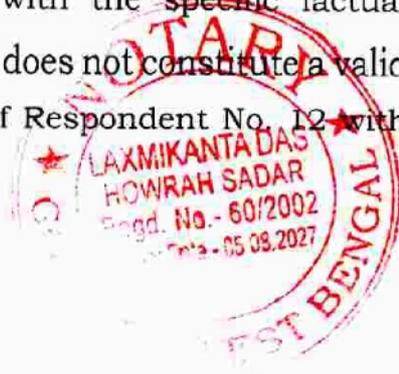
project attracts the threshold under the EIA Notification, 2006. Statutory compliance cannot be avoided by phased execution of an integrated project. The reliance placed on the judgment in O.A. No. 82/2021/EZ is wholly misplaced. The facts of that case were materially different. The said matter primarily concerned issues relating to filling of water bodies and the project therein had multiple independent access points. The present project is a single integrated development project with single access point, common infrastructure and a consolidated master plan incorporating all phases. It is further submitted that the order passed in O.A. No. 82/2021/EZ has been challenged before the Hon'ble Supreme Court being Civil Appeal No. 6360 of 2022 and the matter is presently pending consideration. Therefore, the Respondents cannot treat the said order as laying down any final or binding proposition applicable to the present case. In the present matter sanctioned plans for subsequent phases and the master plan clearly demonstrate that the project was conceived as a composite development exceeding the statutory threshold. The requirement of prior Environmental Clearance therefore stood attracted at the inception and could not be deferred on the basis of commercial viability or phased implementation. Accordingly, the contentions raised in paragraph no. 5 of the said Affidavit are untenable and liable to be rejected.

16. As regards paragraph no. 6 & 7 of the said Affidavit I deny and dispute all contents, statements and allegations made therein save and except those which are matters of record. On contrary, I say that it is a matter of record that the application for Consent to Establish was made only on 08.07.2025, i.e., after the present Original Application was heard and admitted by this Hon'ble Tribunal. The said application was subsequently rejected by WBPCB. This itself demonstrates that construction activities were undertaken without obtaining prior Consent to Establish from the competent authority. The plea that wastewater generation was initially calculated below 50 KLD and later



revised upon advice of SEAC further establishes inconsistency and lack of due diligence on the part of the Private Respondents. Statutory compliance cannot depend upon fluctuating internal calculations or post facto revisions made during appraisal proceedings. I reiterate that all phases of the project were conceived and planned much prior to lodging of the complaint and prior to commencement of construction activities. The subsequent application for grant of Environmental Clearance and Consent to Establish made only after initiation of proceedings before this Hon'ble Tribunal clearly indicates an attempt to regularize ongoing violations rather than prior compliance with environmental norms.

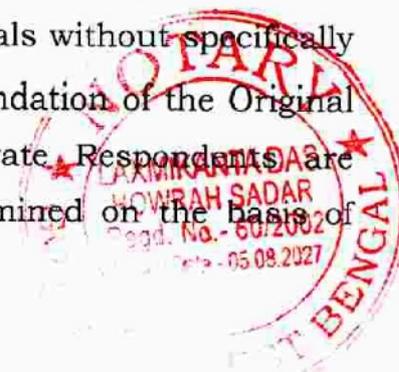
17. As regards paragraph no. 8 of the said Affidavit I deny and dispute all contents, denials and allegations made therein save and except those which are matters of record. On contrary, I say that the Private Respondents have merely adopted a general and omnibus denial of the averments made in the Original Application without specifically dealing with the material facts. Such vague and sweeping denials without specific rebuttal of the factual assertions and subsequent applications for EC and Consent do not meet the requirement of a proper traverse in law and are liable to be disregarded.
18. As regards paragraph no. 9 of the said Affidavit I deny and dispute all contents and denials made therein save and except those which are matters of record. On contrary, I say that the objection regarding locus standi is misconceived. The Applicant has sufficient locus to maintain the present Original Application as it raises substantial questions relating to the environment under the National Green Tribunal Act, 2010. The vague denial of paragraphs 1 and 2 of the Original Application without dealing with the specific factual averments relied upon therein is evasive and does not constitute a valid traverse. The statement regarding merger of Respondent No. 12 with



Respondent No. 1 is a matter of record and does not affect the maintainability or merits of the present Original Application.

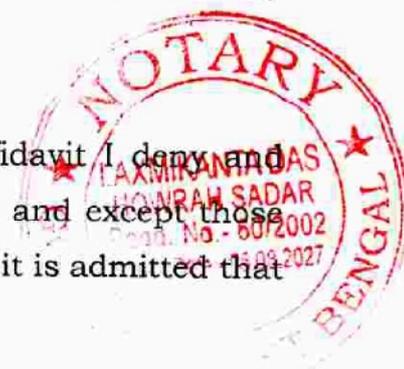
19. As regards paragraph 10 of the said Affidavit I deny and dispute all contents and denials made therein save and except those which are matters of record. On contrary, I say that the Private Respondents have merely issued sweeping denials without specifically addressing the documentary materials placed on record and disclosing the master plan of the Newtown Villas project. Bare denials cannot displace objective records. It is reiterated that the application for Consent to Establish was admittedly filed and thereafter rejected which itself establishes that construction activities were undertaken without valid subsisting consent. Subsequent steps allegedly taken to regularize the same cannot cure prior non-compliance. The contentions relating to environmental impact, obstruction of natural drainage channels, improper construction practices, and groundwater extraction have been raised on the basis of site conditions and supporting materials placed before this Hon'ble Tribunal. The burden lies upon the Private Respondents to demonstrate strict compliance with all applicable environmental norms including protection of canal and prevention of pollution particularly in view of the photographic evidence on record which depicts the alarming and deteriorated condition of the canal. The issues raised in the Original Application concern statutory compliance and environmental safeguards which cannot be negated by general and omnibus denials.

20. As regards paragraph 11 of the said Affidavit I deny and dispute all contents and denials made therein save and except those which are matters of record. On contrary, I say that the Private Respondents have once again adopted general and omnibus denials without specifically dealing with the factual and documentary foundation of the Original Application. The question whether the Private Respondents are violators of environmental law is to be determined on the basis of



objective compliance with the EIA Notification, 2006, the Environment (Protection) Act, 1986 and applicable consent requirements and not by self-serving assertions of innocence. It is reiterated that the sanctioned master plan, commencement of construction activities, subsequent application for Environmental Clearance after initiation of proceedings, and the admitted rejection of the Consent to Establish application are all matters borne out from record. These facts clearly warrant adjudication by this Hon'ble Tribunal. The denial of the contents of the emails dated 30.12.2024, 31.12.2024 and 08.04.2025 is vague and unsupported by any explanation. The said communications form part of the chain of events leading to filing of the present Application. The claim that the SEIAA, West Bengal has extended no undue favour is a matter to be examined by this Hon'ble Tribunal on the basis of records and proceedings. Mere denial does not conclude the issue. Accordingly, the contentions raised in paragraph 11 of the said Affidavit are misconceived and liable to be rejected.

21. As regards paragraph no. 12 of the said Affidavit I deny and dispute all contents and denials made therein save and except those which are matters of record. On contrary, I say that the Applicant has not made any allegation lightly or without basis. The averments in the Original Application are founded upon documentary records. The issue before this Hon'ble Tribunal is regarding non-compliance with environmental norms and laws. Whether the Respondents have adhered to or departed from the mandate of environmental laws is to be determined objectively on the basis of facts and records placed before this Hon'ble Tribunal. Mere characterization of the allegations as "baseless" does not displace the material on record nor cure any statutory non-compliance.
22. As regards paragraph no. 13 of the said Affidavit I deny and dispute all contents and denials made therein save and except those which are matters of record. On contrary, I say that it is admitted that



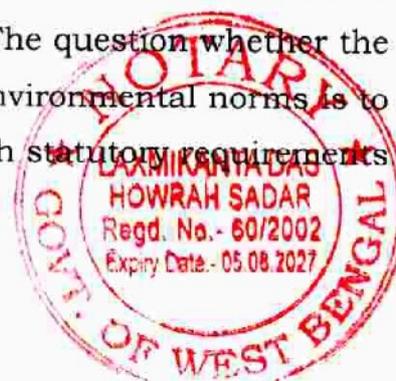
the total built-up area of the all the acclaimed five phases of project Newtown Villas is 26,070.24 sq. meters. Once this is acknowledged the applicability of the EIA Notification, 2006 is clearly attracted the statutory threshold of 20,000 sq. meters having been exceeded. The plea that phase wise construction is a common industry practice does not absolve the Private Respondents from compliance with mandatory environmental law. The EIA Notification, 2006 requires assessment of the project as a whole. Where a consolidated master plan incorporates all phases as part of a single integrated project with common access, layout and infrastructure, artificial segmentation cannot be resorted to in order to avoid prior Environmental Clearance. If such phase wise division is accepted as a valid method to escape statutory thresholds no large projects would ever obtain prior EC. The very object and purpose of the EIA Notification, 2006 would be rendered otiose and defeated. The reliance placed upon O.A. No. 82 of 2021/EZ is misplaced. The facts of the said matter is materially different and in any event the order in O.A. No. 82 of 2021 has been challenged before the Hon'ble Supreme Court and is presently pending consideration. It does not lay down any binding principle applicable to the present case. In the present matter the documentary record clearly demonstrates that the project was conceived and sanctioned as a composite development exceeding the statutory threshold. The obligation to obtain prior Environmental Clearance therefore arose at inception of the project and cannot be deferred on the pretext of phased execution. Accordingly, the contentions raised in paragraph 13 of the said Affidavit are untenable and liable to be rejected.

23. As regards paragraph no. 14 of the said Affidavit I deny and dispute all contents and denials made therein save and except those which are matters of record. On contrary, I say that the Private Respondents have once again resorted to sweeping denials without placing any cogent material on record to demonstrate compliance with the EIA Notification, 2006, groundwater regulations and pollution



control norms. It is pertinent to state that the affidavit dated 29.07.2025 filed by the State Water Investigation Directorate (SWID), West Bengal i.e. Respondent no. 8 confirms that groundwater extraction was being carried out without requisite permission and that illegal borewells were found at the project site. This official record directly contradicts the Private Respondent's denial regarding unauthorized groundwater extraction. The burden squarely lies upon the Private Respondents to establish that adequate arrangements for water supply, sewage treatment, drainage and environmental safeguards are in place in accordance with law. Bare denial cannot displace findings recorded by statutory authorities. Accordingly, the contentions raised in paragraph 14 of the said Affidavit are untenable and liable to be rejected.

24. As regards paragraph no. 15 of the said Affidavit I deny and dispute all contents and denials made therein save and except those which are matters of record. On contrary, I say the Private Respondents have made a blanket denial regarding construction of a pathway over the canal/channel and its impact on natural flow. The existence, alignment and nature of the said canal/channel as well as the construction raised thereupon are matters capable of verification through site inspection and satellite imagery. Mere denial does not rebut the factual position and photographs annexed with the Original Application. If a pathway or access has been constructed over or across a natural drainage channel the Private Respondents must demonstrate with documentary and technical evidence that such construction does not obstruct, narrow or alter the natural course of water and that all requisite permissions were duly obtained from the competent authorities. The statement concerning proximity to the East Kolkata Wetlands and potential environmental impact has been raised based on site conditions and supporting material. The question whether the Respondents are in continuing violation of environmental norms is to be determined on the basis of compliance with statutory requirements.



and not by self-serving assertions. Accordingly, the contentions raised in paragraph 15 of the said Affidavit are liable to be rejected.

25. As regards paragraph no. 16 of the said Affidavit I deny and dispute all contents and denials made therein save and except those which are matters of record. On contrary, I repeat and reiterate that that the Private Respondents have once again resorted to sweeping and repetitive denials without addressing the core statutory issues raised in the Original Application namely commencement of an integrated project exceeding the statutory threshold without prior Environmental Clearance and without valid Consent to Establish at the relevant time. I repeat and reiterate the statements made in paragraph nos. 20 to 25 of the Original Application.

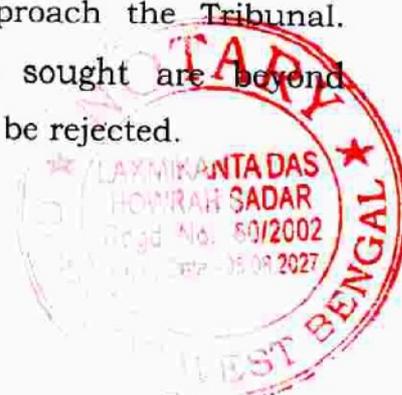
26. As regards paragraph no. 17 of the said Affidavit, the statements made therein are denied save and except those which are matters of record. The Respondents have once again taken shelter under general and omnibus denials without specifically addressing the statutory violations raised in the Original Application. The sanction of building plan by the South 24 Parganas Zilla Parishad does not dispense with the independent requirement of prior Environmental Clearance under the EIA Notification, 2006 nor does it substitute compliance with pollution control and groundwater regulations. Whether the project has undergone proper environmental appraisal, whether adequate infrastructure exists to sustain the cumulative impact of the development, and whether the vicinity including ecologically sensitive areas is affected are matters that require objective scrutiny on the basis of records and reports of competent authorities. Mere denial cannot displace statutory mandates. The admitted position that the total built-up area of the project exceeds the prescribed threshold itself attracts the requirement of prior Environmental Clearance. The subsequent application for EC and Consent made after commencement of proceedings cannot retrospectively validate earlier non-compliance.



Accordingly, the sweeping denials in paragraph 17 do not rebut the material facts placed before this Hon'ble Tribunal and are liable to be rejected.

27. As regards paragraph no. 18 of the said Affidavit, the statements made therein are denied. The grounds urged in the Original Application are founded upon documentary records, statutory provisions and admitted facts including the total built-up area of the project exceeding the prescribed threshold. The timing of the application for Environmental Clearance and the application for Consent to Establish after commencement of proceedings are new ground supporting the Original Application. These issues raise substantial questions relating to the environment within the scope of the National Green Tribunal Act, 2010. The determination of whether interference is warranted lies within the domain of this Hon'ble Tribunal upon consideration of the materials on record and not upon the Respondent's bare assertion that no ground exists. Accordingly, the contention in paragraph no. 18 of the said Affidavit is misconceived and liable to be rejected.

28. As regards paragraph no. 19 of the said Affidavit, the statements made therein are denied. The reliefs sought in the Original Application are well within the jurisdiction of this Hon'ble Tribunal under Sections 14 and 15 of the National Green Tribunal Act, 2010. The present matter raises substantial questions relating to the environment and concerns non-compliance with the EIA Notification, 2006 and other environmental statutes squarely attracting the jurisdiction of this Hon'ble Tribunal. Section 15 specifically empowers this Hon'ble Tribunal to grant relief, compensation, restitution of the environment and to pass appropriate directions including preventive and remedial measures. Section 18 governs who may approach the Tribunal. Accordingly, the contention that the reliefs sought are beyond jurisdiction is wholly misconceived and liable to be rejected.



29. As regards paragraph no. 20 of the said Affidavit, the statements made therein are emphatically denied. The present Original Application raises substantial questions relating to the environment and is founded upon statutory provisions and documentary records. I deny that that the Application is frivolous or an abuse of process. On the contrary, the proceedings have been necessitated due to apparent non-compliance with mandatory environmental requirements. The prayer for dismissal in limine with exemplary costs is wholly misconceived and liable to be rejected.
30. As regards paragraph no. 21 of the said Affidavit I say that the same does not require any specific reply.
31. The Applicant humbly prays for unconditional apology for the delay in filing this Rejoinder which may kindly be condoned.
32. In view of the above, the Applicant most respectfully prays that this Hon'ble Tribunal may be pleased to pass such orders as may be deemed fit and proper in the interest of justice.

Solemnly affirmed at Howrah

On this 12th day of February, 2026



Ankur Sharma

Applicant

Identified by me
Ajushi Kakarania
F/498/371/2021

VERIFICATION

I, Ankur Sharma, the abovenamed Applicant do hereby verify that the contents of the above Affidavit in Rejoinder are true and correct to the best of my knowledge, no part of it is false and nothing material has been concealed there from.

Verified at Howrah on this day of 12th day of February, 2026.

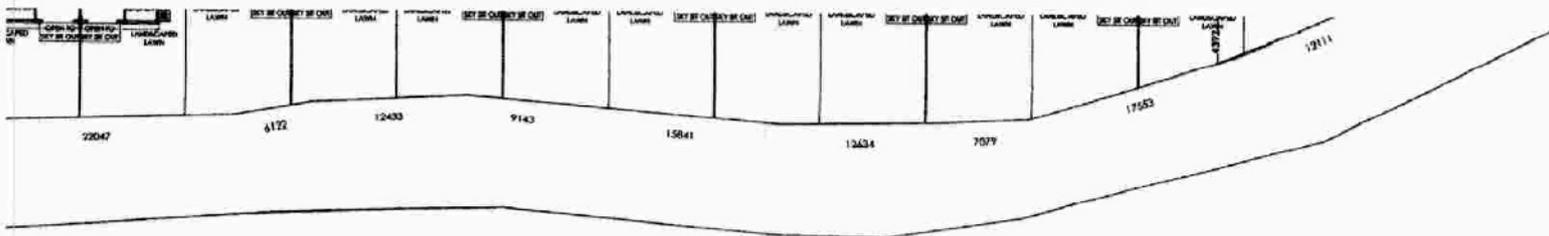
SOLEMNLY AFFIRMED & DECLARED
BEFORE ME BY THE DEPONENT ON
IDENTIFICATION OF ADVOCATE

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

LAXMIKANTA DAS
NOTARY HOWRAH
Govt. of West Bengal

Ankur Sharma
Applicant

12 FEB 2026



SANCTION DETAILS						
	Phase 1	Phase 2	Phase 3 (Club)	Phase 4	Phase 5	Total
Area of land (Sq.M)	6794.82	9015.52	2891.39	7857.13	9240.14	35799
Total Built-up Area (Sq.M)	5492.32	7747.1	1582.36	4809.48	6438.98	26070.24
Ground coverage (Permissible)	45%	45%	45%	45%	45%	45%
Permissible Ground coverage Area(Sq.M)	3057.67	5249.19	1001.53	3535.7	4158.06	17002.15
Ground coverage (Proposed)	39.21%	31.94%	38.40%	30.05%	26.87%	33.77%
Proposed Ground coverage Area(Sq.M)	2664.25	3726	854.83	2361.32	2483.14	12089.54
F.A.R (Permissible)	2.25	2.25	2.25	2.25	2.25	2.25
F.A.R (Proposed)	0.69	0.66	0.68	0.61	0.697	0.728
Sanction Date	28.12.2022	31.03.2023	31.03.2023	10.07.2023	30.01.24	
Sanction no.	780/910/KMDA	789/919/KMDA	788/918/KMDA	860/990/KMDA	860/990/1/KMDA	



PAWANPUTRA TRADECOM PRIVATE LIMITED

Shrachi Tower, 686 Anandapur, E. M. Bypass - R. B. Connector Junction, Kolkata - 700 107

Phone : 3984 3984 Fax : 91-33-3984 4249 Website : www.shrachi.com

Date: - 12.03.2024

To,
District Engineer
South 24 Parganas Zilla Parishad

Sub: - Notice of commencement as per Building Sanction 860/990/1/KMDA dated 30/01/2024 in respect of project G+1 building located at Dag nos. 493(P), 494(P), 495(P), 498(P) Mouza Chanda Kanthalberia, J.L. No. 08 under Beonta-II G.P. Dist: South 24 Parganas.

Ref No.:- 860/990/1/KMDA dated 30/01/2024

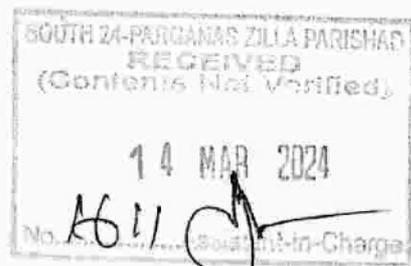
Sir,

I/We hereby give notice that the erection of G+1 building located at L.R Dag nos. 493(P), 494(P), 495(P), 498(P) Mouza Chanda Kanthalberia, J.L. No. 08 under Beonta-II G.P. Dist: South 24 Parganas will be commenced on 12th March 2024, under the supervision of Mr. Sunil Kumar Maniramka as Architect & Mr. Chandi Prasad Khanra as Structural Engineer and in accordance with the plans sanctioned.

Thanking you,

Yours faithfully,
For Pawanputra Tradecom Pvt. Ltd.


Subha Chakrabarty



Ref No.:- PTPL/Chandakanthal Beria/2023 - 24/14

Date: - 09.08.2023

To,
District Engineer
South 24 Parganas Zilla Parishad

Sub: - Notice of commencement as per Building Sanction 860/990/KMDA dated 04/04/2023 in respect of project G+1 building located at Dag nos. 496(P), 497(P), 494(P), 498(P) Mouza Chanda Kanthalberia, J.L. No. 08 under Beonta-II G.P. Dist: South 24 Parganas.

Ref No.:- 860/990/KMDA dated 04/04/2023

Sir,

I/We hereby give notice that the erection of G+1 building located at L.R Dag nos. 496(P), 497(P), 494(P), 498(P) Mouza Chanda Kanthalberia, J.L. No. 08 under Beonta-II G.P. Dist: South 24 Parganas will be commenced on 17th August 2023, under the supervision of Mr. Sunil Kumar Maniramka as Architect & Mr. Chandi Prasad Khanra as Structural Engineer and in accordance with the plans sanctioned.

Thanking you,

Yours faithfully,
For Pawanputra Tradecom Pvt. Ltd.

Sanjib Biswas
Sanjib Biswas

SOUTH 24-PARGANAS ZILLA PARISHAD
RECEIVED
(Contents Not Verified)

10 AUG 2023



543 *Sanjib*
Assistant in Charge

Ref No.:- PTPL/Chandakanthal Beria/2023 - 24/12

Date: - 05.04.2023

To,
District Engineer
South 24 Parganas Zilla Parishad

Sub: - Notice of commencement as per Building Sanction 789/919/KMDA dated 31/03/2023 in respect of project G+1 building located at Dag nos. 488(P), 489(P), 498(P) Mouza Chanda Kanthalberia, J.L. No. 08 under Beonta-II G.P. Dist: South 24 Parganas.

Ref No.:- 789/919/KMDA dated 31/03/2023

Sir,

I/We hereby give notice that the erection of G+1 building located at L.R Dag nos. 488(P), 489(P), 498(P) Mouza Chanda Kanthalberia, J.L. No. 08 under Beonta-II G.P. Dist: South 24 Parganas will be commenced on 17th April 2023, under the supervision of Mr. Sunil Kumar Maniramka as Architect & Mr. Chandi Prasad Khanra as Structural Engineer and in accordance with the plans sanctioned.

Thanking you,

Yours faithfully,

For Pawanputra Tradecom Pvt. Ltd.
GAGAN TRADELINK PRIVATE LTD.

Sanjib Biswas

Sanjib Biswas

05 APR 2023
2429



Ref No.:- PTPL/Chandakanthal Beria/2022 - 23/126

Date: - 28.03.2023

To,
District Engineer
South 24 Parganas Zilla Parishad

Sub. - Notice of commencement as per Building Sanction 1496/ZP/Engg/BP/22 dated 28.12.2022 in respect of project G+1 building located at Dag nos. 489(P), 496(P), 498(P) Mouza Chanda Kanthalberia, J.L. No. 08 under Beonta-II G.P. Dist: South 24 Parganas.

Ref No.:- 1496/ZP/Engg/BP/22 dated 28/12/2022

Sir,

I/We hereby give notice that the erection of G+1 building located at L.R Dag nos. 489(P), 496(P), 498(P) Mouza Chanda Kanthalberia, J.L. No. 08 under Beonta-II G.P. Dist: South 24 Parganas has been commenced on 1st Jan 2023, under the supervision of Mr. Sunil Kumar Maniramka as Architect & Mr. Chandi Prasad Khanra as Structural Engineer and in accordance with the plans sanctioned.

Thanking you,

Yours faithfully,
For Pawanputra Tradecom Pvt. Ltd.



Sanjib Biswas

