



IN THE NATIONAL GREEN TRIBUNAL EASTERN ZONE
BENCH, KOLKATA
O.A NO. 145/ 2024/EZ

IN THE MATTER OF:

SAPAN KUMAR GHOSH.....**Applicant**

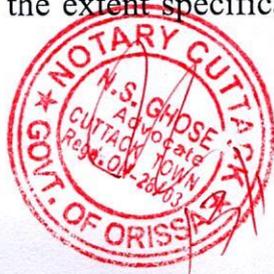
-versus-

STATE OF ODISHA & OTHERS.....**Opposite Parties**

COUNTER AFFIDAVIT IN REPLY TO THE O.A. BY OPPOSITE
PARTY NO. 5

I, Sri Girish Chandra Dash, aged about 62 years, S/o.- Late Trinath Dash, Residing At: Prafulla Nagar, Baripada, Proprietor of M/s. Das Cold Storage Dist. Mayurbhanj, Odisha, do hereby solemnly affirm and state on oath as follows:

1. That I am the Respondent No. 5 in the O.A. and competent to affirm the present counter affidavit in reply. I have gone through the averments made in the present O.A. along with annexures and understood the purport thereof.
2. That the facts stated herein below are true to the best of my knowledge and belief based on records maintained in office.
3. That at the outset, I deny all the allegations, averments and contentions urged in the present O.A. individually and collectively, save and except to the extent specifically admitted by me herein below. Any



Girish chandra Das

Adv

allegation, averments or contentions not specifically admitted, though not traversed shall be deemed to have been denied.

4. That the Applicant has no cause of action to file this application before the Hon'ble Tribunal and the same being otherwise wholly misconceived, is liable to be dismissed in absence of any cause of action. Even otherwise, as per Section 14 of the NGT Act, 2010 no application for adjudication of disputes shall be entertained by the Tribunal unless it is made within 6 months from the date on which the cause of action arose.

5. That the Application is misconceived, speculative and based on incorrect facts, for which the Applicant be put to strict proof of the same.

6. At the outset it is submitted the Unit is a Cold Storage, Baripada, which is not operational since 2024. The unit has been lying defunct since that time, therefore the question of leakage of ammonia gas is totally misconceived and impossible event.

7. That the instant O.A. is filed on two fold allegation i) alleged premise of leakage of ammonia gas from the cold storage and ii) non-obtaining of CTE.

This first allegation is made on basis of the enquiry report dated 06.05.2023 (Annexure-2 of OA) by the Asst. Director F&B, observing certain deficiencies mandatory for safe usage. Since the unit is not operational the precautions necessary to prevent hazard was not mandated. There was no gas loaded in the chamber as the unit has been non-operational. The gas chamber and system has obtained certification from the competent engineer and the left out gas was emptied by the authorised

Girish chandra Das

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competent technician. These facts stand established vide the Joint Inspection Report dated 22.08.2024 (**Annexure-A/2**) and Examination, Testing and Certification Report as per provisions of the Factories Act, 1948. Moreover, the Cold Storage Unit has been established 40 years back and at that time, CTE/CTO was not mandated under law.

PARA-WISE RESPONSE:

8. That the averments taken in Paragraphs No. 1 to 3 of the O.A. are purely factual in nature and to the extent borne out of records, therefore needs no response.

9. That the contentions raised in Paragraphs No. 4 to 6 of the O.A. are false, unsubstantiated and devoid of any merits thus denied. The cold storage units were classified under 'Orange Category' in Sl. No. 84 of the list vide Office Order dated 11.07.2018 of OSPCCB, and the unit ceased operational at that time.

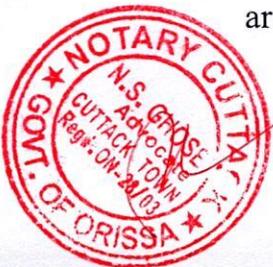
10. That the averments taken in Paragraphs No. 7 to 10 of the O.A. have already been dealt with in foregoing paragraphs. The cold storage unit are not in operation, also when it is in operation- no leakage can be found. The allegations made by the Applicant is completely based on apprehension not unsubstantiated by any material/ documents relied upon.

11. That the contentions raised in Paragraphs No. 11 to 15 are relevant case laws cited in favor of the Applicant thus needs no response.

12. That the facts/ averments/assertions made in the application which are not specifically admitted by this Respondent are deemed to be denied

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and further, this Respondent craves leave to submit further Affidavit, if necessary, at the time of hearing.

13. That in the aforesaid facts and circumstances, the O.A. merits no consideration and liable to be dismissed.

14. That the facts stated above are all true to my knowledge based on the official records maintained in course of business of the Deponent.

Girish chandra Das
DEPONENT

CERTIFICATE

Due to non-availability of cartridge papers, the above matters are typed on thick papers.

KOLKATA
DATE: 13.01.2026
The above named deponent being identified by Mr./Ms. *A. Das* Advocate appears before me at *AK* AM/PM on this the *13* day of *Jan* 20*26* ADVOCATE *ABHISHEK DASH* solemnly affirms that the facts stated are true to his/her knowledge and belief.

NOTARY
CUTTACK TOWN

AK
NOTARY
CUTTACK TOWN *13/1/26*

The above named deponent being identified by Mr./Ms. Advocate appears before me at AM/PM on this the day of 20 solemnly affirms that the facts stated are true to his/her knowledge and belief.

