



BEFORE THE HON'BLE NATIONAL GREEN TRIBUNAL
EASTERN ZONE BENCH, KOLKATA
ORIGINAL APPLICATION NO. 215/2025/EZ

In The Matter of:

Prabir Roy Chowdhury

... Applicant

Versus

The West Bengal Pollution Control
Board & Ors.

... Respondents

COUNTER AFFIDAVIT ON BEHALF OF THE RESPONDENT NUMBER 04,
THE KOLKATA MUNICIPAL CORPORATION.

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Filed By:-

Sibojyoti Chakrabarti

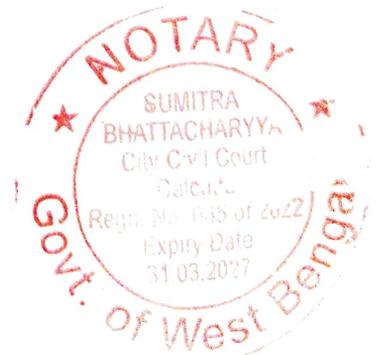
SIBOJYOTI CHAKRABARTI

Advocate

Kolkata Municipal Corporation

(M): 9007035534

Email: subho.advocate@gmail.com





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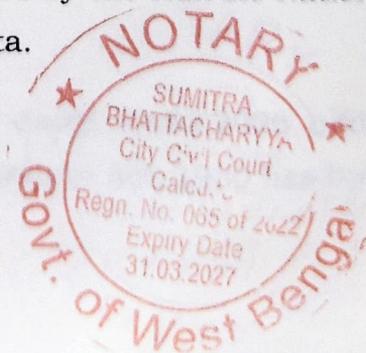
The West Bengal Pollution Control
Board & Ors.

... Respondents

COUNTER AFFIDAVIT ON BEHALF OF THE RESPONDENT NUMBER 04,
THE KOLKATA MUNICIPAL CORPORATION.

I, Sri Amitava Barua, S/o Late Nirod Baran Barua, aged about 59 years, by faith- Buddhism, by occupation-service, presently posted as License Officer (HQ), the Kolkata Municipal Corporation, having office at 5, S.N. Banerjee Road, Kolkata: 700013, do hereby solemnly affirm and declare as follows:-

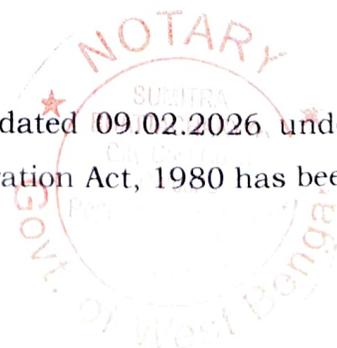
1. That I am the License Officer (HQ) of the Kolkata Municipal Corporation having office at 5, S. N. Banerjee Road, Kolkata: 700013, and I have been authorized by the Kolkata Municipal Corporation herein, to affirm this counter affidavit on its behalf.
2. That this counter affidavit is being filed in compliance and obedience to the Solemn Order dated 15.01.2026 passed by the Hon'ble National Green Tribunal, Eastern Zone Bench, Kolkata.



3. That the main grievance of the applicant in the original application is that the private respondent is operating a restaurant/café with a sitting capacity of 40 (Forty) persons on the ground floor in the building where the applicant resides. It has been further alleged that the unit of respondent number 05 falls in the 'Orange Category', as per the Siting Policy of the West Bengal Pollution Control Board and is violating environmental norms and causing air pollution from the exhaust vent/fan is emitting foul smell caused by untreated liquid generated from the kitchen of the unit of respondent number 05.
4. That the unit of the respondent number 05 falls within the ambit of the local authority being the Kolkata Municipal Corporation and as such the unit of the respondent number 05 is bound by the rules, regulations as framed for running cafe/restaurants within the areas that falls in the jurisdiction of the Kolkata Municipal Corporation.
5. That in compliance of the above referred Solemn Order passed by the Hon'ble Tribunal the unit of the respondent number 05 was inspected by the officials of the Kolkata Municipal Corporation on 05.02.2026 at premises number 16/4/1, Hemanta Mukhopadhyay Sarani, Kolkata: 700029, in which it was observed that it was a two storied residential building used for commercial purpose one portion named as M/s Beans & Brews Pvt Ltd but it had a sign board namely 'Craft Coffee', and another portion is a teashop. At the back portion of the building it was noticed that 9 (Nine) LPG Cylinders were stocked for restaurant use and for cooking purpose in respect of the above named restaurant.

Photocopy of the Inspection Report is annexed herewith and marked with the letter 'A'.

6. That subsequently a '**Show Cause**', notice dated 09.02.2026 under section 435A of the Kolkata Municipal Corporation Act, 1980 has been



issued to M/s Beans & Brews Private Limited interalia stating that the proprietor has obtained Certificate of Enlistment and been running business violating relevant provisions of KMC Act, 1980 therefore in the context the proprietor was asked to explain as to why the Certificate of Enlistment granted to the unit will not be cancelled.

Photocopies of the Show Cause Notice dated 09.02.2026 and Certificate of Enlistment of the unit M/s Beans & Brews Private Limited are collectively annexed herewith and marked with the letter 'B'.

7. That apparently from the averments made in the above paragraphs it is evident that the unit of the respondent number 05 has violated provisions of the KMC Act, 1980 and appropriate steps will be taken accordingly.
8. That the deponent craves leave of this Hon'ble Tribunal to file supplementary affidavit as may be directed by the Hon'ble Tribunal.
9. That the statements made in the above paragraphs are true to my knowledge and belief and as per records available in the office.
10. That it is therefore respectfully prayed that Hon'ble Tribunal may pass such order/orders as it deems fit and proper in the interest of justice.

Identified by me

Sibajyoti Chakrabarti

Advocate

05.03.2026

KMC

Anirban Nema
Deponent

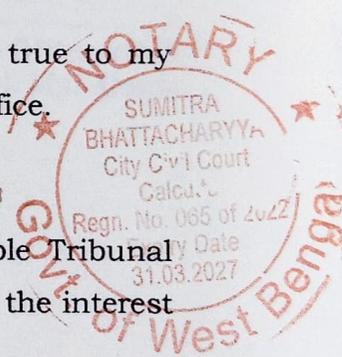
Licence Officer (H.Q.)
The Kol. Mpl. Corpn.

Solely Affirmed and
Declared before me U/S 139
CPC, (C)

Sumitra Bhattacharya
Notary

Sumitra Bhattacharya
Notary, Govt. of W.B.
Regd. No. 065 of 2022
City Civil Court, Calcutta

05 MAR 2026





TA

VERIFICATION

Verified at Kolkata by the deponent above named on this the ^{5th} Day of March, 2026 and say that the contents of this affidavit made in paragraph nos. 1 is true to my knowledge and those made in paragraphs no. 2 to 9, are true to my information derived from the office records and rest are my respectful submission before this Hon'ble Tribunal.

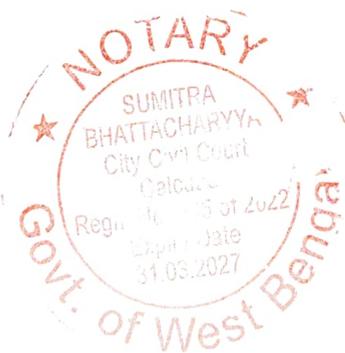
Adv

Identified by me

Sibojyoti Chakrabarti
Advocate 05.03.2026
KMC

Amitava Barua
Deponent

Licence Officer (H.O.)
The Kol. Mpl. Corpn.



05 MAR 2026 5



Inspection report

(A) Inspection date: 05/02/2026
 (B) Premises No. 16/4/1 Hemanta Mukhopadhyay Sarkeri
 Kolkata-700 029, KMC Ward No. 90

(C) Reason for such inspection: Petitioner National Green Tribunal (East Zone Bench) Kolkata vs. Between Prashant Ray Chowdhury vs. The West Bengal Pollution Control Board & ors.

(D) Report: Under signed had visited at 16/4/1 Hemanta Mukhopadhyay Sarkeri, Kol-29 on 05/02/26, and observed two storied residential buildings whose ground floors were being used for commercial purposes. One portion is named M/S ~~Craft Coffee~~ M/S Beans & Brews Pvt. Ltd. Restaurant but it has a signboard reading as "Craft Coffee". Another portion is a tea shop. At the back portion of the building, it was noticed that nine LPG cylinders were stacked for restaurant use and for cooking purpose in respect of the above restaurant.

Ltd. Restaurant
 L-1. Subarto.
 lease issue a 435A
 office at 16/4/1, Hemanta
 Mukhopadhyay Sarkeri, Kol-29
 as it is running using LPG
 for cooking purpose.

Small
 A10
 09/02/26

Report submitted by
 [Signature]
 Desgn. C.S/90
 06/02/26



- * -

'B'

THE KOLKATA MUNICIPAL CORPORATION
Licence Department, Gariahat Unit
Office of the Deputy Licence Officer
Gariahat K.M.C. Market Complex (3rd floor)
212, Rashbehari Avenue Kolkata-700019

Dated 09/02/2026
G144090/N-78/2025-26

SHOW CAUSE NOTICE

To
M/s. Beans & Brews Private Limited
Deputy Dab & Org.
16/4/1 Hemant & Meekhapadhyay Sakari
Kol-700029

TAKE NOTICE THAT after causing necessary physical inspection on 05/2/26 at 400 am/pm at premises no. 16/4/1 Hemant & Meekhapadhyay Kolkata 700029 under ward no. 90.

It has come to our notice that you have taken out necessary Certificate of Enlistment, it can be construed that you are running the trade/business under a residential building using LPG in an unauthorized manner contravening the relevant provisions of KMC Act 1980, attracting penal provisions under the said Act.

Whereas obtaining Certificate of Enlistment for such business is contrary to section 435A (1) read with schedule VA of the Municipal Corporation Act 1980 (as amended time to time) and Clause 7 & Clause 12 of the guideline issued vide No. 725/MA/O/C-4/3R-4/2015, dated 28/08/2020 UD & MA, Government of West Bengal.

So, it is evident that you have obtained your Certificate of Enlistment and running your business violating the relevant provisions of K.M.C. Act 1980 along with guidelines. Therefore, in this context you were asked to explain as to why your Certificate of Enlistment (C.E. No 009544009704) will not be cancelled.

Hence, you are again directed to give a proper reply against this show cause notice within 07 (Seven) days from the receipt of this letter for further course of action and if not reply within the stipulated period, law will act its own course.

Handwritten signature
L. 1/90
09/02/26

Received.
For
Suchandra Chandra
289643309 09/02/2026.

Handwritten signature
09/02/26

~~8~~
THE KOLKATA MUNICIPAL CORPORATION

103

License Department

Trade License Information

Run Date : 05/02/2026 03:22:45 PM

Trade License Information :

License Year : 2025-2026

License No. : 009544009704

Issue Date : 11/01/2025

Commencement Date : 01/11/2024

Status : Valid

Remarks :

Permanent

Base License No. :

Base License Year :

Net Demand : 8600

License Type :

Assessee Information :

M/S : BEANS & BREWS PRIVATE LIMITED

Assessee No. :

Building Type: NON-RESIDENTIAL

Ward : 090

Sub Ward :

Occupancy Type: RENTED

Address 1 : P 16/4/1 HEMANTA MUKHOPADHYAY SARANI

Address 2 : PURNA DAS ROAD, PS GARIAHAT

Kolkata : KOLKATA 700029

Proprietor/Partners/

DIPRAJ DAS AND OTHERS

Director(s)/Karta/Manager :

Revenue Information - I

Nature : EATING HOUSE/RESTAURANT/EATING HOUSE CUM RESTAURANT/FAST FOOD CENTRE/SNACK BAR (AREA

Nature : COMPANY REGD. UNDER COMPANY'S ACT 1956 (DEALING FOODS)/BANK/FINANCIAL INSTITUTION WIT

Prefix : COMPANY (DEALING FOOD ITEMS)

Suffix : RESTAURANT CAFE COFFEE DAY

Revenue Information - II

Parameters

A/C : Yes

Area : 1750

Av/Rent : 50000

Amounts

Sections	Assessed Amount	Demand Amount	Narration
MISC-3	100.00	100.00	
307	800.00	800.00	
199	2,000.00	2,000.00	
435/435A	2,500.00	2,500.00	
238 (2)	3,200.00	3,200.00	

Payment Information :

License Year	Srl No	Payment	Amount	Bank Name	Branch Name	Receipt No	Date
2024-2025	0	CASH	9,350.00			E/05/2025/15701 20	14/01/2025
2025-2026	0	CASH	8,600.00			E/05/2025/17058 09	11/06/2025

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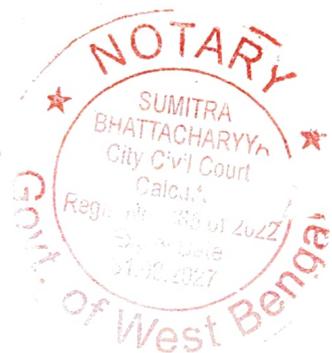
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SIBOJYOTI CHAKRABARTI

Advocate

For The Kolkata Municipal Corporation

Email: subho.advocate@gmail.com

(M): 9007035534.