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Tribunal
Kolkata

BEFORE THE NATIONAL GREEN TRIBUNAL
EASTERN ZONE BENCH, KOLKATA
IN
Original Application No. 40/2023/EZ

IN THE MATTER OF:

Sanjib Poddar

Applicant(s)

Vs.

National Wetland Authority & Others

Respondent(s)

INDEX

Sl. No.	Particulars	Annexures	Page No.
1.	Reply on behalf of Respondent No. 05 i.e. Central Pollution Control Board.		2-8
2.	Copy of letter dated 11.02.2022 and 15.02.2022 for MoEF&CC and National Wetland Committee (NWC).	'I'	9-11

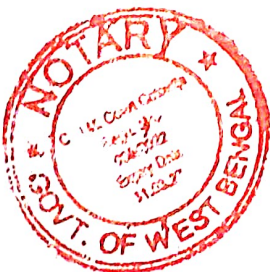

Mrinal Kanti Biswas

Regional Director & Scientist E,
CPCB, Kolkata
Filed through

Counsel

Dated: _____, 2026

Place: Kolkata



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REPLY ON BEHALF OF CENTRAL POLLUTION CONTROL BOARD i.e.
RESPONDENT NO. 05

Preliminary Submissions:

1. That, the Hon'ble National Green Tribunal (Eastern Zone) [hereinafter referred to as "Hon'ble NGT (EZ)"] vide order dated 06.01.2026 in Original Application (hereinafter referred to as "OA") No. 40/2023/EZ has sought reply from the respondents No's 2 to 5, 7, and 9 in the matter. In the present matter, CPCB is Respondent No. 05. Thereby, the reply is made in succeeding paragraphs.
2. That, CPCB is constituted under Section 3 of the Water (Prevention and Control of Pollution) Act, 1974 (hereinafter referred to as "Water Act, 1974"). It performs the functions under the Water Act, 1974, The Air (Prevention and Control of Pollution) Act, 1981 (hereinafter referred to as "Air Act, 1981") and The Environment (Protection) Act, 1986 (hereinafter referred to as "E (P) Act, 1986"). It is further submitted that State Pollution Control Boards/Pollution Control Committees (hereinafter referred to as "SPCBs/PCCs"), have been constituted in States/Union Territories under the Water Act, 1974, and the Air Act, 1981, and are empowered to implement the provisions of these Acts in respect of their Territorial Jurisdictions.
3. That, at the outset the answering respondent denies all claims, contentions, allegations and averments against Answering Respondent CPCB in the above Original Application (herein referred as "OA") contrary to anything stated or submitted in this reply. Nothing in the OA may be deemed to have been accepted or admitted by the Answering Respondent for want of a specific denial, save any averment which has been expressly admitted hereinafter.



4. That, the present OA is filed by the Applicant challenging the report of the Joint Committee in Original Application No. 25/2016/EZ, which was disposed of by this Hon'ble Tribunal vide order dated 03.01.2022. It is humbly submitted that an eight-member joint committee (hereinafter referred to as "the joint committee") comprising of National Wetland Authority, State Wetland Authority, CPCB, MoEF&CC, State PCB, Director Environment, West Bengal, District Magistrate and SSP, South 24 Parganas was constituted by Hon'ble National Green Tribunal (Eastern Zone) vide its order dated 03.01.2022 in the matter of OA No. 25/2016/EZ (Sabyasachi Mallick Chowdhury v. State of West Bengal & Ors.). The CPCB and the State Wetland Authority were the nodal agency jointly for coordination and compliance.

That, the Joint Committee conducted several meetings and field inspections before finalising the report. The final meeting was held on 27.07.2022, and the Joint Committee submitted its final report before the Hon'ble NGT on 01.11.2022. The recommendations of the Committee are reproduced hereunder:

- Plot Nos. CZ- 9B, CZ- 14A, CZ- 14B, CZ- 15A, CZ- 20A, CZ- 21A and CZ- 26A/B/C have been created after 2013 by filling up of waterbody i.e. Ukil Bheri. Hence, they need to be demolished.
- The Kolkata Municipal Corporation (KMC) shall take steps to immediately restore the water body at plot nos. CZ- 9B, CZ- 14A, CZ- 14B, CZ- 15A, CZ- 20A, CZ- 21A and CZ- 26A/B/C in compliance with the Order of the Hon'ble National Green Tribunal dated 03.01.2022.
- After restoration of the water body, the KMC shall take management control of the same in accordance with The West Bengal Inland Fisheries Act, 1984.
- The KMC will demarcate Ukil Bheri boundary with concrete pillars and do the geo-tagging with the help of ADM&LRO, Dist South 24 Parganas.
- The KMC shall submit a compliance report after restoration of the above-mentioned plots before the Hon'ble National Green Tribunal, Eastern Zone Bench, Kolkata within a period of 6 months.

It is further mentioned in the said Joint Committee report that on 05.09.2022 Sri Sanjib Podder, owner of plot No.CZ/20-A, Sector-B of the Metropolitan Co-operative Housing Society requested for a hearing before



the Joint Committee. After seeking permission from the Joint Committee, another opportunity of hearing was given to Sri Sanjib Podder on 23.09.2022. The meeting of the Joint Committee was held in virtual mode as well as physical mode on 23.09.2022. Sri Sanjib Podder was represented by his Advocate Sanjay Upadhyay who made detail submission before the Joint Committee and also submitted written documents in support of their claim. As no new documentary evidence came up in support of their claim, the Joint Committee decided to follow the decisions taken in the final meeting dated 27.07.2022.

5. That, in the context of constitution of improper committee and representation from National Wetland Authority, this is to be humbly submitted that it is specifically denied that the Joint Committee was improperly constituted as Dr. Shahida Parvin Quazi, Scientist-E from Integrated Regional Office, Kolkata MoEF&CC was nominated to represent on behalf of MoEF&CC and National Wetland Committee (NWC) vide letter dated 11.02.2022 and 15.02.2022 (**Annexure I**). Further, the "Final Report of the Joint Committee Constituted by Hon'ble National Green Tribunal, Eastern Bench, vide order dated 03.01.2022 in O.A.25 of 2016/EZ in the matter of (Sabyasachi Mallick Chowdhury Vs State of West Bengal & Ors)" was signed by all nominated members of Joint Committee.

Reply to the Original Application:

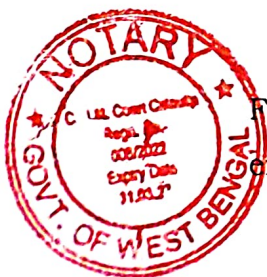
6. That, the averments made in paragraphs no. 1 and 2 of the OA are introductory in nature and hence required no comment from this answering respondent.
7. That, the averments made in paragraph 3 is about allegation of the present application. This is to be submitted that in this regard the submissions made in paragraph 4 and 5 of this affidavit are re-iterated and are not repeated herein, for the sake of brevity.
8. That, the averments made in paragraph 4.1 to 4.2 under Brief Facts of the Case is about OA No.25/1016/EZ. This is submitted that in this regard the submissions made in paragraph 4 and 5 of this affidavit are re-iterated and are not repeated herein, for the sake of brevity.
9. That, the averments made under paragraph 4.3 to 4.4 under Brief Facts of The Case highlighted that though the applicant was member of the Metropolitan Co-operative Housing Society Ltd., but he was allegedly not aware about OA No.25/2016/EZ. This is a matter of record and hence required no comment from this answering respondent.



10. That the averment made under paragraph 4.5 to 4.6 under Brief Facts of The Case is about legality of show cause issued by KMC mentioning that why plan of applicant will not be cancelled under Section 397 of the KMC Act 1980. This is a matter of record hence no comments required from this answering respondent.
11. That the averments made under paragraph 4.7 under Brief Facts of The Case refers that the applicant filed WPA No. 20656/2022 before Hon'ble High Court Calcutta challenging above mentioned show cause notice issued by KMC. The same being matter of records, hence no comments are required from this answering respondent.
12. That the averments made in paragraph 4.8 to 4.9 under Brief Facts of The Case highlights that the matter WPA No. 21710 of 2022 was already filed before Hon'ble High Court Calcutta praying for submission of Joint Committee report and an order to stop further illegal construction and filling of the wetland area concerned. Subsequently the present applicant filed CAN 1/2022 in WPA No. 21710 of 2022 praying for his addition as a party but the application was rejected on the ground that the applicant already filed petition challenging KMC show cause notice in the same matter. This is a matter of record and hence requires no comment from this answering respondent.
13. That the averments made in paragraph 4.10.a.i to 4.10.a.xxii. Under Brief Facts of The Case describes different procedural steps adopted by Joint Committee constituted in the matter of OA No. 25/2016/EZ. It is alleged that presence of members from different organisations like KMC, DL&LRO, BL&LRO etc. other than NGT recommended members in different Joint Committee meetings affected the decision making process of the Joint Committee. It is humbly submitted that presence of officers from concerned stakeholder departments during inspection or deliberations does not amount to substitution of Committee members and does not invalidate the decision-making process, which remained with the designated eight members. Also, as per order dated 03.01.2022 in the matter of OA No. 25/2016/EZ Hon'ble NGT has directed

"22. The Committee may undertake visit to the site and interact with the stakeholders including the applicant and the Project Proponents. The Committee may thereafter, take further measures in accordance with law".

Further, with regard to the submissions made by the applicant before the eight-member committee and the alleged violation of the Hon'ble NGT's



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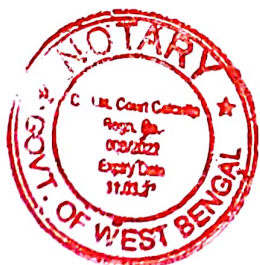
order concerning the signing of the final report, it is humbly submitted that the submissions made in paragraph 4 and 5 of this affidavit are re-iterated and are not repeated herein, for the sake of brevity.

14. That the averments made in paragraph 4.10.a.xxiii to 4.10.a.xxxxv. Under Brief Facts of The Case challenges the constitution of Joint Committee and participation of different stakeholders in preparation of Joint committee Report in the matter of OA No. 25/2016/EZ. In this regard, it is denied that the Final Report suffers from procedural illegality or lack of authorization. The report represents the collective findings of the duly constituted Joint Committee. It is further submitted that regarding constitution of joint Committee the submissions made in paragraph 4 and 5 of this affidavit are re-iterated and are not repeated herein, for the sake of brevity.
15. That under the averments made in Paragraph (5.I to 5.XXXI) are regarding grounds of the present application. In this regard, it is humbly submitted that reply made in previous paragraphs of the reply affidavit stand re-iterated.
16. It is humbly submitted that CPCB has discharged its role strictly in terms of the directions of this Hon'ble Tribunal and within its statutory mandate. CPCB cannot be held individually liable for actions undertaken by other statutory authorities pursuant to the Joint Committee's recommendations.
17. That, no comments are offered over the averments contained under the Headings "Limitation", "Interim Prayer" and "Prayer" clause which may be adjudicated by the Hon'ble Tribunal.
18. That in light of the above submissions, it is humbly submitted that this Answering Respondent i.e. CPCB, shall abide by any order(s) or direction(s) passed by this Hon'ble NGT in the instant Application.

Mrinal Kanti Biswas

Mrinal Kanti Biswas

Scientist 'E' & Regional Director,
CPCB, Kolkata



BEFORE THE NATIONAL GREEN TRIBUNAL
EASTERN ZONE BENCH, KOLKATA
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IN THE MATTER OF:

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Vs.

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Respondent(s)

AFFIDAVIT

I, Mrinal Kanti Biswas, Son of Saroj Kumar Biswas aged about 44 years, having office at the Regional Directorate, Central Pollution Control Board, Southend Conclave' Block No.502, 5th& 6th Floor,1582, Rajdanga Main Road, Kolkata-700107, do hereby solemnly affirm and sincerely state as follows: -

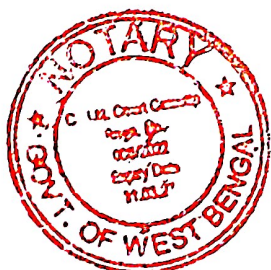
1. That the deponent is authorized representative to represent the Respondent CPCB in the present case, and as such, I am well conversant with the facts and circumstances of the present case on the basis of the information derived from the official records, and hence, I am competent and authorized to verify, sign and swear this affidavit on behalf of the Respondent CPCB.
2. That the accompanying reply may be read part and parcel of the present affidavit as I am competent to swear this affidavit.
3. That the accompanying reply has been drafted and filed under my instructions and authority the contents thereof are true and correct on the basis of the record maintained during ordinary course of business of CPCB and available records and documents and the contents of the same are read over and explained to me and are not repeated herein for the sake of brevity.

Identified by me



Advocate


DEPONENT



VERIFICATION

Verified at Kolkata on this day of 16th March 2026 that the contents above are correct and true on the basis of the record of the cases as mentioned in the day-to-day affairs of the CPCB. Nothing has been concealed therefrom or mis-stated.

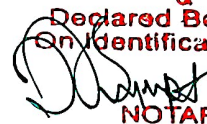
Verified at Kolkata on this the 16th Day of March 2026.

Identified by me



Advocate


DEPONENT
N. DASGUPTA
Notary
Regn No. 006/2022
3, Bankshal Street
Calcutta-700001

SOLEMNLY AFFIRMED
&
Declared Before me
On Identification Adv.

NOTARY
N. DASGUPTA, Reg. No. 006/2022
CJMS' Court, Govt. of W.B.

16 MAR 2026



9 (Annexure - I)

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319

Government of India
Ministry of Environment, Forest & Climate Change
(Wetlands Division)

Indira Paryavaran Bhawan
Jorbagh Road, Aliganj
New Delhi - 110003.
Dated: 11.02.2022

To

Deputy Director General of Forests (C)
Integrated Regional Office, Kolkata
IB-198, Sector-III, Salt Lake City
Kolkata - 700106
Email: iro.kolkata-moefcc@gov.in , roc2@fsi.nic.in

Subject: OA.No.25 of 2016 in the matter of Sabyasachi Mallick Chowdhury Vs State of West Bengal & Ors before the National Green Tribunal (NGT), Special Bench - Compliance -reg.

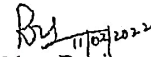
Sir,

This has reference to the subject matter and minutes of the meeting held on 25.01.2022 in compliance to the Hon'ble NGT order dated 03.01.2022 (A copy of the minutes is enclosed).

In this regard, a Committee was constituted and it is decided to conduct a site visit on 16.02.2022 (tentatively) for inspection along with the Applicant of OA No.25/2016/EZ and the project proponent(s). Therefore, you are requested to nominate an officer from IRO, MoEF&CC, Kolkata for site visit.

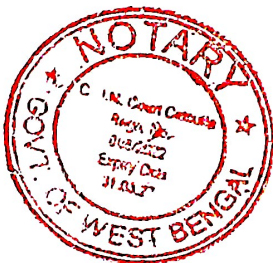
This issues with the approval of competent authority.

Yours Faithfully,


(Rajasekhar Ratti)
Scientist D

Copy to:

1. Shri. Kaliyamurthi Balamurugan, Chief Environmental Officer, Department of Environment, Government of West Bengal & Member, State Wetlands Authority, Pranisampad Bhaban, 5th Floor, LB-2, Sector -III, Salt Lake, Kolkata - 700106.



Upto 17/02/22
SLO
S0/EI/aw
17/02/22



भारत सरकार / Government of India
पर्यावरण, वन एवं जलवायु परिवर्तन मंत्रालय
Ministry of Environment, Forest & Climate Change
एकीकृत क्षेत्रीय कार्यालय
Integrated Regional Office
कोलकाता/Kolkata-700106
Phone-033-2335-5713/7938 Fax-2335-5904



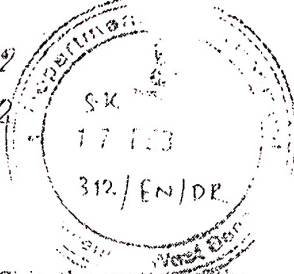
File No:- IRO/KOL/108-026/2022/4th

Date : 15-02-2022

To

The Chief Environmental Officer,
Department of Environment,
Government of West Bengal & Member,
State Wetlands Authority,
Pranisampad Bhavan, 5th Floor, LB-2, Sector III, Saltlake,
Kolkata- 700106.
Email : ctoekwma@gmail.com

09/02/2022
18/02/2022



Sub: Nomination Letter in the matter of O.A. No. 25 of 2016 (EZ) in the matter of the Sabyasachi Mallik Chowdhury vs State of West Bengal & Ors. Vide Hon'ble NGT Order dated 03.01.2022 - reg.

Ref: Email dated 11.02.22.

Sir,

I am directed to draw your kind attention to the subject and reference cited above and to state that Ministry through e-mail dated 11.02.2022 has informed IRO, Kolkata that a Committee was constituted in compliance to the Hon'ble NGT Order dated 03.01.2022 and it was decided to conduct a site visit on 16.02.2022 (tentatively) for inspection along with the Applicant of OA No.25/2016/EZ and the project proponent(s). Ministry has requested to nominate an officer from IRO, Kolkata, MoEF&CC for site visit. In this regard, this office nominates the following officer with details as follows:

Name : Dr. Shahida Parvin Quazi
Designation : Scientist 'E'
Address : Integrated Regional Office, MoEF&CC, IB-198, Sector-III, Salt Lake Kolkata, West Bengal - 700 106
Email ID : iro.kolkata-mefcc@gov.in / sp.quazi@gov.in
Mobile No : 8974599218

This is for your kind information.

Yours Faithfully,

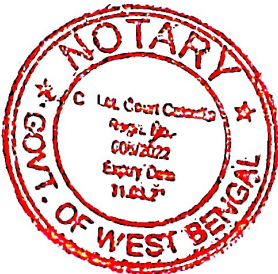
Dr. Shahida Parvin

Encl: As Above

(डॉ. शाहिदा परवीन काज़ी/ Dr. Shahida Parvin Quazi)
(वैज्ञानिक- इ/ Scientist-E)

Copy to: - Shri. Rajasekhar Ratti, Scientist - D, Ministry of Environment, Forest & Climate Change. Email: rs.ratti@gov.in for kind information.

/
(वैज्ञानिक- इ/ Scientist-E)



2/14/22, 12:09 PM

Email

Dr Soma Das

Email

OA.No.25 of 2016 in the matter of Sabyasachi Mallick Chowdhury Vs State of West Bengal & Ors before the National Green Tribunal (NGT), Special Bench - Compliance - reg.

From : Rajasekhar Ratti <rs.ratti@gov.in>

Fri, Feb 11, 2022 07:12 PM

Subject : OA.No.25 of 2016 in the matter of Sabyasachi Mallick Chowdhury Vs State of West Bengal & Ors before the National Green Tribunal (NGT), Special Bench - Compliance - reg.

1 attachment

To : Dr Soma Das <iro.kolkata-mefcc@gov.in>, roez@fsi.nic.in

Cc : RAGHU KUMAR KODALI <kodali.rk@gov.in>, MANJU PANDEY <manju.pandey@nic.in>

Sir,

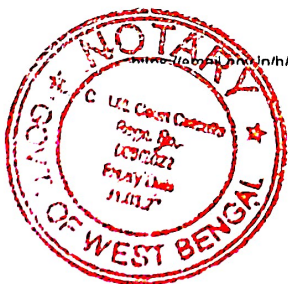
This is regarding court case in Hon'ble NGT, EZ. You are requested to nominate an official for site visit which is to be conducted on 16.02.2022. Please see the attachment for details.

regards

(Rajasekhar Ratti)
Scientist D
Wetlands Division
MoEF&CC



Ltr_Nomination_IRO_Site Visit.docx.pdf
457 KB



www.bengal.gov.in/h/nrntmessage?id=C:-10465&tz=Asia/Kolkata&xlm=1