

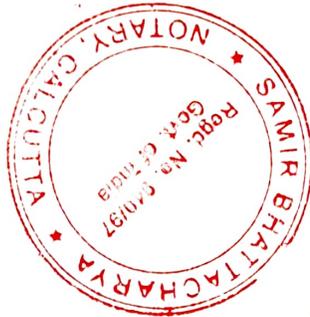


BEFORE THE HON'BLE NATIONAL GREEN TRIBUNAL  
EASTERN ZONE BENCH, KOLKATA  
ORIGINAL APPLICATION NO. 159/2022/EZ

In The Matter of:

Sahidul Mallick & Ors.

... APPLICANT



VERSUS

The State of West Bengal & Ors.

... RESPONDENT(S)

AFFIDAVIT ON BEHALF OF THE RESPONDENT NUMBER 6, BLOCK  
DEVELOPMENT OFFICER, KALIGANJ BLOCK, NADIA.

INDEX

SL	PARTICULARS	ANNEXURE	PAGE
1.	Affidavit		1-3
2.	Photocopies of the Enquiry Report and 'Consent to Operate', No Objection Certificate from Panighata Gram Panchayat, Trade Registration Certificate from Panighata Gram Panchayat valid upto 2024-2025 are collectively annexed herewith	'R-1'	4-8

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

267



BEFORE THE HON'BLE NATIONAL GREEN TRIBUNAL  
EASTERN ZONE BENCH, KOLKATA  
ORIGINAL APPLICATION NO. 159/2022/EZ

In The Matter of:

Sahidul Mallick & Ors.

... APPLICANT

VERSUS

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... RESPONDENT(S)



AFFIDAVIT ON BEHALF OF THE RESPONDENT NUMBER 6, BLOCK DEVELOPMENT OFFICER, KALIGANJ BLOCK, NADIA.

I, Utpal Dasmohori, Son of Ranjit Dasmohori, aged about 38 years, by faith-Hindu, by occupation-service, residing at Debagram, Nadia, West Bengal, do hereby solemnly affirm and declare as follows:-

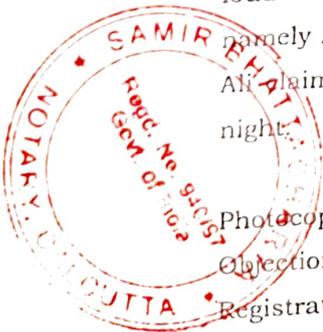
1. That, I am working as Block Development Officer, Kaliganj Block, District: Nadia, having my office at Debagram, Nadia, West Bengal I am well acquainted with the facts and circumstances of the case and as such I am competent to swear, sign and affirm this affidavit.
2. That this affidavit is filed in compliance to the Solemn Orders dated 06.02.2023 & 17.03.2023, passed by the Hon'ble National Green Tribunal, Eastern Zone Bench, Kolkata.

10 APP. 2023

3. That in the instant original application the applicants have stated that they are the adjacent house owners and have interalia alleged regarding the noise emitted and loud sound created by the factory of the private respondents i.e respondent numbers 8 & 9. The applicants hvc also stated that inspite of informing the state authorities no action has been taken.
4. That with regard to the statements made in paragraph 4 (i) of the original application this deponent does not comment on the same.
5. That with regard to the statements made in paragraph 4 (ii) of the original application this deponent states that an enquiry was conducted by the Deputy Secretary (Panchayat Samity), kaliganj Panchayat Samity on 23.06.2022 and report forwarded to the Block Development Officer, Kaliganj, Nadia. The enquiry report states as follows:

- (i) That Sabura Industries is a paper cup & Paper Plate making factory and the same does not fall under the offensive trade.
- (ii) That Sabura Industries got 'Consent to Operate', certificate on 24.12.2020 vide memo No. 263/P-III for the period 24.03.2018 to 18.12.2027.
- (iii) That Sabura Industries got No Objection Certificate from Panighata Gram Panchayat dated 09.06.2022
- (iv) That Sabura Industries got Trade Registration Certificate from Panighata Gram Panchayat valid upto 2024-2025.
- (v) During enquiry some neighbours namely Sadul Mallick, S/o Yasin and Mahakul Mallick, S/o Abu Mallick claimed that the sound generated from the factory of the respondent numbers 8 & 9 is very loud when the factory is running at night, and another neighbour namely Abdul Rauf, S/o Obed Ali and Majidur Rahaman, S/o Obed Ali claimed that the sound is not loud when factory is running at night.

Photocopies of the Enquiry Report and 'Consent to Operate', No Objection Certificate from Panighata Gram Panchayat, Trade Registration Certificate from Panighata Gram Panchayat valid upto 2024-2025 are collectively annexed herewith and marked with the letter 'R-1'.



6. That with regard to the statements made in paragraph 4 (iii) of the original application this deponent states that as stated in the previous paragraph some neighbours have objected to about loud noise at night time and some neighbours have stated that there is no noise at the night time.

7. That with regard to the statements made in paragraph 4 (iv) (vi) & (xi) of the original application this deponent states that the same are matters of fact and record.

8. That with regard to the statements made in paragraph 4 (v) (vii) & (viii) of the original application this deponent does not comment on the same.

9. 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

*Sibajyoti Chakrabarti*  
Advocate 10/04/2023  
For The State of West Bengal

*Utpal Dasgupta*  
Deponent

(Block Development Officer  
Kaliganj Dev. Block,  
Debagram, Nadia.)

VERIFICATION

Verified at Kolkata by the deponent above named on this the 10<sup>th</sup> day of 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 9, are true to my information derived from records and rest are my respectful submission before this Hon'ble Tribunal.

Identified by me

*Sibajyoti Chakrabarti*  
Advocate 10/04/2023  
For The State of West Bengal

*Utpal Dasgupta*  
Deponent

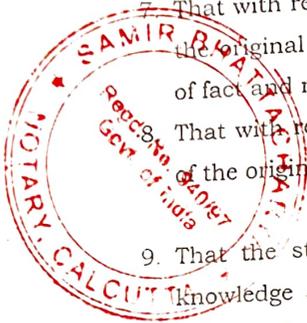
(Block Development Officer  
Kaliganj Dev. Block,  
Debagram, Nadia.)  
Solemnly Affirmed and  
Declared before me U/S 139  
CPC / U/ 5297 (C) CRPC

10 APR 2023

10 APR 2023

10 APR 2023

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



Annexure - 'A-1'

Annexure - 'D-2'

# FORM 11

[ See rule 58(2) ]

Name Of District : **NADIA**

Name Of Block : **KALIGANJ**

Name Of Gram Panchayat : **PANIGHATA**

Trade Registration No.- **724**

Trade Registration Date:-**20-Jun-2019**

Trade Registration Certificate issue No:- **1**

Issue Date:-**27-May-2022**

Trade Registration Certificate issued for the period of: **2022-2023,2023-2024,2024-2025**

To **TUNI BIBI SEKH**

(Name of Prop/partner/Director)

Full Address :

VILLAGE - RAIPUR

PARA - PURBA PARA

POLICE STATION - KALIGANJ

POST OFFICE - PAGLACHANDI

MOUZA - JAMALPUR 31

DAG - 1493

PIN NO - 741181

Gram Sansad/ Part No. III

Description of Trade : PAPER PLATE MAKING & SELLING CUP, GLASS PLATE ETC.

Gram panchayat acknowledges a sum of **Rs. 750** (Rupees Seven Hundred and Fifty Only)

From **SABURA INDUSTRY**

(Name of Trade)

Grant of this certificate shall not absolve the applicant from the requirement of procuring all the statutory clearances to be obtained from the appropriate authority before actual commencement of the trade. If any violation/default is noted later is, the certificate shall be liable to be cancelled and the trade/business shall be closed down with immediate effect.

**This Certificate Is Electronically Generated**

N.B.: Gram Panchayat has every right to cancel or revoke or not allowing renewal of registration at any time

Ref. Application Docket No. NOCYRRY40193176R  
<https://wbprd.gov.in/>

5

Annexure - 'D-3'

Office of the Panighata Gram Panchayat  
Po-Paglachandi, Block-Kaliganj, Dist-Nadia, Pin-741181  
Email-Id-panighatagp@gmail.com

Memo No- 216/Panl/2022

Dated-09.06.2022

To Whom It May Concern

**Subject : No Objection Certificate of "Subara Industry".**

This is to certify that "Subara Industry", proprietor Tuni Bibi Sk ,W/o- Anwar Sk ,Vill-Raipur, Po-Paglachandi, Ps-Kaliganj, Block-Kaliganj, Dist-Nadia, Pin-741181 of West Bengal is personally known to me. She is a permanent inhabitant of the aforementioned locality.

The "Subara Industry" is only for paper cup & paper plate making factory.

There will be no objection on behalf of this Gram Panchayat for the same. The applicant must abide by all govt. rules & regulations properly.

Work Time :- 1<sup>st</sup> Shift(Day) - 07.00am to 07.00pm.  
2<sup>nd</sup> shift (Night)- 07.00pm to 07.00am.

\* "Subara Industry" 24 hours open(Working Time).

Details of Land are given below maintain column.

Mouja	J.L No	Katina No	Plot No	Area
Jamalpur	31	3464(L.R)	1493(L.R)	07 Satak out of 14 Satak

Tahking You.

Prodhan Panighata G.P.

Prodhan  
Panighata G.P.  
Paglachandi, Nadia

No. Objection Certificate - Subasa Industries

ଅନୁକମ୍ପା ପ୍ରଦାନ କରାଯାଇଥିବା ଉପରେ Subasa Industries ଶାଳିକର ହିସାବ ଦିଆଯାଇଛି ।  
ପଞ୍ଜୀକୃତ ଶ୍ରାବଣ - ରାମେଶ୍ୱର, ଉପର ଭାଗରାମେଶ୍ୱରୀ ଶାଳିକର କର୍ମାଳୟ, ଭୁବନେଶ୍ୱର - ୭୫୧୦୧୧  
କାର୍ଯ୍ୟକାରୀ ପଞ୍ଜୀକରଣ ନଂ. ୬୮-୩୧-୧୫୦୧୩୩୩ ୩୪୬୪(୧.୧) PLOT-1493, ଉପର  
ପଞ୍ଜୀକରଣ କାର୍ଯ୍ୟକାରୀ ପଞ୍ଜୀକରଣ କାର୍ଯ୍ୟକାରୀ ପଞ୍ଜୀକରଣ କାର୍ଯ୍ୟକାରୀ ପଞ୍ଜୀକରଣ କାର୍ଯ୍ୟକାରୀ  
ଅନୁକମ୍ପା 24 ଘଣ୍ଟା ପାଇଁ ପ୍ରଦାନ କରାଯାଇଥିବା ପଞ୍ଜୀକରଣ କାର୍ଯ୍ୟକାରୀ ପଞ୍ଜୀକରଣ କାର୍ଯ୍ୟକାରୀ

୧) କୁମ୍ଭକର୍ମ ମାନ୍ୟତା

DATE : 04-09-2020

ପିତାଙ୍କ ପଞ୍ଜୀକରଣ କାର୍ଯ୍ୟକାରୀ

୨)



ପଞ୍ଜୀକରଣ କାର୍ଯ୍ୟକାରୀ

ପିତା କୁମ୍ଭକର୍ମ ମାନ୍ୟତା

୩)

୨ ମାନ୍ୟତା ମାନ୍ୟତା

ପଞ୍ଜୀକରଣ କାର୍ଯ୍ୟକାରୀ - (୧୫୫ ମାନ୍ୟତା)

୪)

କଠିକ୍ ପଞ୍ଜୀକରଣ କାର୍ଯ୍ୟକାରୀ

ପିତା - ପଞ୍ଜୀକରଣ କାର୍ଯ୍ୟକାରୀ

6A

**(TRANSLATED COPY)**

**NO OBJECTION CERTIFICATE- SUBRA INDUSTRY**

This is to inform you that we have No Objection if the Owner of Subara Industry namely Tuni Bibi Saikh of Village- Raipur, PO- Paglachondi, P.S- Kaligang, District- Nadia, Pin- 741181, Mouja - Jamalpur, JL No- 31, Khatian- 3464(LR), Plot- 1493, which is situated near my house run the business everyday 24 hours of a day.

Signature

Dated: 04.09.2020.

1. Sukchand Mullick, S/o Sounuddin Mullick.
2. Abu Mullick, S/o Khadu Mullick.
3. Iyasin Mullick, S/o Sedu Mullick.
4. Kaji Sar Ali Mullick, S/o Iyasin Mullick.

To : The Block Development Officer, Kaliganj, Nadia

**Sub: Enquiry Report**

Sir,

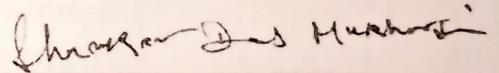
As per your order dated- 23/06/2022 regarding obtaining No Objection Certificate of Sabura Industries, Prop- Tunu Bibi Sekh, Vill- Raipur, P.O.- Paglachandi on 23.06.2022 it is found out that:-

1. Sabura Industries is a paper cup & Paper plate making factory. Business activity of Sabura Industries does not fall under offensive trade.
2. Sabura Industries got "Consent to Operate" Certificate on 24.12.2020 vide memo no.- 263/P-III for a period from 24/03/2018 to 18/12/2027.
3. Sabura Industries got No Objection Certificate from Panighata Gram Panchayat on 09/06/2022 vide memo no.- 216/Pani/2022.
4. Sabura Industries got Trade Registration Certificate from Panighata Gram Panchayat upto 2024-2025.
5. During conducting enquiry some neighbors named 1) Sadul Mallick, S/O- Yasin & Mahakul Mallick, S/O- Abu Mallick claimed that the sound is very loud when factory is running at night. But on the other hand another neighbors named 1) Abdul Rauf, S/O- Obed Ali & Majidur Rahaman, S/O- Obed Ali claimed that the sound is not loud when factory is running at night.

This is for favour of your kind information and necessary action.

Enclosed:- As stated.

Yours faithfully,



Shanker Das Mukherjee  
Deputy Secretary (Panchayat Samity)  
Kaliganj Panchayat Samity

35

Annexure - "D-1"

ROLLOGRAM NO. CG131606

# West Bengal Pollution Control Board

Paribesh Bhawan, 10A, Block-LA, Sector-III,  
Bidhannagar, Kolkata-700 098



## Certificate for 'Consent to Operate'

No. 263/P-III

Date: 24/12/2020



The West Bengal Pollution Control Board hereby grants its 'Consent to Operate' under section 25 & 26 of the water (Prevention & Control of Pollution) Act, 1974 and under section 21 of ~~ISUBARA INDUSTRY~~ (Prevention & Control of Pollution) Act, 1981 and the Rules and Orders made thereunder to M/s **PROP- TUNI BIBI SEKH.**

..... for its unit located at **VILL- RAIPUR, P.O-PAGLACHANDI, PS-KALIGANI, DIST-NADIA, PIN-741137** to run the industrial plant and to manufacture /store / install **PAPER CUP, PLATE** for a period from **24/03/2018** to **18/12/2027** to operate the industrial plant and to discharge liquid effluents through outlets / outfalls and to emit the gaseous emission in accordance with the conditions as mentioned below provided on any day at any instant the quantity and quality of liquid discharge and gaseous emission shall not exceed the permissible limit as specified in the Environment (Protection) Act, 1986.

Breach of the conditions and / or failure to comply with the directions / conditions as stated below shall render the applicant liable for prosecution under the provisions of Water (Prevention & Control of Pollution) Act, 1974 and Air (Prevention & Control of Pollution) Act, 1981.

Land Schedule:- Mouza-31, JAMALPUR, KHATIAN NO- 3464, PLOT NO. -1493

The State Board reserves its right to revoke, withdraw or make any modification of the conditions of or change or alter this consent by giving one month's notice to the applicant.

- |                   |                      |                 |
|-------------------|----------------------|-----------------|
| <b>Conditions</b> | 1. LAND              | :Rs. 4.00 LAKH  |
|                   | 2. BUILDING          | :Rs. 5.00 LAKH  |
|                   | 3. PLANT & MACHINERY | :Rs. 20.00 LAKH |
01. The Applicant shall be responsible for the quantity and quality of liquid effluent and gaseous emissions.
  02. The Applicant shall maintain the quality of liquid effluent discharge and air emissions and noise levels within statutory limits as mentioned in Environment (Protection) Act, 1986.
  03. The Applicant shall submit analysis reports of the testing of liquid effluent and air emissions by Board-recognised laboratories with their applications, incase of any, discharge / Emission is involved in the process of manufacture.
  04. To bring into any change in industrial plant, furnace, flues, chimneys, place and/or point of discharge of liquid and gaseous effluents, pollution control equipments the Applicant shall obtain prior permission of the Board in the regard.
  05. The Applicant shall maintain good house keeping, good working condition and take adequate measures for control of pollution from all sources.
  06. The Applicant shall bring about at least 33% of the available open land under green coverage/plantation.
  07. The Applicant shall control the fugitive emissions from the activity are so as to maintain clean and safe environment in and around the factory premises.
  08. The Applicant shall provide drainage system of conveying liquid wastes
  09. The Applicant shall allow the officers of the Board to enter into the applicant's premises at any reasonable time for inspecting the unit.
  10. The Applicant shall make an application to the State Board in the prescribed form for renewal of the consent at least 30 days before the date of expiry of this consent.
  11. The solid waste generated within the factory premises, sweepings etc. be disposed off scientifically so as not to cause any nuisance / pollution.
  12. The Applicant should adopt adequate precautionary measures to prevent any inconvenience or annoyance to the denizens of the locality due to its activity or be a cause for environmental concern.
  13. In case of using Diesel Generator, adequate precautionary measures to be taken as per norms laid up by CPCB.

See

General Manager  
District Industries Centre  
Nadia, W.B.

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

Memo No. 233 -A/O.C.-04/23

Dated: Kolkata, 10.01.2023

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

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

**Sub: O.A.No.159/2022/EZ in the matter**  
**SAHIDUL MALLICK & ORS.**

**-Vs-**

**THE STATE OF WEST BENGAL & 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, Principal Bench at New Delhi.

'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. 233 /1(3)-A /O.C.-04/23

Dated: Kolkata, 10.01.2023

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. The District Magistrate, Nadia, Office of the District Magistrate and Collector, Nadia, Nagendranagar, Krishnanagar, West Bengal 741101
3. Office Copy

for Legal Remembrancer,  
West Bengal

VAKALATNAMA

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

ORIGINAL APPLICATION NO. 159/2022/EZ

SAHIDUL MALLICK & OTHERS

Appellant /  
Petitioner / Plaintiff

--VERSUS--

STATE OF 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 10<sup>th</sup> day  
of January, 2022.

NAME OF ADVOCATES

*Sibojyoti Chakrabarti*  
Advocate

SIBOJYOTI CHAKRABARTI  
ADVOCATE

Enrolment NO.: WB/1734/2010  
Email: subho.advocate@  
gmail.com  
ph: 9007035534

*Sahidul Mallik*  
PLAINTIFF(S)/ APPELLANT(S)/ RESPONDENT(S)  
DEFENDANT(S)/ RESPONDENT(S)/ OPPOSITE PARTY(S)

Legal Remembrancer  
West Bengal

BEFORE THE HON'BLE NATIONAL GREEN  
TRIBUNAL

EASTERN ZONE BENCH, KOLKATA

O. A. NO. 159/2022/EZ

In The Matter of:

Sahidul Mallick

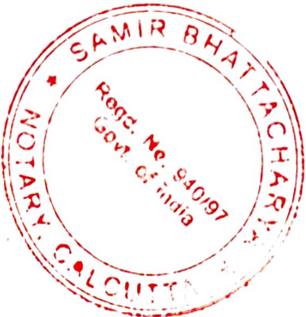
... APPLICANT

VERSUS

The State of West Bengal & Ors.

... RESPONDENT(S)

AFFIDAVIT-IN-OPPOSITION ON  
BEHALF OF THE BLOCK  
DEVELOPMENT OFFICER,  
RESPONDENT NUMBER 6.



SIBOJYOTI CHAKRABARTI

Advocate

For The State of West Bengal

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

(M): 9007035534.