

**BEFORE THE NATIONAL GREEN TRIBUNAL
PRINCIPAL BENCH, NEW DELHI**

ORIGINAL APPLICATION NO. 475/2022/PB

A.ALI

..... - APPLICANT(S)

VERSUS

STATE OF WEST BENGAL

..... RESPONDENT(S)

**AFFIDAVIT ON BEHALF OF THE WEST BENGAL
POLLUTION CONTROL BOARD.**

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N.D.O.H-16.11.2022

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Filed by:

Mb

**MADHUMIT A BHATTACHARJEE
ADVOCATE ON RECORD
SUPREME COURT OF INDIA
Counsel on behalf of Respondent
WBPCB**

Date : 15.11.2022

Place : New Delhi

BEFORE THE NATIONAL GREEN TRIBUNAL¹
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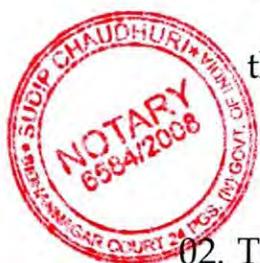
AFFIDAVIT ON BEHALF OF THE WEST BENGAL
POLLUTION CONTROL BOARD.

Most Respectfully Sheweth

I, Sri Tapas Kumar Gupta, son of Sri Late Priyashankar Gupta, aged about 61 years, by Religion - Hindu, by Occupation-Service, working for gain at West Bengal Pollution Control Board, having office at 10A, Block - LA, Salt Lake City, Kolkata - 700106, do hereby solemnly declare and say as follows:-

14 NOV 2022

01. That, I am the Chief Technical Advisor, West Bengal Pollution Control Board (hereinafter will be referred to as the `State Board`) and look after this case and as such I am well acquainted with the facts and circumstances of the case. I have been duly authorized by the Respondent, the West Bengal Pollution Control Board to affirm this Affidavit on its behalf and as such, I am competent to do so.



02. That, this affidavit is being affirmed in pursuance to the solemn orders passed by the Hon'ble Tribunal dated 02.08.2022.

03. That, the Hon'ble Tribunal constituted a Joint Committee of State Pollution Control Board and the District Collector, Birbhum. The Committee was directed to carryout inspection and verify the factual position and accordingly take requisite action by following due process of law.

04. That, the Committee inspected the site on 20.10.2022 in order to examine the allegations of the applicant.

05. That. during inspection no activity related to filling up of the waterbody as alleged, was noticed. The waterbody was found to be full with aquatic plants and weeds.

Copy of the inspection report of the Joint Committee is annexed herewith and marked with letter "R".

14 NOV 2022



06. That, the Joint Committee made the following remarks/recommendations:-

- a) No filling up of the waterbody was evident during visit.
- b) During inspection, verbal direction was given to Smt. Tulabati Mal (owner of waterbody) to restore the waterbody by cleaning the aquatic plants and weeds.

07. 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.

Tapas K. Saha
DEPONENT

14 NOV 2022

BEFORE THE NOTARY PUBLIC
AT BIDHANNAGAR
DIST.-NORTH 24 PARGANAS

VERIFICATION



4

SL. NO. 414/2022

I, Sri Tapas Kumar Gupta, son of Sri Late Priyashankar Gupta, aged about 61 years, by Religion - Hindu, by Occupation- Service, working for gain at West Bengal Pollution Control Board, having office at 10A, Block - LA, Salt Lake City, Kolkata - 700106, do hereby solemnly declare and say as follows:-

1. That, I am the Chief Technical Advisor, West Bengal Pollution Control Board and I am well acquainted with the facts and circumstances of the instant Original Application.
2. That, the statements made in paragraph 1 of this affidavit is true to my knowledge and belief.
3. That, the statements made in paragraphs 2 to 6 of this affidavit are my information derived from the records available in the office of the State Board which I verily believe to be true and the rest are my respectful submission before this Hon'ble Tribunal.

Tapas K. Gupta
DEPONENT

Identified by me

Dipayan Chosh

Advocate

WBPCB

S. CHAUDHURI
★ NOTARY ★
GOVT. OF INDIA
Regd. No.-6584/08
Bidhannagar Court
Dist.-North 24 Pgs.

14 NOV 2022



Report of the joint committee constituted as per Hon'ble NGT, Principal Bench order dated 02/8/2022 in the matter of A. Ali India vs. State of West Bengal in OA no. 475/2022

Background:

The applicant alleges that Smt. Tulabati Mal, owner of the water body (classified as *Doba*) in Mouza- Lohapur, J.L. no.- 117, L.R. Dag no.- 172 having an area of 10 decimals (as per land records), is filling up the said water body. Therefore, a Joint Committee comprising of the State Pollution Control Board (WBPCB) and District Collector, Birbhum visited the site in order to look into the grievances of the applicant, verify factual position and take requisite action by following due process of law.

Observation:

The members of the Joint Committee (officials of District Collector, Birbhum & WBPCB) constituted by the Hon'ble NGT inspected the site on 20/10/2022 in order to examine the allegations of the applicant. The inspecting officials met Smt. Tulabati Mal (owner of water body) and representatives of the complainant (family members of Sri Jagabandhu Ray and Sri Ujjwal Dutta) and heard versions of both sides.

During inspection, no activity related to filling up of the water body under scrutiny, which is full with aquatic plants & weeds, was noticed.

Residence of Smt. Tulabati Mal is adjacent to the water body and lies on the West of the water body. Residence of Sri Jagabandhu Ray is situated on the adjacent plot East of the water body. It was learnt that sullage from Sri Jagabandhu Ray's residence is discharged into the said water body (owned by Smt. Tulabati Mal) as his residence has no proper drainage although the construction of the building took place more or less 15 years ago, as informed by the members of Ray family.

Other relevant information:

The representative of the complainant alleged that Smt. Tulabati Mal & others living on the West of the water body are trying to construct a pathway by filling up the Northern fringe of the water body in order to get easy access of the village market at Lohapur-Swarnakarpati through the passage between the residences of Sri Jagabandhu Ray & Sri Ujjwal Dutta. The members of both Ray & Dutta families claim that such passage is a private property belonging to the Rays & Duttas in parts as per construction rules and cannot be trespassed by villagers from the west of the water body.

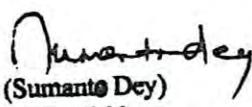
Smt. Tulabati Mal & others on the other hand claim that they are very much entitled to construct a bank for the water body on the Northern side of it and use it as a pathway.

Photographs taken during inspection are annexed herewith for ready reference.

Remarks/Recommendations:

- (i) No filling up of the water body was evident during visit.
- (ii) During inspection, verbal direction was given to Smt. Tulabati Mal to restore the water body by cleaning the aquatic plants & weeds.

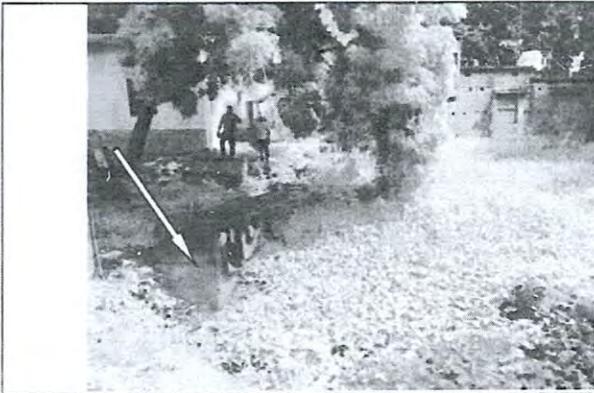

 (Arup Kumar Dey)
 Environmental Engineer, WBPCB


 (Sumanto Dey)
 ADF, Birbhum


 (Prolay Mondal)
 OC, Environment Section,
 DM Office, Birbhum



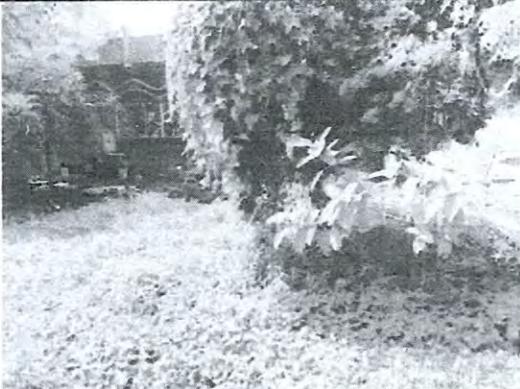
Photographs of the water body and adjacent plots taken on 20/10/2022



View of Northern half of the water body with residences of Sri Jagabandhu Ray (right) and Sri Ujjwal Dutta (left) on the background (the arrow in the picture indicates the northern fringe of the water body where Smt Tulabati Mal & others want to construct a pathway)



Another view of the water body from the side of Smt. Tulabati Mal's residence



Smt. Tulabati Mal's residence as seen from Eastern side of the water body



Passage between Sri Ujjwal Dutta's residence (left) & Sri Jagabandhu Ray's residence (right) leading to Lohapur-Swarnakarpatti market



Officials from the Office of the District Collector, Birbhum & WBPCB inspecting the water body

IN THE NATIONAL GREEN TRIBUNAL

CIVIL/CRIMINAL/APPELLATE/ORIGINAL JURISDICTION

Civil/Cri/Special Leave Petition/Writ Petition/ Appeal/T.P.

Original Application No. 475 of 2022

IN THE MATTER OF :

A. Ali

-VERSUS-

State of West Bengal

..... Applicant

..... Respondent

Member Secretary
West Bengal Pollution Control Board

VAKALATNAMA

I / We Dr. Rajesh Kumar, IPS, Member Secretary, WBPCB, Petition(s)/Opposite Party/ Respondent(s)/ Appellant(s)/ in the above Petition/appeal do hereby appoint and retain Madhumita Bhattacharjee, Advocate-on-Record, Supreme Court of India

Advocate of the Supreme Court of India, High Court of West Bengal, and in the above Petition / Appeal and on my / our behalf (and on the behalf of the defeno) the same and all proceedings that may be connected with the same or any decree or order in taxation and applications for Review, and all such necessary steps on my / our behalf in the above matter to be done by the aforesaid Advocate in pursuance of the powers conferred on me / us by law.



Dated this the 10th day of November, 2022

ACCEPTED

Mb

MADHUMITA BHATTACHARJEE
212 Ansal Bhavan, 16 K.G. Marg,
New Delhi-110001 Mob. 9811785211
Email-bhattacharjee.madhuita@gmail.com

Counsel on behalf of Respondent WBPCB



Petitioner(s) / Appellants(s)
Opposite Party / Respondent(s)

MEMO OF APPEARANCE

To
The Registrar
National Green Tribunal

Sir,

Please entry my appearance for the above-named Petitioner(s) Plaintiff(s)-Defendant(s)-Opposite Parts Respondent(s)-Appellant(s) in the above mentioned Petition Case-Appeal-Matter.

Yours faithfully

Madhumita Bhattacharjee
Counsel on behalf of Respondent

Date : 15.11.2022

**WEST BENGAL POLLUTION CONTROL BOARD**

(Department of Environment, Govt. of West Bengal)

"Paribesh Bhavan" 10A, Block – LA, Sector – III,

Bidhannagar, Kolkata - 700 106

Tel: 2335 9088/8211 & Fax: 2335 8073/2813

Website : www.wbpcb.gov.in E-mail : net.wbpcb-wb@bangla.gov.in

Memo No. 360/331L/WPB/2012/ L.O

Dated : 11/11/2022

To
Smt Madhumita Bhattacharjee,
Advocate on Record
Supreme Court of India

Sub : Request to appear before Principal Bench, NGT with regard to OA No 475 of 2022.

Madam,

With reference to the above, I am directed to request you to appear and defend the board in the above matter. Vokatnama, copy of the email received from NGT, copy of the report of the committee and order of the Hon'ble Tribunal is annexed herewith for your kind perusal. Affidavit will be sent by email on Monday positively.

Yours faithfully

(RATHIS SOM, WBSL)

Law Officer

West Bengal Pollution Control Board

Service Affidavit in OA. No. 475/2022 PB "A. Ali Vs. State of West Bengal "

1 message

Office of Adv Madhumita <office.advocate.madhumita@gmail.com>

Tue, Nov 15, 2022 at 12:09 PM

To: "deyadu5@gmail.com" <deyadu5@gmail.com>, rathis1.som@gmail.com, Madhumita Bhattacharjee <bhattacharjee.madhumita@gmail.com>

Dear Sir/Madam,
Please find the attachment Affidavit in the above mentioned matter.

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With Regards

Office of Advocate Madhumita Bhattacharjee
212, Ansal Bhawan, 16 K.G. Marg,
New Delhi-110001
Telephone No. 011-43029802

**Affidavit with vakalatnama.pdf**

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