

BEFORE THE HON'BLE NATIONAL GREEN TRIBUNAL  
EASTERN ZONE BENCH AT KOLKATA  
ORIGINAL APPLICATION NO. 92/2025/EZ

In the mater of :

Ankur Sharma

..... Applicant

Versus

The State of West Bengal & Ors.

..... Respondents

**COMPOSITE AFFIDAVIT-IN-REJOINDER ON BEHALF OF THE APPLICANT TO THE AFFIDAVITS DATED 30.10.2025, 20.08.2025 AND 13.08.2025 FILED ON BEHALF OF THE RESPONDENT NO. 3, 4, 5 AND 6.**

SL.	PARTICULARS	ANNEXURE	PAGE
1.	Rejoinder		1 to 10



*Ankur Sharma*

Ankur Sharma  
(Applicant in person)  
Mob: 9433883322  
Email:  
Adv.ankursharma9@gmail.  
com

BEFORE THE HON'BLE NATIONAL GREEN TRIBUNAL  
EASTERN ZONE BENCH AT KOLKATA  
ORIGINAL APPLICATION NO. 92/2025/EZ

In the mater of :

Ankur Sharma

..... Applicant

Versus

~~SL. NO. K/Mas/31/26~~ The State of West Bengal & Ors.

..... Respondents

BEFORE THE NOTARY PUBLIC

HOWRAH

**COMPOSITE AFFIDAVIT-IN-REJOINDER ON BEHALF OF THE APPLICANT TO THE AFFIDAVITS DATED 30.10.2025, 20.08.2025 AND 13.08.2025 FILED ON BEHALF OF THE RESPONDENT NO. 3, 4, 5 AND 6.**

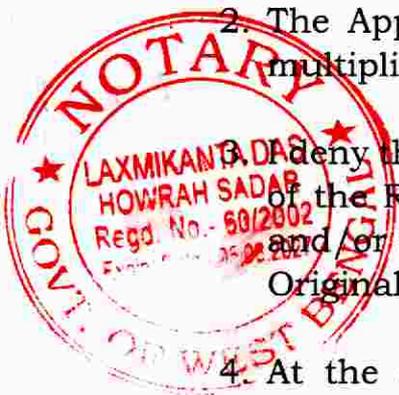
I, Ankur Sharma, the Applicant aged about 28 years by occupation Advocate residing at 13/3, Dr. P. K. Banerjee Road, Howrah - 711101 do hereby solemnly affirm and state as under :

1. I am the Applicant in the abovementioned Original Application. I have read the Affidavit on behalf of the West Bengal Pollution Control Board i.e. Respondent no. 03, the Public Works Department, Govt. of West Bengal i.e. Respondent no. 04, the Howrah Municipal Corporation i.e. Respondent no. 05, the District Magistrate, Howrah i.e. Respondent no. 06 and I am making the present Affidavit in Rejoinder thereto.

2. The Applicant is filing a composite rejoinder affidavit to avoid multiplicity of pleadings.

3. I deny the contents and averments made in the Affidavit on behalf of the Respondent Nos. 03, 04, 05 and 06 that are contrary to and/or inconsistent with anything stated in the abovementioned Original Application and the present Affidavit in Rejoinder.

4. At the out set I place on record the following facts for kind consideration of this Hon'ble Tribunal :



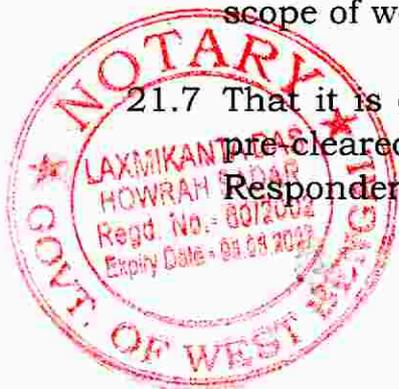
5. That the affidavits filed by the Respondents are evasive, self-contradictory, selective in disclosure, and clearly designed to conceal the actual environmental violations forming the subject matter of the present Original Application.
6. That the contentions of the Respondents collapses on a fundamental and irreconcilable contradiction : (i) Respondent No. 3 (WBPCB) claims that no Hot Mix Plant was found during inspection, and significantly, has failed to annex even a single photograph of the inspected site to substantiate such claim, (ii) Respondent No. 4 (PWD) has admitted that the Hot Mix Plant was used and thereafter removed/shifted, (iii) Respondent No. 5 (HMC) has admitted that the Hot Mix Plant was in operation and further admitted violations, including operation without Air Pollution Control Devices and other mandatory equipment.
7. That such contradictory stands taken by statutory authorities demonstrate a complete breakdown of the regulatory mechanism and suppression of material facts.
8. That the Respondents have deliberately avoided addressing the core issue, namely, pollution caused due to illegal operation of Hot Mix Plants in violation of environmental norms and solemn order of this Hon'ble Tribunal.
9. That it is specifically submitted that the Hot Mix Plant was deliberately shifted and concealed prior to inspection, thereby rendering the inspection exercise meaningless.
10. That the officials of Respondent No. 3 have claimed that they visited the subject site and adjoining areas. However, they have failed to produce even a single photograph of the inspected locations which raises serious doubt regarding the genuineness and completeness of the inspection.
11. That both Respondent Nos. 4 and 5 have admitted that the Hot Mix Plant was in operation. Respondent No. 5 has further admitted that the plant was operating without Air Pollution Control Devices and other mandatory infrastructure thereby clearly establishing violation of environmental norms.



12. That the relocation/shifting of the Hot Mix Plant is not a routine operational act, but a deliberate, calculated and mala fide exercise intended to avoid detection and mislead the inspecting authorities.
13. That the statement of WBPCB that no Hot Mix Plant or construction activity was found during inspection may only be explained by the fact that the plant had already been shifted prior to the inspection.
14. That the inspection report suffers from fundamental defects, including (a) absence of photographic evidence, (b) failure to ascertain prior operational status and (c) failure to verify surrounding operational areas.
15. That the inspecting officials (a) did not make any inquiry with local residents, (b) did not verify work logs or contractor records, and (c) did not examine the nature and scope of work orders issued by Respondent Nos. 4 and 5.
16. That the inspection was therefore superficial, mechanical and perfunctory.
17. That it is evident from the inspection report that the inspection was conducted on a pre-cleared site, rendering its findings wholly unreliable. Respondent No. 3 has thus failed in its statutory duty as a regulator and has instead relied upon a managed factual situation.
18. That Respondent No. 5 (HMC) has already admitted execution of road work using bituminous material, engagement of contractor operating Hot Mix Plant, and issuance of show cause notice for violation of environmental norms.
19. That the acts of the Respondents are in clear violation of MoEF&CC Notification dated 18.05.2023, and solemn order dated 16/07/2024 passed by this Hon'ble Tribunal.



20. I now deal with the Affidavits in seriatim
21. Rejoinder to the Counter Affidavit on behalf of Respondent no. 3 dated 30.10.2025:
- 21.1 As regards paragraph no. 1 and 2 I say that no specific reply is required.
- 21.2 As regards paragraph nos. 3 and 4 I say that the officials of Respondent No. 3 have claimed that they visited the subject site and adjoining areas. However, they have failed to produce even a single photograph of the inspected locations, which raises serious doubt regarding the genuineness and completeness of the inspection.
- 21.3 That both Respondent Nos. 4 and 5 have admitted that the Hot Mix Plant was in operation and the Respondent no. 4 admitted that the Hot mix plant has been removed. The Respondent No. 5 has further admitted that the plant was operating without Air Pollution Control Devices and other mandatory infrastructure thereby clearly establishing violation of environmental norms.
- 21.4 That the statement of WBPCB that no Hot Mix Plant or construction activity was found during inspection may only be explained by the fact that the plant had already been shifted prior to the inspection.
- 21.5 That the inspection report suffers from fundamental defects, including (a) absence of photographic evidence, (b) failure to ascertain prior operational status and (c) failure to verify surrounding operational areas.
- 21.6 That the inspecting officials (a) did not make any inquiry with local residents, (b) did not verify work logs or contractor records, and (c) did not examine the nature and scope of work orders issued by Respondent Nos. 4 and 5.
- 21.7 That it is evident that the inspection was conducted on a pre-cleared site, rendering its findings wholly unreliable. Respondent No. 3 has thus failed in its statutory duty as a



regulator and has instead relied upon a managed factual situation.

21.8 As regards paragraph no. 5 of the said Affidavit I say that no specific reply is required.

22. Rejoinder to the Counter Affidavit on behalf of Respondent no. 4 (Public Works Department, Govt. of W.B.) dated 20.08.2025:

22.1 As regards paragraph nos. 1 and 2, no specific reply is required.

22.2 As regards paragraph no. 3, the Respondent's attempt to justify actions on grounds of urgency and public work is denied. Environmental compliance is mandatory and cannot be bypassed on grounds of convenience.

22.3 As regards paragraph no. 4 of the said Affidavit I say that the Respondent no. 4 admitted that the plant was removed after completion of work. This admission fully corroborates the Applicant's case and explains the absence of the plant during inspection.

22.4 As regards paragraph no. 5(i) of the said Affidavit it is submitted that large stretches are artificially split to reduce tender value and avoid stricter procedures.

22.5 As regards paragraph no. 5(ii) I say that while maintenance of roads is necessary, it must be carried out strictly in compliance with environmental laws.

22.6 As regards paragraph no. 5 (iii) of the Affidavit of the Respondent no. 4 I say that a large stretch of G.T. Road in Howrah was being repaired/redeveloped by splitting it in small parts so that tender value amounts to less than 5 lakhs, maybe, so that e-tendering is not required.

22.7 As regards paragraph no. 5 (iv) of the Affidavit of the Respondent no. 4 I say that the Respondent no. 4 has admitted that hot mix plant was removed from the working site.



22.8 As regards paragraph no. 5 (v) of the Affidavit of the Respondent no. 4 I say that no punitive steps were taken against the erring contractor.

22.9 As regards paragraph no. 6, no specific reply is required.

22.10 As regards paragraph nos. 7 to 12, the same are denied. The Respondent has acted in violation of environmental norms and is liable for environmental compensation. I further say that the Respondent no. 4 by engaging hot mix plant in Howrah city area in violation of the siting criteria as present in MoEF&CC Notification dated 18.05.2023 and in violation of the solemn order dated 16.07.2024 passed by this Hon'ble Tribunal has made itself a violator and liable to pay environmental compensation for the damages caused to the environment.

22.11 As regards paragraph nos. 13 to 16 the statement made therein are denied and disputed save and expect those which are matters of records.

22.12 As regards paragraph nos. 17 to 21 I say that no specific reply is required.

23. Rejoinder to the Counter Affidavit on behalf of Respondent no. 5 (Howrah Municipal Corporation) dated 13.08.2025 :

23.1 As regards paragraph nos. 1 to 5 I say that no specific reply is required.

23.2 As regards paragraph no. 6 of the said Counter Affidavit I say that it is true that the Original Application, inter alia, pertains to pollution caused by operation of Hot Mix Plant during construction of N.S. Road.

23.3 As regards paragraph no. 7 of the said Counter Affidavit I say that no specific reply is required.

23.4 As regards paragraph no. 8 and 9 of the said Counter Affidavit I deny and dispute all denials, contentions and



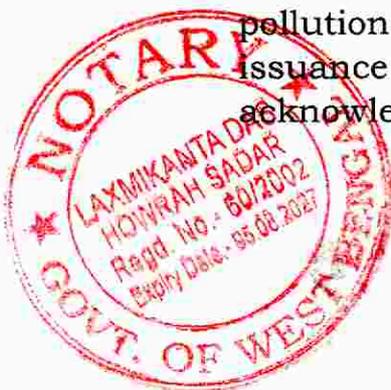
statements made therein save and except those which are matters of record.

23.5 As regards paragraph no. 10 of the said Counter Affidavit I say that the so-called Action Taken Report is not an independent compliance report but merely a self-serving document. It is stated therein that the contractor was only verbally instructed to follow NGT guidelines and that reply to show cause notice was "yet to be received", which clearly establishes absence of effective enforcement.

23.6 As regards paragraph no. 11 of the said Counter Affidavit the Respondent has made vague assertions of compliance without producing consent to Establish/Operate, pollution control device specifications, proof of compliance with siting criteria. Such bald assertions are liable to be rejected. Reliance on future measures or conversion to concrete roads is wholly irrelevant to adjudication of past and ongoing violations.

23.7 As regards paragraph no. 12 of the said Counter Affidavit it is submitted that the Respondent issued work order without verifying environmental compliance credentials of the contractor viz. Consent to Establish and Operate which has directly resulted in environmental degradation.

23.8 As regards paragraph no. 13 of the said Counter Affidavit I say that the HMC admitted that hot mix plant was being operated in violation of the guidelines. It is categorically stated in the Show Cause Notice that "...it has been found that, you have failed to follow the terms and conditions of the guidelines. The hot Mix Plant was not equipped with appropriate Air Pollution Control devices & other mandatory equipments". This proves that the facts mentioned in the OA are true and that pollution is being caused due to operation of hot mix plants. That once violation is admitted, the Respondents cannot deny pollution, claim compliance, or shift responsibility. The issuance of show cause notice is not a defence but a clear acknowledgment of breach of environmental law.



- 23.9 As regards paragraph no. 14 of the said Counter Affidavit it is submitted that despite visiting the site on 03.06.2025 and being aware of violations, the Respondent failed to take any effective action and instead focused on unrelated civil issues such as manhole levels.
- 23.10 As regards statements in paragraph nos. 15 and 16 of the said Counter Affidavit, the same are denied.
- 23.11 As regards paragraph no. 17 of the said Counter Affidavit I say that reference has been made to a Memorandum dated 30.03.2023, however no copy has been annexed. Hence, no reply can be furnished.
- 23.12 As regards paragraph nos. 18 and 19 of the said Counter Affidavit I say that the same does not require any specific reply.
- 23.13 That the Respondent has failed to disclose duration of operation of the plant, exact location after removal, and authority under which such removal was carried out.
- 23.14 This silence leads to the only logical inference that the Hot Mix Plant was deliberately removed to avoid detection during inspection.
24. Rejoinder to the Affidavit filed on behalf of Respondent no. 6 (District Magistrate, Howrah) dated 13.08.2025 :
- 24.1 That the affidavit of Respondent No. 6 is merely derivative in nature, based entirely on reports of Respondent Nos. 4 and 5.
- 24.2 That no independent inquiry or verification has been conducted.
- 24.3 That such mechanical reliance on departmental reports cannot override factual violations on record.



In view of the above, it is most respectfully prayed that this Hon'ble Tribunal may be pleased to direct imposition of environmental compensation upon Respondents including Respondent no. 4 and 5, direct immediate prohibition and removal of illegal Hot Mix Plants in the area and pass such further order(s) as this Hon'ble Tribunal may deem fit and proper.

Solemnly affirmed at Howrah

On this 18<sup>th</sup> day of March, 2026

*Ankur Sharma*

Applicant

Identified by me  
Ayushi Kakasaria  
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 18<sup>th</sup> day of March, 2026.

*Ankur Sharma*

Applicant



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

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

18.03.26  
LAXMIKANTA DAS  
NOTARY HOWRAH  
Govt. of West Bengal

18 MAR 2026