

BEFORE THE HON'BLE NATIONAL GREEN TRIBUNAL

EASTERN ZONE BENCH, KOLKATA

ORIGINAL APPLICATION NO. 156/2022/EZ



In The Matter of:  
Habibur Rahman

... Applicant

Versus

The State Level Environment Impact  
Assessment Authority, West Bengal &  
Ors.

... Respondents

AFFIDAVIT ON BEHALF OF THE RESPONDENT NUMBER 6, THE DISTRICT  
MAGISTRATE & COLLECTOR, DISTRICT SOUTH (24) PARGANAS.

INDEX

SL	PARTICULARS	ANNEXURE	PAGE
1.	Affidavit		1-4
2.	Photocopy of the letter dated 29.07.2022 is annexed herewith	'R-1'	5
3.	Photocopies of the Enquiry Report and the letter dated 03.01.2023 written by the Block Development Officer, Thakurpukur, Mahestala development block to the Additional District Magistrate, & District Land & Land Reforms Officer, South (24) Parganas are collectively annexed herewith	'R-2'	6-7.

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

Date: 18.01.2023

19 JAN 2023



BEFORE THE HON'BLE NATIONAL GREEN TRIBUNAL

EASTERN ZONE BENCH, KOLKATA

ORIGINAL APPLICATION NO. 156/2022/EZ



In The Matter of:  
Habibbur Rahman

... Applicant

Versus

The State Level Environment Impact  
Assessment Authority, West Bengal &  
Ors.

... Respondents

**AFFIDAVIT ON BEHALF OF THE RESPONDENT NUMBER ... THE DISTRICT  
MAGISTRATE & COLLECTOR, DISTRICT SOUTH (24) PARGANAS.**

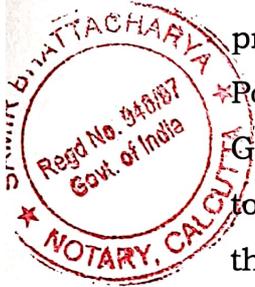
I, Sri Sumit Gupta, son of Sri S.K. Gupta, aged about 40 years, by religion - Hindu, by Nationality - Indian, by Occupation - Service, working as the District Magistrate and Collector, South 24-Parganas, Alipore, Kolkata - 700027, do hereby solemnly affirm and declare as follows:-

1. That, I am presently posted as District Magistrate & Collector, District: South (24) Parganas, having office at New Administrative Building, Alipore, Kolkata: 700027, and 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 Order dated 12.12.2022, passed by this Hon'ble Tribunal.
3. That previously the Block Development Officer, Thakurpukur, Maheshtala development block, District: South (24) Parganas vide letter dated 29.07.2022 bearing Memo No.- 1492/BDO-TM/2022 had informed the unit namely M/S. Lokesh Plastic Proprietor Mr. Lokesh Chandra Bhuiya, Factory Location at Plot No. 170 Under Mouza- Kalagachia, J. L. No- 40, Dist-

19 JAN 2023<sub>2</sub>



South 24 Pgs, Pin-700 063 West Bengal, that on 20.06.2022 a complaint has been submitted by Mr. Habibur Rahaman S/o. Fazlur Rahaman resident of Kalagachia, P.S- Kalitala, Ashuti, Kolkata-700063, for legal authenticity of Lokesh Plastic in connection with production of plastic Materials in which it has also been stated that at the time of physical enquiry they have not produced the following documents to run the factory properly i.e., (i) the Gram Panchayat NOC (Site clearance), (ii) Pollution Certificates- NOC (WBPCB), (iii) Trade license from Gram panchayat and as such the unit then had been directed to get the above certificates from the respective authorities and there after the said unit could commence production after observing the government norms and regulations.



The Photocopy of the letter dated 29.07.2022 as aforesaid is annexed herewith and marked with the letter 'R-1'.

4. That thereafter in pursuance to the Solemn direction passed by the Hon'ble Tribunal in the above matter an enquiry was carried out by the Industrial Development Officer, Thakurpukur, Mahestala development block on 03.01.2023 and the same has been also intimated by the Block Development Officer, Thakurpukur, Mahestala development block to the Additional District Magistrate, & District Land & Land Reforms Officer, district : South (24) Parganas vide letter dated 03.01.2023, Memo No.-14/TMB.

Inspection report regarding M/S. "LOKESH PLASTIC" Prop. Of Mr. Lokesh Chandra Bhuiya, Mouza- Kalagachia, P.S. Kalitala Ashuti, South 24 Parganas, Pin-700 063 and M/S. Soma Enterprise Prop. of Haran Halder, Kalagachia, Sakhirpota Road, P.O. - Thakurpukur, P.S.-Kalital Ashuti, District - South 24 Parganas, Pin 700063

That in the Enquiry report inter alia it has been stated that:

- "1. M/S. "LOKESH PLASTIC" situated at Kalagachia, P.S- Kalitala, Ashuti, Kolkata- 700063.
2. Production for manufacturing of plastic materials.

19 JAN 2023

3. Pollution Certificate Consent to Operate already applied for online application No. 2774266 dated 26.09.2022, Category - Green.

4. Trade Registration Certificate, Ashuti-II Gram Panchayat has been found, against Registration No. 383/A-II GP/22-23 Dated: 08.08.2022.

5. M/S. Soma Enterprise Prop. of Haran Halder, Kalagachia, Sakhirpota Road, P.O. - Thakurpukur, P.S.-Kalital Ashuti, District - South 24 Parganas, Pin 700063.

6. The Production house is manufacturing virgin plastic above 120 micron.

7. Pollution Certificate - Consent to Operate (WBPCB) certificate are found, against No. 499/DIC/CTO/ S-24 Pgs. Dated - 23.09.2022.

8. Trade Registration Certificate, Ashuti-II Gram Panchayat has been found, against Registration No. 305/A-II GP/2016-17 Dated: 08.08.2016 valid period up of 2022-23."

The Photocopies of the Enquiry Report and the letter dated 03.01.2023 written by the Block Development Officer, Thakurpukur, Mahestala development block to the Additional District Magistrate, & District Land & Land Reforms Officer, district: South (24) Parganas are collectively annexed herewith and marked with the letter 'R-2'.

5. That it is therefore respectfully prayed that the Hon'ble Tribunal may graciously be pleased to pass such order/orders as it deemed fit and proper in the interest of justice.

Identified by me

*Sibjyoti Chakrabarti*  
19/01/2023  
Advocate

For The State of West Bengal

*Amilluph*  
Deponent  
District Magistrate,  
South 24-Parganas

Solemnly Affirmed and  
Declared before me U/S 139  
CPC / U/ 3297 (C) CrPc

19 JAN 2023

*Samir Bhattacharya*  
Notary Govt. of India  
Regd. No. - 940 / 97  
CITY CIVIL COURT, CALCUTTA

*19/1/23*  
Notary



~~44~~  
- 4 -



### VERIFICATION

Verified at Kolkata by the deponent above named on this the 18<sup>th</sup> day of January, 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 4, are true to my information derived from records and rest are my respectful submission before this Hon'ble Tribunal.

Identified by me

*Sibojyoti Chakrabarti*  
19/01/2023  
Advocate  
For The State of West Bengal

*Arinilushy*  
Deponent  
District Magistrate,  
South 24-Parganas



Government of West Bengal  
Office of the Block Development Officer  
Thakurpukur Mahestala Development Block  
39, Biren Roy Road (EAST), PIN:700008, South 24 Parganas  
E-mail : [bdothakurpukur@gmail.com](mailto:bdothakurpukur@gmail.com)

Memo no:- **1492** /BDO-TM/2022

Dated: 29.07.2022

To,  
M/S. Lokesh Plastic  
Prop. of Mr. Lokesh Chandra Bhuiya  
Factory Location at Plot No. 170  
Under Mouza- Kalagachia,  
J.L.No- 40, Dist- South 24 Pgs,  
Pin :- 700 063  
West Bengal.

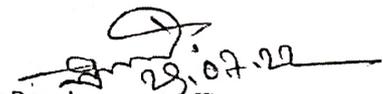
Sub :- Complaint submitted by Mr. Habibur Rahaman against plastic factory "Lokesh Plastic"

With reference to the complaint submitted by Mr. Habibur Rahaman S/o. Fazlur Rahaḡan resident of Kalagachia, P.S- Kalitala, Ashuti, Kolkata-700063 to the undersigned on 20.06.2022, for legal authenticity of Lokesh Plastic icw production of plastic Materials. At the time of physical enquiry you have not produced the following documents to run the factory properly.

1. Gram panchayat - NOC (Site clearance)
2. Pollution Certificates – NOC,(WBPCB)
3. Trade license from Gram panchayat

Now, you are directed to get the above certificates from the respective authorities and there after you can start the production after maintaining government norms.

This is for your information.

  
 Block Development Officer  
 Thakurpukur Mahestala Dev. Block  
 South 24 Parganas  
 Dated: 29.07.2022

Memo no:- **1492/1(S)** / BDO- TM/2022

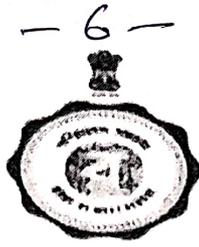
Copy forwarded for Kind Information:-

1. The District Magistrate South 24 Parganas.
2. The Sub Divisional Officer, Alipore Sadar Sub Division , South 24 Parganas.
3. The General Manager District Industries Centre, South 24 Parganas.
4. The Prodhan Ashuti –II Gram Panchayat.
5. Mr. Habibur Rahaman S/o. Fazlur Rahaḡan, Kalagachia, P.S- Kalitala, Ashuti, Kolkata-700063

  
 Block Development Officer  
 Thakurpukur Mahestala Dev. Block  
 South 24 Parganas

**o/c** RECEIVED ORIGINAL  
LETTER

**LOKESH CH. BHUIYA**  
29.7.22  
Block Development Officer  
Thakurpukur Mahestala Dev. Block



"Annexure - R-2"

Government of West Bengal  
Office of the Block Development Officer  
Thakurpukur Mahestala Development Block  
39, Biren Roy Road (EAST), PIN: 700008, South 24 Parganas  
E-mail : bdothakurpukur@gmail.com

Memo No:- 14/TMB

Dated: 03/01/2023

To  
The Additional District Magistrate and  
District Land and Land Reforms Officer  
South 24 Parganas.

Subject: Enquiry Report i.c.w, O.A. 156/2022/EZ (Habibur Rehaman- Vs-The State of West Bengal & Ors.).

Ref No. S/NGT/12667/R/22 dated 23.12.2022.

Sir,

Sending herewith the Enquiry report regarding i.c.w, O.A. 156/2022/EZ (Habibur Rehaman- Vs-The State of West Bengal & Ors.) M/S. " Lokesh Plastic" Prop. of Mr. Lokesh Chandra Bhuiya Kalagachia, P.S. - Kalital Ashuti, Pin code - 700063 South 24 Parganas, & Soma Enterprise Prop. of Haran Halder, Kalagachia, Sakhirpota Road, P.O. - Thakurpukur, P.S. - Kalital Ashuti, District - South 24 Pgs, Pin - 700063, against complaint of Mr. Habibur Rahaman, son of Fazur Rahaman, resident of Kalagachia, P.S- Kalitala, Ashuti, Pin- 700063.

For your kind information and taking necessary action.

**Enclosure: Enquiry Report**

Yours faithfully,

03/01/23  
Block Development Officer  
Thakurpukur Mahestala Dev. Block  
South 24 Parganas



## Enquiry Report

Subject: Inspection report regarding M/S. "LOKESH PLASTIC" Prop. of Mr. Lokesh Chandra Bhuiya Kalagachia, P.S. - Kalital Ashuti, Pin code - 700063 South 24 Parganas, & Soma Enterprise Prop. of Haran Halder, Kalagachia, Sakhirpota Road, P.O. - Thakurpukur, P.S. - Kalital Ashuti, District - South 24 Pgs, Pin - 700063.

As Instructed by the BDO Thakurpukur Mahestala Dev. Block, I have physical visited the same two industries on 03.01.2023, against complaint of Mr. Habibur Rahaman, son of Fazur Rahaman, resident of Kalagachia, P.S- Kalitala, Ashuti, Kolkata- 700063 and found the following are true facts :-

1. M/S. "LOKESH PLASTIC" situated at Kalagachia, P.S- Kalitala, Ashuti, Kolkata- 700063.
2. Production for manufacturing of plastic materials.
3. Pollution Certificate - Consent to Operate already applied for online application No. 2774266 dt. 26.09.2022 Category -Green.
4. Trade Registration Certificate, Ashuti-II Gram Panchayat has been found, against Registration No. 383/A-II GP/22-23 Dated : 08.08.2022.
5. M/S. Soma Enterprise Prop. of Haran Halder, Kalagachia, Sakhirpota Road, P.O. - Thakurpukur, P.S. - Kalital Ashuti, District - South 24 Pgs, Pin - 700063.
6. The Production house is manufacturing virgin plastic above 120 micron.
7. Pollution Certificate - Consent to Operate (WBPCB) certificate are found, against No. 499/DIC/CTO/ S-24 Pgs. Dated - 23.09.2022.
8. Trade Registration Certificate, Ashuti-II Gram Panchayat has been found, against Registration No. 305/A-II GP/2016-17 Dated : 08.08.2016 valid period up of 2022-23.

In this connection It is also mention here that previously Office of the B.D.O Thakurpukur Mahestala a received complain from Mr. Habibur Rahaman against M/S. Lokesh Plastic, and that was enquired from this block end, and Lokesh Plastic was directed to collect Pollution Certificate & Trade Registration from the respective authorities vide Memo No. 1492/BDO- TM/2022 dated. 29.07.2022 copy enclosed.

Placed to the BDO, Thakurpukur Mahestala Dev. Block for further course of action.

 03/01/23  
Industrial Development Officer  
Thakurpukur Mahestala Dev. Block,  
South 24 Parganas.(Additional Charge)

Seen & Accepted.  
 03/01/23  
Block Development Officer  
Thakurpukur Mahestala Dev. Block  
South 24 Parganas

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. 6504 -A/O.C.-96/22

Dated: Kolkata, 30.12.2022

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.156/2022/EZ in the matter  
Habibbur Rahaman

-Vs-

The State Level Environment Impact Assessment Authority, WB & 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.

Enclo:- As above

Yours faithfully,

  
for Legal Remembrancer,  
West Bengal

Memo No. 6504 /1(2)-A /O.C.-96/22

Dated: Kolkata, 30.12.2022

Copy forwarded for information and taking necessary action to:-

1. The Addl. Chief Secretary, Environment Department, Nabanna, Prani Sampad Bhavan, 5th Floor, LB-2, Sector-III, Salt Lake, Kolkata-700098.
2. Office Copy

for Legal Remembrancer,  
West Bengal

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

ORIGINAL APPLICATION NO. 156/2022/EZ

HAIBIBUR RAHMAN

Appellant /  
Petitioner / Plaintiff

--VERSUS--

THE STATE LEVEL ENVIRONMENT IMPACT ASSESSMENT AUTHORITY, WEST BENGAL &  
OTHERS 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 02<sup>nd</sup> day  
of January, 2023.

NAME OF ADVOCATES

*Siboyajati Chakrabarti*  
*Advocate*  
*for the state of WB*  
*M: 9007035534*  
*Email:- Sobho.advocate*  
*@gmail.com*  
*Enrolment No: WB/1730/2010.*

*Sobho Chakrabarti*

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

Legal Remembrancer  
West Bengal



VARAD IYAN

BEFORE HON. BEE NATHANAL GREEN TRIBUNAL  
EASTERN ZONE BENCH AT KOLKATA

ORIGINAL APPLICATION NO. 156/2022

ADVOCATES

DATE

THE STATE LEVEL ENVIRONMENTAL IMPACT ASSESSMENT AT THORP WEST BENGAL &

Environmental Impact Assessment  
Circular No. 11/2017

STATE OF WEST BENGAL

Received the Vakalatnama  
from the Procutant within  
named satisfied & accepted

Sibojyoti Chakrabarti  
Advocate  
for the State of WB  
02/01/2023.

05/01

02/01/2023

SIGNATURE OF ADVOCATE

Sibojyoti Chakrabarti  
Advocate  
for the State of WB  
Mob: 9804082034  
Email: sjobho.chakrabarti@gmail.com  
Enrollment No: WBJB/130/2010

[Signature]

DEPT. OF LEGAL SERVICES  
West Bengal  
Legal Reimbursement

BEFORE THE HON'BLE NATIONAL GREEN TRIBUNAL

EASTERN ZONE BENCH, KOLKATA

O. A. NO. 156/2022/EZ

In The Matter of:

Habibbur Rahman

... APPLICANT

VERSUS

The State Level Environment Impact  
Assessment Authority, West Bengal &  
Ors.

... RESPONDENT(S)

AFFIDAVIT ON BEHALF OF THE  
RESPONDENT No. ...6..., DISTRICT  
MAGISTRATE & COLLECTOR,  
DISTRICT SOUTH (24) PARGANAS

SIBOJYOTI CHAKRABARTI

Advocate

For The State of West Bengal

Email: subho.advocate@gmail.com

(M): 9007035534.

