

BEFORE THE HON'BLE NATIONAL GREEN TRIBUNAL

EASTERN ZONE BENCH, KOLKATA

ORIGINAL APPLICATION NO. 06/2023/EZ

In The Matter of:

Kanailal Bhunia

... APPLICANT

VERSUS

The State of West Bengal & Ors.

... RESPONDENT(S)

AFFIDAVIT ON BEHALF OF THE RESPONDENT NUMBER 3, DISTRICT  
MAGISTRATE & COLLECTOR, DISTRICT PURBA MIDNAPORE.

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Filed by

*Sibojyoti Chakrabarti*

SIBOJYOTI CHAKRABARTI

Advocate

For The State of West Bengal

Email: [subho.advocate@gmail.com](mailto:subho.advocate@gmail.com)

(M): 9007035534

1/101



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ORIGINAL APPLICATION NO. 06/2023/EZ



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MAGISTRATE & COLLECTOR, DISTRICT PURBA MIDNAPORE.

I, Shri Purnendu Kumar Maji Son of Sri Mihir Kumar Maji , aged about 54 years, by faith Hindu , by occupation-service, and having office at Tamluk, Purba Midnapore, Pin: 721636, West Bengal, do hereby solemnly affirm and declare as follows:-

1. That, I am District Magistrate & Collector, District: Purba Midnapore, having my office at Tamluk, Purba Midnapore, Pin: 721636, West Bengal, I am well acquainted with the facts and circumstances of the case and as such I am competent to swear, sign and affirm this affidavit.
2. That this affidavit is filed in compliance to the Solemn Orders dated 18.01.2023 & 16.03.2023, passed by the Hon'ble National Green Tribunal, Eastern Zone Bench, Kolkata.
3. That in the instant original application the applicant has stated that he is the adjacent house owner and that the private respondent being respondent number 5, is the owner of a chanachur factory causing air

17 APR. 2023

and sound pollution and running the said chanachur factory without any statutory permissions from the concerned authorities.

4. That in compliance to the Solemn Orders passed by the Hon'ble Tribunal, the Additional District Magistrate (General), Purba Midnapore vide letter dated 10.04.2023 had interalia informed the Superintendent of Police that the Officer-in-Charge, Egra Police Station was informed to take necessary action against the unit of the private respondent being respondent number 5, with respect to the Record of Proceedings dated 27.01.2020, as made by the West Bengal Pollution Control Board, if the unit of the private respondent failed to produce necessary statutory permissions, but no action had been taken by the Officer-in-Charge, Egra Police Station.

The Superintendent of police was once again requested to look into the matter and take necessary action.

Photocopy of the letter dated 10.04.2023 and Record of Proceedings dated 27.01.2020 are collectively annexed herewith and marked with the letter 'R-1'.

5. That vide letter dated 19.10.2020, the Senior Scientist & In-Charge of Public Grievance cell, West Bengal Pollution Control Board had informed the Officer-in-Charge, Egra Police Station with a request to see that the unit of the respondent number 5, runs only after obtaining necessary statutory licenses from the concerned authorities including 'Consent to Operate'/ 'Consent to Establish' from the State Board and in case of non compliance by the unit the appropriate action may be taken against the unit.

Photocopy of the letter dated 19.10.2020 written by the Senior Scientist & In-Charge of Public Grievance cell, West Bengal Pollution Control Board to the Officer-in-Charge, Egra Police Station is annexed herewith and marked with the letter 'R-2'.

107 APR. 2023

6. That the statements made in the above paragraphs are true to my knowledge and belief as derived from the records as available in this office and the rest are my respectful submissions before the Hon'ble Tribunal.

Identified by me

*Sibojyoti Chakrobarti*  
Advocate 17/04/2023

For The State of West Bengal

*Purnendu Kumar Maji*  
Deponent



**VERIFICATION**

Verified at Kolkata by the deponent above named on this the 17<sup>th</sup> day of Apr April, 2023 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 6, are true to my information derived from records and rest are my respectful submission before this Hon'ble Tribunal.

Identified by me

*Sibojyoti Chakrobarti*  
Advocate 17/04/2023  
For The State of West Bengal

*Purnendu Kumar Maji*  
Deponent

Solemnly Affirmed and  
Declared before me U/S L.  
CPC / U / S297 (C) CRPC

Notary

17.4.23

17 APR. 2023

**Samir Bhattacharya**  
Notary, Govt. of India  
Regd. No.-940/97  
City Civil Court, Calcutta

জেলাশাসক ও জেলাসমাহর্তার কার্যালয়

পূর্ব মেদিনীপুর

গ্রাম- গনপতিনগর, পোষ্ট- উত্তর সোনামুই

থানা :তমলুক ; জেলা : পূর্ব মেদিনীপুর

পিন : ৭২ ১৬ ৪৮



Annexure 'R-1'  
Office of the District Magistrate & Collector  
Purba Medinipur

Vill. Ganapatinagar, P.O. Uttar Sonamui

PS : Tamluk ; Dist : Purba Medinipur

Pin : 721648 (R. M. Section) 4<sup>th</sup> Floor

e-mail: rm.purb@gmail.com

Memo No... 368..RM(b)/127/23

Date 10/04/2023

To  
The Superintendent of Police,  
Purba Medinipur

Sub. :-

O.A. No. 06/2023/EZ

In the matter of Kanailal Bhunia.....Petitioners.

vs-

The State of West Bengal & Ors.....Respondents.

Sir,

In compliance of the Order of the National Green Tribunal, Eastern Zone Bench, Kolkata dated 18/01/2023, the Record of Proceedings dated 27/01/2020 was made by the West Bengal Pollution Control Board and the Officer-in-Charge, Egra Police Station was simultaneously informed of this order by which he was requested vide letter memo 5L/WPB/2020/D-0001 DATED 19/10/2020, to take appropriate action against a Chanachur Making Unit of Mr Dilip Bhunia at Urdhavyapur under Egra P.S. if he fails to produce necessary statutory licence of this unit. But, it was not complied.

Now, enclosed please find herewith a copy of the Order of National Green Tribunal, Eastern Zone Bench, Kolkata dated 18/01/2023 and a copy of the Record of Proceedings dated 27/01/2020, made by the W.B. Pollution Control Board and the letter to the O.C.Egra Police Station from the W.B. Pollution Control Board, which are self explanatory, for taking necessary steps accordingly against a private respondent, running a "Chanatur Manufacturing Factory" without having any valid documents i.e. Consent to Establish / Consent to Operate from the State Board of W.B.Pollution Control, created sound and air pollution in the surrounding area.

You are hereby requested kindly to look into the matter.

Encl :- As stated above.

Yours faithfully,

Additional District Magistrate(Gen)  
Purba Medinipur

Date 10/04/2023

Memo No... 368..(1)/(7)/RM(b)/127/23

Copy forwarded for favour of information to :-

1. The Sri Sibojyoti Chakrabarti, Ld. Advocate, High Court, Kolkata
2. The Sub Divisional Officer, Egra, Purba Medinipur
3. The Assistant Environmental Engineer, Pollution Control Board, Durgachak, Haldia,
4. The Officer-in-Charge, Public Grievance Cell, Purba Medinipur,
5. The Officer-in-Charge, Egra Police Station, Egra, Purba Medinipur
6. CA to the District Magistrate, Purba Medinipur
7. CA to the Additional District Magistrate(LR), Purba Medinipur

Additional District Magistrate(Gen)  
Purba Medinipur

All communication to State Board should be addressed with Number, Date and Subject



WEST BENGAL POLLUTION CONTROL BOARD  
Paribesh Bhawan, 10A, Block - LA, Sector III,  
Salt Lake City, Kolkata - 700 106.  
Ph.: (033)2335-8212/3913, Fax: (033)2335-8073  
Website: [www.wbpcb.gov.in](http://www.wbpcb.gov.in)

PUBLIC GRIEVANCE CELL

Complainant(s)	Respondent(s)
Kamailal Bhunia	Dilip Bhunia
Date : 27-01-2020	Time : 12-30 Hrs.

RECORD OF PROCEEDINGS.

Respondent Shri Dilip Bhunia, appeared in person. Nobody appeared on behalf of the complainant.

It is a complaint against a 'chanachur' making unit allegedly causing air pollution and sound pollution.

Complainant alleged in the complaint that they are suffering tremendously due to activities of the respondent unit.

During hearing, representative of the respondent unit submits trade licence obtained from Vivekananda Gram Panchayat for 'chanachur making', but failed to submit 'Consent to Establish'/'Consent to Operate' of the State Board.

The unit falls under 'orange category' as per present categorization of the State Board, so the unit requires permission from the State Board.

Considering the overall scenario and submission of the respondent party, the unit is directed to take adequate measures for control of noise and air pollution and operate only after obtaining 'Consent to Operate' of the State Board.

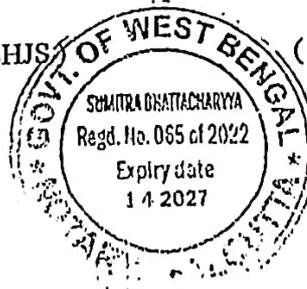
The Officer in Charge, Egra Police Station, Dist: Purba Medinipur, may be kept informed of this order passed by the State Board, to-day.

Sd/-  
(Dr. D. Chakraborty)  
Sr. Scientist & Incharge, P.G. Cell

Sd/-  
(B. Majumdar)  
Environmental Engineer

Sd/-  
(M. Bandyopadhyay, WBHJS)  
Dist. Judge (Retd.)

Sd/-  
(A.K. Bhunia, WBHJS)  
Dist. Judge (Retd.)



*Arshad - R - B* *M/K*

WEST BENGAL POLLUTION CONTROL BOARD  
(Department of Environment, Government of West Bengal)  
Parbesh Bhawan, 104, Block - LA, Sector III, Bidhannagar  
Kolkata - 700 106, Ph.: (033) 2335-3913, Fax : (033) 2335-8073, 2335-2813  
Website: [www.wbpcb.gov.in](http://www.wbpcb.gov.in), Email: [wbpcbnet@wbpcb.gov.in](mailto:wpcbnet@wbpcb.gov.in)

Memo No.

SI/WPB/2020/D-0001

Date : 1 / 10 / 2020

To  
The Officer-In-Charge  
Egra Station  
Egra Bazar,  
Purba Medinipur  
Pin-721 429

Sub : Record of Proceedings dated 27/01/2020 (Kanailal Bhunia vs Dilip Bhunia).

Enclosed please find herewith a copy of the Record of Proceedings dated 27/01/2020 (Kanailal Bhunia vs Dilip Bhunia) which is self-explanatory. The complaint pertains to allegations of noise and air pollution against a *Chanachur* making unit of Mr Dilip Bhunia of Vill & PO Urdhabpur, PS:Egra, Purba Medinipur.

You are requested to oversee that the *Chanachur* making unit runs only after obtaining necessary statutory licences including trade licence and Consent to Establish/Consent to Operate etc of the State Board.

In case of any non-compliance, you are at liberty to take appropriate action in accordance with law with an intimation to the State Board.

Yours faithfully,

*Sd/-*

Sr. Scientist & In-charge  
Public Grievance Cell

Encl:As Stated

Memo No. 706 - (1) / SL/WPB/2020/D-0001

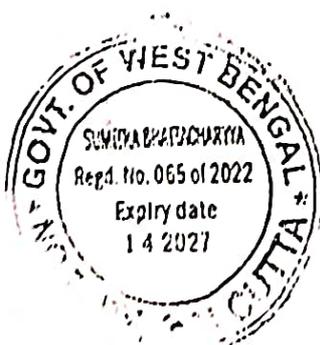
Date : 19/10/2020

Copy to:

✓ Mr Kanailal Bhunia , Vill & PO Urdhabpur, PS:Egra, Purba Medinipur, Pin-721422

*Tej*

Sr. Scientist & In-charge  
Public Grievance Cell



Speed Post

Government of West Bengal  
Office of the Legal Remembrancer, W.B.  
2 & 3, K.S. Roy Road, Kolkata-700001  
Email : lrwb2013@gmail.com

Memo No.1689-A/N.G.T.-06/23

Dated: Kolkata, 24.03.2023

From: The Office of the Legal Remembrancer, West Bengal.

To: Sri Sibojyoti Chakrabarti, Ld. Advocate,  
109, Sarat Chatterjee Road, P.O.-Lake Town  
Borat, Kolkata-700 089. (Mob:9007035534)

Sub: O.A.No.06/2023/EZ in the matter  
KANAILAL BHUNIA

-Vs-

WEST BENGAL POLLUTION CONTROL BOARD & ORS

Sir,

I am to inform you that you have been engaged to plead in the aforesaid matter on behalf of the State of West Bengal before the Hon'ble National Green Tribunal, Eastern Zone Bench at Kolkata.

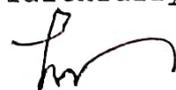
'Vakalatnama' duly signed is enclosed herewith for this purpose.

You are requested to send all the communications, copy of Court's orders relating to the matter directly to the concerned department with intimation to this office.

Your bills in the matter will be paid from this office.

Yours faithfully,

Enclo:- As above

  
for Legal Remembrancer,  
West Bengal

~~Memo No.1689 /1(2)-A /N.G.T.-06/23~~

~~Dated: Kolkata, 24.03.2023~~

~~Copy forwarded for information and taking necessary action to:-~~

- ~~1. The District Magistrate, Office of The District Magistrate & Collector's Office, Nimtouri, Purba Medinipur, West Bengal 721648~~
- ~~2. Office Copy~~

~~for Legal Remembrancer,  
West Bengal~~

VAKALATNAMA

BEFORE HON'BLE NATIONAL GREEN TRIBUNAL  
EASTERN ZONE BENCH AT KOLKATA

ORIGINAL APPLICATION NO. 06/2023/EZ

KANAILAL BHUNIA.

Appellant /  
Petitioner / Plaintiff

--VERSUS--

WEST BENGAL POLLUTION CONTROL BOARD & ORS.

Respondent /  
Opposite Party / Defendant

Vakalatnama on behalf of STATE OF WEST BENGAL

Know all men by these presents that by the Vakalatnama I/We appoint the Advocates noted below or any one of them, my/our lawful Advocate/Advocates for filing Memorandum of Appeal or Petition for entering appearance in the above matter for appearing in, conducting and arguing in the same for depositing or withdrawing any money in connection therewith, for moving the Court in any matter connected therewith, for preparing the paper-book in the case and for putting the papers, petition, etc. on my/our behalf for filing or taking back fresh suits etc. for signing and filing petitions of compromise in connections with the said matter and for taking copies of paper from the record and I/We further say that any act done by my/our said Advocate or Advocates or by any of them after accepting this Vakalatnama, shall be considered as my/our own true and lawful act.

And I/We further hereby agree and undertake to pay the said Advocate/Advocates his or their fees as settled all other sums that may be necessary to carry out his requisitions of the Court and otherwise to enable the Advocate/Advocates to conduct the case properly. Failing which the Advocate/Advocates after notice to me/us will be at liberty to withdraw from the further conduct of the case.

IN WITNESS WHEREOF I/We sign and execute this Vakalatnama, on this 24<sup>th</sup> day  
of March, 2023.

NAME OF ADVOCATES

SIBOJYOTI CHAKRABARTI

Advocate  
for the State of WB

Enrolment No of WB/1730/2010 

Email - subho.advocate  
@gmail.com

ph:- 9007035534

PLAINTIFF(S)/ APPELLANT(S)/ RESPONDENT(S)  
DEFENDANT(S)/ RESPONDENT(S)/ OPPOSITE PARTY(S)

Legal Remembrancer  
Govt. of West Bengal

BEFORE THE HON'BLE NATIONAL GREEN TRIBUNAL

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O. A. NO. 06/2023/EZ

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... RESPONDENT(S)

AFFIDAVIT ON BEHALF OF THE  
DISTRICT MAGISTRATE &  
COLLECTOR, PURBA MIDNAPORE,  
RESPONDENT NUMBER 3.

SIBOJYOTI CHAKRABARTI

Advocate

For The State of West Bengal

Email: [subho.advocate@gmail.com](mailto:subho.advocate@gmail.com)

(M): 9007035534.