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**BEFORE THE HON'BLE NATIONAL GREEN TRIBUNAL
 EASTERN ZONE BENCH, KOLKATA
 ORIGINAL APPLICATION NO. 01/2025/EZ**

In The Matter of:-

Sarbani Brahma

..... Applicant

- Versus-

State of West Bengal & Ors.

...Respondent(s)



**COUNTER AFFIDAVIT ON BEHALF OF RESPONDENT NUMBER 09, THE
 DEPARTMENT OF FISHERIES, GOVERNMENT OF WEST BENGAL.**

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Filed by:

Sibojyoti Chakrabarti

Mr. SIBOJYOTI CHAKRABARTI,

Advocate,

State of West Bengal

(M): 9007035534

Email: subho.advocate@gmail.com

24 JUN 2026

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I, Sri Anjan Karmakar, S/o Late Abani Karmakar, aged about 57 years, by faith-Hindu, by occupation- Government Service, now posted as Deputy Secretary at the Department of Fisheries, Government of West Bengal, having office at 31, GN Block, 8th floor, Sector-V, Salt Lake City, Kolkata: 700091, West Bengal, do hereby solemnly affirm and declare as follows: -

1. That I am presently posted as the Deputy Secretary at the Department of Fisheries, Government of West Bengal, having office at 31, GN Block, 8th floor, Sector-V, Salt Lake City, Kolkata: 700091 West Bengal, and I have made myself acquainted with the facts and circumstances of this case and competent to affirm this Counter affidavit for and on behalf of the Department of Fisheries, Government of West Bengal, being the respondent number 09, herein, in the instant original application.

2. That this Counter Affidavit is filed in compliance and obedience to the Solemn Order dated 23.04.2026, passed by the Hon'ble National Green Tribunal, Eastern Zone Bench, Kolkata.

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3. That the instant original application has been filed by the applicant inter alia alleging illegal filling up of pond by the private respondents with solid waste materials resulting in decrease in pond area altering the optimal PH level of pond water and increased rate of eutrophication and that further resulted in death of fishes and fish species and ecological imbalance in the area at R.S. Dag No. 973, L. R. Gag No. 953, R. S. Khatian No. 1153, L. R. Khatian No. 495, 10022, 14368-14387, within block-Domjur, Mouza-Bankra, Pin: 711403 within the district of Howrah.

There is further allegation against M/s Meraj Industries and Ashrafi Copper and Alloys Cent Cast for accusing air and noise pollution day and night and disrupting the lives of residents in the surrounding area.

4. That in the paragraph 11 of the original application the applicant has referred to violation of the West Bengal Inland Fisheries Act, 1984. In this context it is pertinent to mention that as per Schedule -I of the National Green Tribunal Act, 2010 the West Bengal Inland Fisheries Act, 1984 is not included and hence the same cannot be adjudicated by this Hon'ble Tribunal to that extent as per the applicability of the said Act in the instant Original Application.

5. That moreover as per Notification No. 1748-Fish/C-I/9R-03/2017 Dated 20th July, 2017 issued by the Department of Fisheries, Aquaculture, Aquatic Resources & Fishing Harbours, Government of West Bengal, the following authorities have been designated as the competent authority under the said Act:-

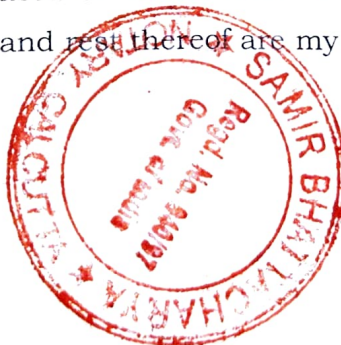
- (i) Municipal Commissioner/Commissioner/Executive Officer of Municipal Corporation s/Municipalities/Notified area authority within their respective jurisdiction.
- (ii) District Magistrate within their respective revenue districts except the municipal areas mentioned above.

Photocopy of the Notification being no. 1748-Fish/C-I/9R-03/2017 Dated 20th July, 2017 issued by the Department of Fisheries,



Aquaculture, Aquatic Resources & Fishing Harbours, Government of West Bengal is annexed herewith and marked with the letter 'A'.

6. That presently any dispute regarding illegal filling up of pond/water bodies is looked after by the competent authorities mentioned above.
7. That in the instant original application vide Solemn Order dated 08.01.2025 passed by this Hon'ble Tribunal a Committee has been constituted in which the District Magistrate Howrah district has been designated as the Nodal Body for filing the report.
8. That accordingly the District Magistrate Howrah has filed the Report of the Fact Finding Committee dated 30th June, 2025 and the same has been taken on record by the Hon'ble Tribunal.
9. That this department adopts the Report of the Fact Finding Committee as filed by the District Magistrate Howrah.
10. That it is respectfully prayed before the Hon'ble Tribunal may be pleased to pass such further Order/Orders as is deemed fit for the ends of justice.
11. That the statements made in paragraph 1 is true to my knowledge and paragraphs 2 to 9, are based on information derived from the record and which I believe to be true and rest thereof are my humble submission before this Hon'ble Tribunal.



Identified by me

Sibojyoti Chakrabarti
Advocate

State of West Bengal

Enrolment No: WB/1730/2010

24.09.2026

Anjan Karumalla
Deponent
ANJAN KARMAKAR, WBSS
Deputy Secretary
Fisheries Department
Government of West Bengal

Solemnly Affirmed and
Declared before me U/S 139
CPC, U/S 297 (C) CrPC

24.6.26 Notary 24 JUN 2026



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Verification

I, the deponent within named do hereby solemnly affirm and verify that the contents of the statements made in the above paragraphs of the affidavit are true and correct to the best of my knowledge and belief. No part of the same is false and nothing material has been concealed therefrom.

W/
AB Verified at Kolkata, on this the *24th* day of June, 2026.

Identified by me

Sibojyoti Chakrabarti
Advocate
State of West Bengal *24.09.2026*
Enrolment no/- WB/1730/2010.

Anjan Karmakar
Deponent
ANJAN KARMAKAR, WBSS
Deputy Secretary
Fisheries Department
Government of West Bengal



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Kolkata Gazette
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TUESDAY, DECEMBER 26, 2017

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PART I—Orders and Notifications by the Governor of West Bengal, the High Court, Government Treasury, etc.

GOVERNMENT OF WEST BENGAL

Department of Fisheries, Aquaculture, Aquatic Resources & Fishing Harbours,

I.T. Building (7th & 8th Floor)

31, G.N. Block, Sector-V, Salt Lake City, Kolkata - 700 091

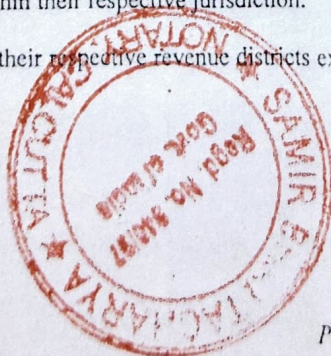
No. 1748-Fish/C-I/9R-03/2017

Dated, Kolkata, the 20th July, 2017.

NOTIFICATION

In exercise of the power conferred by clause (ii) of section 2 of the West Bengal Inland Fisheries Act, 1984 (West Bengal Act XXV of 1984) as subsequently amended (hereinafter referred to as the said Act), and in supersession of all previous notifications in this regard, the Governor is hereby pleased to authorise the following authorities to be the competent authority under the said Act:

- (i) Municipal Commissioner / Commissioner / Executive Officer of Municipal Corporation / Municipalities / Notified area authority within their respective jurisdiction.
- (ii) District Magistrate within their respective revenue districts except the municipal areas mentioned above.



By order of the Governor,

SUNIL KR. GUPTA
Principal Secretary to the Govt. of West Bengal

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