

BEFORE THE NATIONAL GREEN TRIBUNAL,
(EASTERN ZONE BENCH), KOLKATA

ORIGINAL APPLICATION NO. 215 OF 2025/EZ

BETWEEN

PRABIR ROY CHOWDHURY

.....APPLICANT

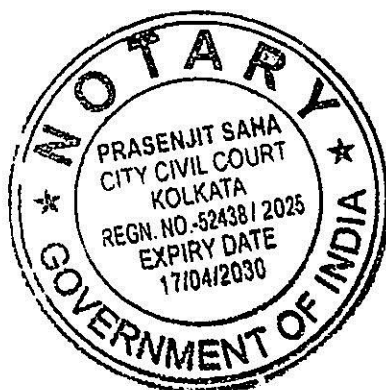
-Versus -

THE WEST BENGAL POLLUTION
CONTROL BOARD & ORS.

.....RESPONDENTS

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S.L. NO. 37

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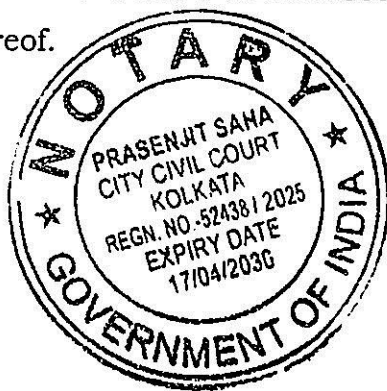
THE WEST BENGAL POLLUTION CONTROL BOARD & ORS.

.....RESPONDENTS

Reply to the Affidavit filed by the Respondent No. 5 herein

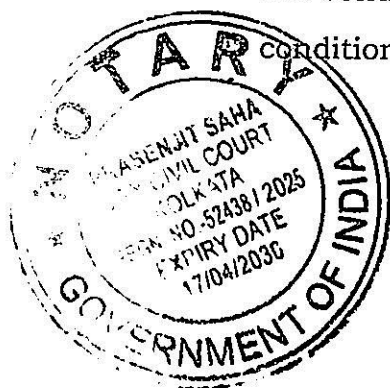
I, Prabir Roy Chowdhury, son of Late Bhupatish Roy Chowdhury, aged about 77years, by faith : Hindu, by occupation: Business, residing at 16/4/1, Purna Das Road, Police Station : Gariahat, Kolkata – 700029, do hereby solemnly affirm and say as follows:

1. That I am the applicant herein and I am also well acquainted with the facts and circumstances of the instant case. I am competent to verify the instant affidavit.
2. A copy of the "Affidavit of Reply on behalf of Respondent No. 5, Draft Coffee", hereinafter for the sake of brevity referred to as the "said affidavit" was served upon me on 06/05/2026. I have perused the said affidavit and have understood the purported, contents and/or tenor thereof.



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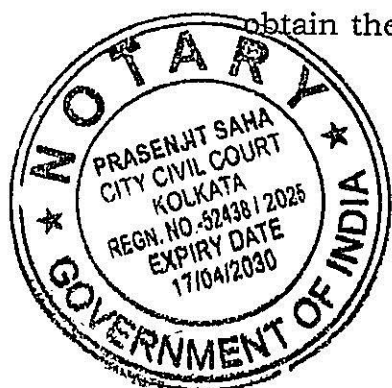
3. Before dealing with the allegations and/or statements and/or averments made in the various paragraphs of the said affidavit, I say and submit that the said affidavit contains incorrect allegations and/or averments and/or statements which are carefully and tactfully put in-between the facts of the case only with the ulterior motive to mislead this Hon'ble Tribunal. It is made clear herein that the allegations and/or averments and/or statements which are not specifically dealt with by me hereinafter are deemed to be set out hereafter and traversed. Save and except those statements made in the said affidavit which are matters of record and save and except those which are specifically admitted by me herein, I deny and dispute each and every statement made in the said affidavit.
4. With reference to the statement made in paragraph nos. 1 to 4 of the said affidavit, save and except those statements which are matters of record, I deny and dispute each and every statement made in the said paragraphs.
5. With regard to the statement made in paragraph nos. 5 to 8 of the said affidavit, save and except those statements which are matters of record, I deny and dispute each and every statement made in the said paragraphs. I specifically deny that the Respondent No. 5 runs the café namely "Craft Coffee" strictly in accordance with the applicable laws and with all the required statutory permissions. On the contrary they are running their unit by flouting the terms and conditions of the Certificate of "Consent to Operate" as well as the



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regulations pertaining to environment, pollution, municipal laws amongst other laws with impunity. It is denied that any of the allegations made in the original application are exaggerated and/or unsubstantiated and/or misleading in any manner whatsoever.

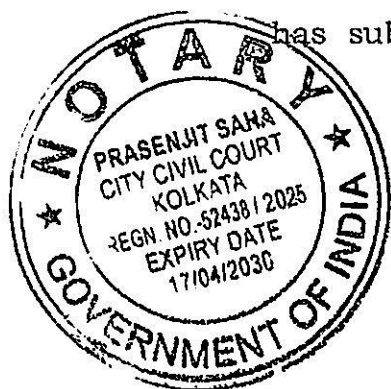
6. With regard to the statement made in paragraph nos. 9 and 10 of the said affidavit, save and except those statements which are matters of record, I deny and dispute each and every statement made in the said paragraphs. It is denied that the no notice dated 30/06/2025 to appear for hearing before the hearing officer of the public grievance of the state board of the West Bengal pollution control board on 09.07.2025 had ever been served to the private respondent and the that they had no knowledge of the said hearing. It is clearly reflected from the record of proceedings dated 09/07/2025 that the notice was served upon them, and not only that a physical inspection was conducted by the officials of the Public Grievance Cell, WBPCB was conducted on 25/06/2025 as is reflected from the said record of proceedings. It is most surprising to note that Consent to Establish has been obtained only on 14/10/2025 and a Consent to operate has been issued on 29/10/2025, whereas the Cafe/Restaurant has been running since long before that. The obvious question arises as to how the Café/ Restaurant was operating prior to such consent. The same further goes on to establish that they flouted the directions of the Pollution Control Board which categorically directed the respondent no. 5 to obtain the consents by 31st August, 2025. It is further surprising as



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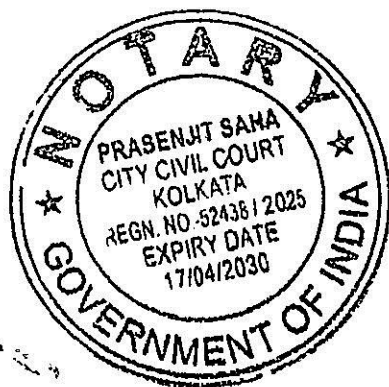
to how the Café/Restaurant was allowed to operate after such period despite the clear mandate of the Pollution Control Board, which the Respondent No. 5 admittedly flouted. It is specifically denied that a common fume extraction system which is connected to a single duct has been installed which opens at the eastern side of the kitchen. It is denied that the installation of any Effluent Treatment Plan is currently under process or that necessary steps are being undertaken to ensure completion at the earliest. It is also denied that unit disposes off wastes properly as per the Solid Waste Management Rules, 2016. It is evident that the unit has taken no steps as per the directions of the Pollution Control Board as contained in the Record of Proceedings dated 09/07/2025 bearing Memo No. 1018(2)-5L/WPB-2025/C-6714 issued on 16/07/2014. It is most surprising as to how without adhering to the mandatory directions such post-facto consents could be granted to the Respondent No. 5. It clearly shows the intrinsic collusion between the respondent no. 5 and the respondent authorities concerned. It is submitted that the post-facto issuance of the stator consents were a result of collusion and illegality as such the same ought to be cancelled.

7. With regard to the statement made in paragraph nos. 11 and 17 of the said affidavit, save and except those statements which are matters of record, I deny and dispute each and every statement made in the said paragraphs. It is denied that the respondent no. 5 has submitted all relevant documents, licences and compliance



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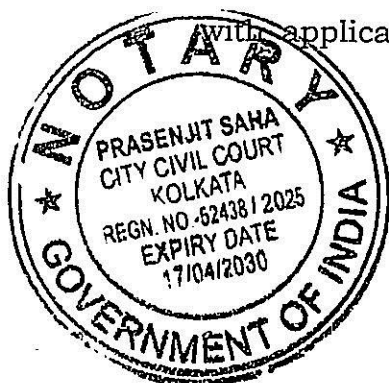
particulars before the concerned police authorities. It is submitted that although a bold statement has been made, yet, no proof of submission of any documents before the police authorities have been annexed to the said affidavit. It is denied that any allegation or inference of non-compliance is wholly misconceived. It is specifically denied that the respondent no. 5 unit has taken all necessary and adequate steps to minimize and control any emission from the establishment. It is denied that the respondent no. 5 unit is operating in compliance with applicable environmental norms. It is denied that the private respondent has at all material times acted bona fide and in compliance with the directions issued by the competent authorities. It is for the denied that the private respondent has submitted necessary documents and compliance particulars before the concerned authorities. It is submitted that whatever certificates have been obtained by the private respondents are results of collusion and corruption with the respondent authorities as it is evident that the same have been obtained much after my complaint and the findings of the pollution control board. It is submitted that they are still continuing in their illegal manner and causing pollution in nature of air, water and noise/sound. It is also unexplained and extremely surprising that although the affidavit has been affirmed by a person claiming to be the authorized representative of the respondent no. 5 using the stamp of "director" of a company namely, "Kaldi Craft Coffee Pvt. Ltd.", yet, the certificates and licences annexed to the affidavit and also the



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lease agreement appearing at page 40 of the affidavit are issued in favour of a company, namely, "Beans and Brews Private Limited".

8. With regard to the statement made in paragraph nos. 18 and 23 of the said affidavit, save and except those statements which are matters of record, I deny and dispute each and every statement made in the said paragraphs. It is denied that the private respondent has taken bona fide step towards compliance of the directions content in the record of proceedings dated 16/07/2025. It is denied that they are in the process of implementing the necessary pollution control measures. It is for the denied that appropriate systems for ventilation and emission control are being ensured. It is evident from the statements made in paragraph 19 of the said affidavit that the mandatory directions of the pollution control board as contained in the record of proceedings dated 09/07/2025, issued on 16/07/2025, have not been fulfilled by the private respondent and that they are continuing to operate in such illegal manner, thereby causing constant and irreversible harm not only to me and my wife residing in the building but also to innumerable others. It is denied that the café is being operated in a lawful manner with all requisite licenses and permissions required and in compliance with the applicable norms. It is denied that proper measures for ventilation, waste, disposal and hygiene are duly maintained. It is specifically denied that proper waste disposal practices are followed and discharge is carried out in accordance with applicable norms. It is denied that the private respondent is



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operating in compliance with the applicable norms and regulations of the West Bengal, pollution control board and other competent authorities. It is for the denied that there has not been any violation of the environmental norms or the legal rights of the applicant or that the allegations are misconceived and unsubstantiated. It is denied that the present application does not raise any substantial question relating to environment, or that it is essentially based on personal grievance or any private dispute between the parties.

9. That the statements contained in paragraph nos. 1 to 8 of the foregoing affidavit are true to my knowledge and the rests are my humble submissions before the Hon'ble Tribunal.

Identified by me -

Sanjit Saha
Advocate.

Prabir Roy Chowdhury

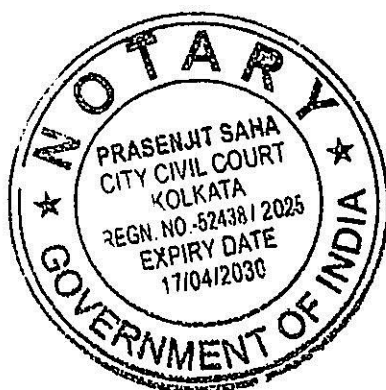
DEPONENT

Solemnly affirmed and declared
Before me on Identification

Bahs

PRASENJIT SAHA
Notary, Kolkata, Govt. of India
Regn. No.-52438/2025

22 MAY 2026



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REPLY TO THE AFFIDAVIT

filed by the Respondent No. 5 herein

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Enrolment No.F/452/383/2016