

BEFORE THE NATIONAL GREEN TRIBUNAL
EASTERN ZONAL BENCH, KOLKATA, WEST BENGAL

Original Application No. 22/23/EZ

Atindranath Chatterjee

.....Applicant.

AND

West Bengal Pollution Control Board & Ors

.....Respondents

Before the Notary
Govt. of West Bengal
Burdwan District, Durgapur

**AFFIDAVIT- IN- REPLY BY THE APPLICANT TO THE
AFFIDAVIT- IN- OPPOSITION/COUNTER AFFIDAVIT FILED
BY THE RESPONDENT NO. 9 DULY AFFIRMED ON
17.08.2023.**

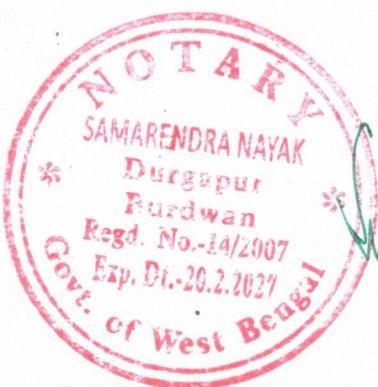
I, Atindranath Chatterjee, son of Late Priti Ranjan Chatterjee, aged about 51 years, by occupation Self Employed, residing at Flat No L-65, Sagarbhanga LIG Housing Estate, PO-Sagarbhanga Colony, Durgapur-713211, do hereby solemnly affirm and state as under:-

1. That I am the Applicant in this instant matter, I am well acquainted with the facts and circumstances of the case and I have been duly authorized to affirm this affidavit.



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2. I have gone through a copy of the Affidavit-Opposition/Counter Affidavit filed by the Respondent No.9 to the Original Application filed by me before this Hon'ble which purportedly affirmed on 17/08/23 (hereinafter referred to as the said affidavit).
3. Save what are specifically admitted hereinafter I deny each and every allegation, statements, made in the said affidavits and put the deponent to strict proof thereof.
4. I say that in the original application I have submitted that R/9 is located at Vill-Bhuniaraichak, Post-Sutahata, Post-Durgachak, Dist-Purba Medinipur in the State of West Bengal. But the Respondent No. 9 has not made any comments regarding the status of land on which the plant exist even no comment has also been stated in response to the information as stated by the Respondent no. 7 in the said Affidavit wherein they made it clear that the Respondent No. 9 has been allotted 15 acres of land by them by way change of name from earlier Manaksia Ltd. To M/s Manaksia Aluminium Company Ltd.



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5. With regard to paragraph 1,2 & 3, are a matter of record, I have been advised to traverse and/or deal with only those allegations made in the said affidavit which are relevant for determination of the issues involved in the instant application and the rest of the allegations made therein will be deemed to have been denied by me in seriatim
6. I say that with regard to paragraph 4 ,5 of the said affidavit that M/s Manaksia Aluminum Company Ltd. is operating illegally as per directions of the State Board dated 31/01/22. It was clearly stated in the directions by the State Board that the unit is running one number of melting and holding furnace without any EC, CTO. I further say that for the entire plant excluding one additional melting and holding furnace the CTO expired on 30/4/23 and was renewed on 27/06/23, the said unit was operating without any CTO for the entire period of 57 days.



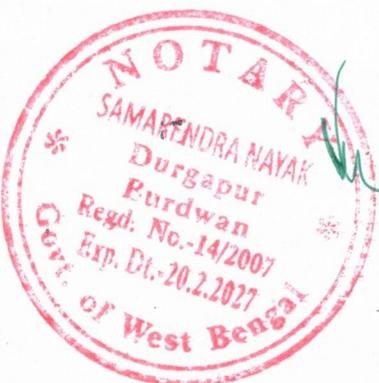
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7. I say that with regard to para 6, 7 and 8 of the said Affidavit, that on 28/04/ 23 hearing was conducted by the State Board where directions were passed that the unit shall not operate its 3rd No. Melting and holding furnace without any consent to operate. It is relevant to mention here that on 31/01/22 that the State Board already directed that the unit were operating its additional (i.e. 3rd no.) holding and melting furnace, moreover the unit engaged an private engineer to inspect its own premises which is annexed with the affidavit of the respondent no.9. The inspection report dated 25/06/23 states that all the melting and holding furnaces are operating in their full capacity.
8. I say that with regard to paragraph 9,10,11 and 12 as the cat have come out of the bag, the respondent unit to harass the applicant and create mental pressure on the Applicant have purposefully stated that the applicant have filed this application "to sub serve the ulterior purpose of other competitors...."



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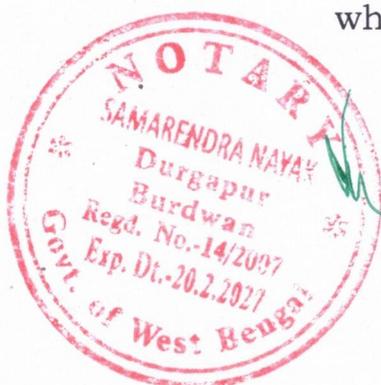
9. I say that with regard to paragraph 13,14 & 15 it is sated by the respondent unit that the unit do not EC but the inspection report of the unit dated 25/06/23 done by the unit itself through a private engineer states that the production capacity for total three furnaces are 1970 MT per month that is 23640 MT per year, therefore the Unit being below 30,000 MT per year requires EC as per MOEF notification dated 23/06/11.
10. I say that with regard to paragraphs 16, 17 & 18 of the said Affidavit of the Respondent no.-9, I say that without complying with any of the direction passed by the Respondent no.1 from time to time, the Respondent no. 9 till today is violating all environmental norms which is clearly visible from the point no. 4 of the special condition as mentioned in the annexure of the Consent to Operate dated 27/06/2023 (as annexed in Page no. 33 with the said affidavit). The point no.4 of the CTO dated 27/06/23 clearly directs that the unit shall operate with pollution abetment system.



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11. That with regard to paragraph 19 of the said Affidavit of the Respondent no. 9 that it is clearly evident from the declaration stated by the private respondent-9 in the application form for renewal of Consent to Operate (as annexed in page no. 38 of the said affidavit) which has duly submitted to the Respondent no. 1 that they are extracting ground water from the bore well. The respondent unit does not have any other water supply source other than that of bore well, therefore the only source of water to operate the plant is ground water, which is being extracted illegally by the unit without taking any valid approval from the Respondent no.5.

12. That with regard to paragraph 20 ,21,22,23,24,25,26 & 27 are matter of record and the respondent is put to the strict proof thereof. That no case is made out in the said Affidavit for denying the relief as prayed in the Original Application, which may be allowed.



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Atindran Nath Chakraborty

DEPONENT

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VERIFICATION

I, Atindranath Chatterjee, son of Late Priti Ranjan Chatterjee, aged about 51 years, by occupation Self Employed, residing at Flat No L-65, Sagarbhanga LIG Housing Estate, P.O.- Sagarbhanga Colony, Durgapur-713211. I am the deponent above named do hereby verify that the contents of the above affidavit are true and correct to the best of my knowledge which are derived from the relevant office records. No part of it is false and nothing material has been concealed there from.

Verified at ^{Durgapur} Kolkata on this 10th Sept August, 2023

prepared in my office
P. Barua
Advocate

Atindranath Chatterjee
Deponent



Solemnly Affirmed before me by
Sri/Smt. Atindranath Chatterjee
Id. by P. Barua Advocate
on this 10th day of Sept 2023
Samarendra Nayak
Samarendra Nayak, Notary
Durgapur, Burdwan (W.B.)
Regn. No.-14/2007

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