

SL. NO. 92

BEFORE THE NATIONAL GREEN TRIBUNAL

EASTERN BENCH, AT KOLKATA

Original Application No. 03/2023/EZ

BETWEEN:

Caesar Sen

...Applicant

-VERSUS-

West Bengal Pollution Control Board & Ors.

...Respondent(s)

COMPOSITE AFFIDAVIT ON BEHALF OF THE APPLICANT IN RESPONSE

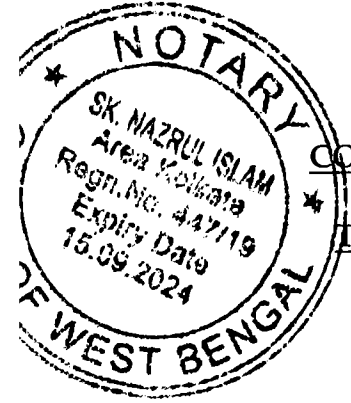
TO THE AFFIDAVIT OF RESPONDENT NO. 01 DATED 03 MARCH, 2023

AND AFFIDAVIT OF RESPONDENT NO. 04 DATED 10 MARCH, 2023

I, Caesar Sen, S/o Late Saroj Kumar Sen, aged about 72 years, R/o No. 66, Chowringhee Road, Police Station - Bhowanipore, Kolkata-700020, am the applicant in the above-mentioned original application and as such I am competent to affirm this affidavit in response to the affidavits submitted by Respondent No. 1 and 4 in the instant original application. I do hereby solemnly state as follows:

1. That the original application was filed by the applicant with an objective to bring forth the facts of how respondent no. 5 is running a restaurant, originally without any consent to establish and consent to operation and in complete violation of environmental norms, causing pollution and affecting the health and rights of the applicant. That despite several complaints and protests before the respondent authorities, instead of taking action as per law, the respondent no. 1 granted the necessary consent to establish and consent to operate certificates to the private respondent instead of levying environmental compensation and/or fine for running the restaurant without necessary consent certificates and

10 APR 2023



that even after a hearing was conducted by them and orders were passed upon the respondent no. 5 to adopt specific pollution mitigating steps, no execution of the said orders have taken place and the violations are continuing to take place.

2. That His Lordships were pleased to admit the instant original application upon hearing vide order dated 12th January, 2023, wherein it has been observed that;

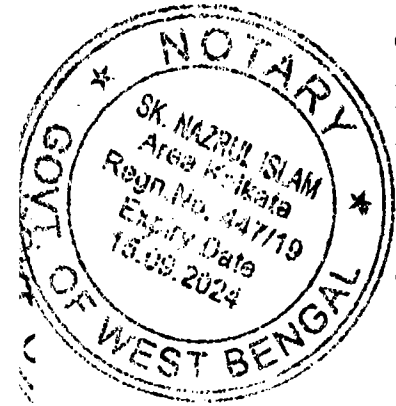
“4. The question that arises is that when the Respondent’s No. 5 own submission is that the Unit had commenced its production on 01.03.2020 as would be evident from his application (page no. 32 of the paper book), why no action was taken by the West Bengal Pollution Control Board determining environmental compensation, being the Regulatory Authority, against the Respondent No. 5 before granting Consent to Establish and Consent to Operate in July 2022. Question also is how could a violator be granted Consent to Operate and Consent to Establish without taking an inspection report first?”

Applicant craves leave to refer to the order dated 12th January, 2023 of the Ld. Tribunal at the time of hearing.

3. It is submitted that both Respondent no. 1 and Respondent no. 4 have filed their respective affidavits and the same has been taken on record as per order of the Ld. Tribunal, dated 15th March, 2023 and as the issues involved are the same, a single counter affidavit is being filed for both the respective affidavits, for the sake of brevity and to avoid repetition.

Specific Responses to the Affidavit of Respondent No. 1 dated 3rd March, 2023

4. It is submitted at the outset, that Respondent No. 1 failed to address and answer the question of law, so observed by the Ld. Tribunal and have completely avoided to address the contentions of the applicant concerning their conduct on receiving the complaint of the applicant, averred in the original application.



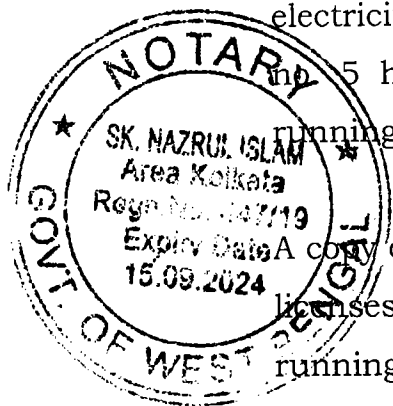
5. It is submitted that respondent no. 1 ought to have enquired as to how long the restaurant by respondent no. 5 had been in operation without consent to establish and consent to operate and should have accordingly levied fine under the provisions of Air and Water Act, respectively, instead of accepting a post-facto application and granting the necessary consent to establish and consent to operate without protest and/or even an inspection.

6. It is submitted that the said restaurant has been in operation since 1991, based on documents submitted by respondent no. 5 vide an affidavit-in-reply filed by them in Writ Petition No. 26064 of 2022 before the Hon'ble High Court at Calcutta. That the applicant herein was also a party in the said Writ Petition and that the proceedings before the Hon'ble High Court at Calcutta dealt with questions of supply of electricity as well as how the Writ Petitioner itself, being the respondent no. 5 herein, was illegally and unauthorisedly drawing electricity for running the restaurant.

A copy of the trade license issued by respondent no. 4 and other relevant licenses in support of the contention that the said restaurant has been running since 1991, obtained from the documents annexed by the private respondent no. 5 herein in the said Writ Petition filed by them before the Hon'ble High Court at Calcutta are annexed herein and collectively marked as **ANNEXURE - A/9**.

7. It is submitted that the respondent no. 1 not only omitted to inquire as to how long the said restaurant run by respondent no. 5 has been in operation without any consent to establish and consent to operate, they also omitted to inspect the premises upon receiving an application for the same. This is evident from the fact that respondent no. 1 failed to produce any records to this effect in their affidavit dated 3rd March, 2023.

8. It is submitted that the consent to establish and consent to operate were given to the respondent no. 5 without any inspection or verification of the fact that majority of the conditions and stipulations provided in the consent to establish were not met by the respondent no. 5. The

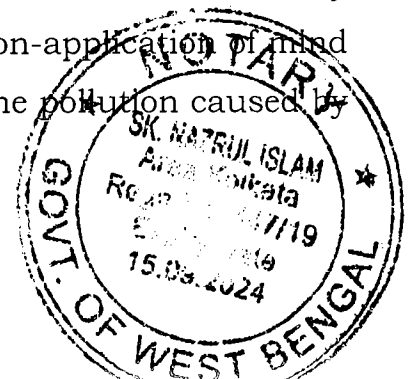


respondent no. 1 ought not to have granted the consent to operate without first verifying whether the conditions they stipulated in the consent to establish are being met or whether the respondent no. 5 even have the infrastructure to meet pollution control norms for carrying out the operation of running a busy restaurant at the site where it is located. The whole process of providing consent to establish and consent to operate therefore was done mechanically, without any application of mind and in gross violation of environmental and pollution safety norms and in complete deference to the fact that the unit seeking consent certificates were in violation of the statutory norms by running the restaurant without proper consent certificates for decades.

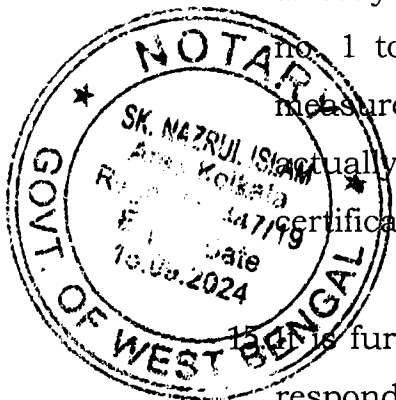
9. As far as the affidavit submitted by the respondent no. 1, they have basically reiterated their earlier observations from 30th August, 2022, and omitted to offer any explanation as to why their earlier orders have not been followed by the respondent no. 5 till date. It is further submitted that even after reiterating their earlier order, the current order of 1st March, 2023 provided the private respondent no. 5 with 15 days to comply with, but the same has not been done till date.
10. It is further stated that both the earlier directions of the respondent no. 1 from 30th August, 2022 as well as the directions passed vide letter dated 1st March, 2023 suffers from vagueness and non-specificity inter alia grounds and facts morefully discussed in subsequent paragraphs of the instant affidavit.

However, it is important to submit here that the applicant and private respondent no. 5 are in fact landlord and tenant and therefore respondent no. 1 should have specified that installations of pollution control measures as directed by them should only be at the tenanted portion of the premises and not on premises owned by the applicant, which falls outside the tenanted premises.

11. It is submitted that the inspection and consequent directions made by the respondent no. 1 are faulty and suffers from non-application of mind and may not be suitable directions for mitigating the pollution caused by the respondent no. 1 restaurant at all.



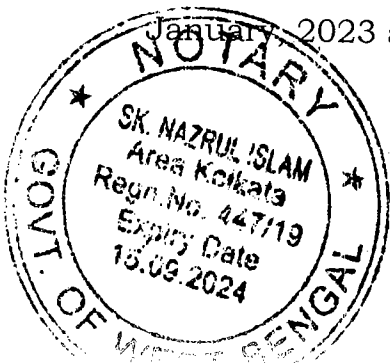
12. It is submitted that as stated the inspection was carried out on 9th February, 2023 at around 4:45 PM to 5:30PM and that LPG ovens were not operating during the visit. However, the time period so stated is neither lunch hour, nor dinner time, for a restaurant to be in full operational mode, therefore it is submitted the respondent no. 1 was unable to conduct any meaningful inspection of the running of operations and observing real time pollution as they inspected the premises at an odd time, when the restaurant could not have been running at full capacity.
13. It is further submitted that the report and affidavit of respondent no. 1 clearly states that they found three LPG fired ovens, but one of the LPG fired oven was placed outside and the exhaust fan with a stack raised above roof level exists in the kitchen. It is therefore submitted that respondent no. 1 in directing the respondent no. 5 to simply raise the stack height of the chimney up to 3.5m above the nearest tallest building, as a measure of pollution control, completely misses the pollution that is being caused by the LPG fired oven, operating to serve commercial demands of a popular restaurant, placed outside the kitchen.
14. It is submitted that the area and locality is a densely populated primarily residential area and respondent no. 1 carried out an inspection, where they did not witness the full operation of the restaurant kitchen or its source of pollution, or how as complained by the applicant the smoke is directly affecting his health. No attempts were made by the respondent no. 1 to verify whether the pollution complained of and the mitigating measures being directed have any relation and/or serves any purpose to actually mitigate and/or comply with the conditions of the consent certificates.
15. It is further submitted that even the complaint of the applicant that the respondent no. 5 regularly dumps liquid waste onto the drains, causing floods and stench have not been investigated at all. The respondent no. 1 ought to have applied its mind to the facts that the inspection was being carried out during a dry winter season and therefore the observations of a one-time inspection may not provide the opportunity to see how the



activity of dumping liquid waste directly onto the drains affects the carrying capacity of the drains during summer or monsoon seasons. The respondent no. 1 completely failed to investigate the fact that the drain onto which waste is being dumped by respondent no. 5 works as the common drain for many of the surrounding buildings; 66 and 66/1 Chowringhee Road, 2C, 2D, 2E and 2F of the Suburban Hospital Road and it is evident that respondent no. 1 did not enquire from any other surrounding buildings the pollution problem they are facing because of this dumping of waste by respondent no. 5 or how streets get flooded and stinks during different time of the day and how the problem escalates during different seasons.

16. It is also submitted that currently the said respondent no. 5 have no source of running water, no underground tank whatsoever. It is stated that earlier the said respondent no. 5 was taking water from the adjacent premises, but consequent to an order of the Hon'ble High Court at Calcutta in WPO 3031 of 2022 and hearing before the water supply department of respondent no. 4 on 28th January, 2023, the private respondent no. 5 was forced to disconnect the water connection. It is submitted that this fact brings into question the ability of the respondent no. 5 to comply with not only the directions issued by the respondent no. 1, but the very conditions of the consent certificates. Without any steady supply of running water, underground storage for water the respondent no. 5 would be unable to flush out the waste or have an effluent treatment installation running. Therefore, it is submitted that in light of the facts that there are no such kind of basic water supply and storage infrastructure, respondent no. 5 would not be able to adhere to the conditions provided in the consent certificates let alone the directions for installing and maintaining an effluent treatment system. Hence, the absence of infrastructure should nullify the consent certificates as these are conditions precedent to getting an consent to establish certificate and the same should not have been provided.

A copy of the order of the Hon'ble High Court dated 28th November, 2022 in WPO 3031 of 2022 and hearing before respondent no. 4 dated 28th January 2023 are annexed hereto and marked as **ANNEXURE - A/10**.

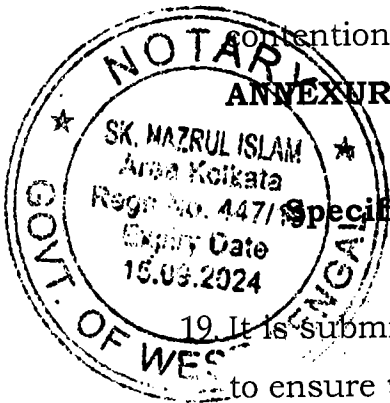


17. It is further submitted that the directions of the respondent no. 1 of installing settling chamber for treatment of effluent suffers from non-application of mind to the facts that the respondent no. 5 do not have any water source and that respondent no. 1 have failed to carry out any assessment of the type and volume of waste being generated by the said respondent no. 5 daily and/or different times and seasons.

18. It is submitted that the respondent no. 1 has also made factual errors in their observation regarding the area occupied by the respondent no. 5 as the same is over 300 sq. ft., plus an open area and that there is a dispute pending the area being illegally occupied by the respondent no. 5. It is also submitted that the respondent no. 1 made an error in stating that the applicant lives on the 2nd floor of the building. It is submitted that the applicant actually lives on the 1st floor of the building which is a Ground Floor + 2 other floor building, i.e. a three storeyed building.

A copy of an inspection report by the Kolkata Municipal Corporation being the respondent no. 4 is annexed herein in support of the contention of how much area is being used by the respondent no. 5 as

ANNEXURE - A/11.

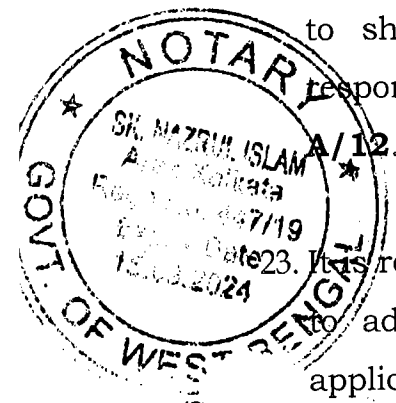


**Specific Responses to the Affidavit of Respondent No. 4 dated
10.03.2023**

19. It is submitted that respondent no. 4 is both empowered and duty bound to ensure that waste is collected, transported and disposed in accordance with Solid Waste Management Rules, 2016 under the Environment Protection Act, 1986. That no body is allowed to dump garbage in the open and cause pollution. However, the respondent no. 4 not only omitted to provide any details of how waste management is taking place at the premises of private respondent no. 5, but completely omitted to address the contentions of the applicant that respondent no. 5 is dumping liquid and solid waste generated from the restaurant onto the municipal drains, thereby clogging and flooding an entire street in the process daily. They have also failed to take into account that clogging and flooding of street due to dumping of waste onto KMC drains, as complained by the applicant will be more visible during monsoon season as compared to dry season and therefore they have generalized to give

the respondent no. 5 a clean chit, which is contradictory and suffers from non-application of mind.

20. It is evident that the respondent no. 4 had made to attempt to properly inspect the premises of the respondent no. 5 or looked into the allegations of the applicant, as the respondent no. 1 in their inspection report, clearly states that the respondent no. 5 is discharging it's waste effluent directly to KMC drain and have even vide an memo dated 1st March, 2023 directed the said respondent no. 5 to "install settling chamber for treating effluent generated" from restaurant activity.
21. It is therefore humbly submitted that the action taken by the respondent no. 4 suffers from severe irregularity, non-application of mind, serious omission to do their duty under the relevant environmental statutes and making contradictory and misleading statements.
22. It is submitted that the pollution complained of by the applicant since 24th May, 2022 is still ongoing and photographs taken on 8th April, 2023 to show the present status of violation and pollution caused by respondent no. 5 are annexed hereto and marked as **ANNEXURE - A/12**. It is respectfully submitted that both respondent nos. 1 and 4 have failed to address the contentions of the applicant, raised in the original application, failed to address the question of law observed by the Ld. Tribunal, have failed to perform their statutory duties towards violators and have failed to ensure that ongoing pollution, that the applicant complained of, are immediately checked, and brought under control. Under the circumstances, the applicant submits the respondent authorities failed to take into consideration and/or verify whether the infrastructure required to obtain consent certificates are present and/or whether conditions in the consent to establish were complied with before granting consent to operate. Furthermore, neither the concerns of the applicant have been investigated for almost a year after making them nor the private respondent no. 5 have adhered to or complied with the conditions of the consent certificates. Hence, it is submitted that the



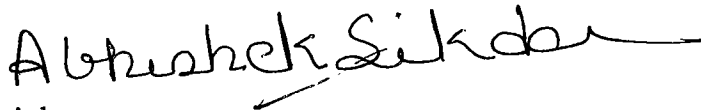
consent certificates should be set aside and perpetrators should be punished as per 'polluter pays principle'.

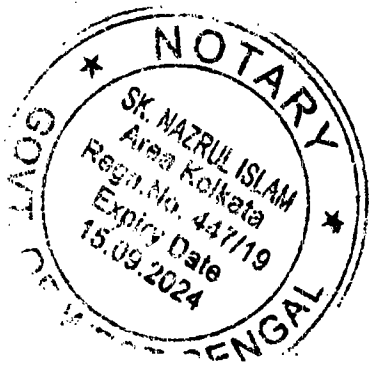
Prepared

&

Identified by me


Deponent ✓


Advocate
F/1512/1048/2011



VERIFICATION


I, Caesar Sen, S/o Late Saroj Kumar Sen, aged about 72 years, R/o No. 66, Chowringhee Road, Police Station - Bhowanipore, Kolkata-700020, am the applicant in the above-mentioned original application and as such I am competent to affirm this affidavit.

I do hereby affirm that the contents of paragraphs 1 to 23 above are true and correct to the best of my knowledge and belief and nothing material has been concealed there from.


Verified at Kolkata on 10.04.23

Identified by me


APPLICANT


Advocate
F/1512/1048/2011

Solely Affirmed and
Declared before me U/S 139
CPC, U/S 297 (C) CrPC


Notary
SK, Nazrul Islam
Notary, Govt. of W.B.
Regn. No. 447/19
Civil Court, Calcutta

10 APR 2023

Annexure - 'A'

A/A

Annexure - 'P' 6

44/843-9192
27.4.91



NO 007781

Permission under Section 421 of the Calcutta Municipal Corporation Act, 1930.

(This permission is issued as sanctioned by the Ch. Mpl. Health Officer)

YEAR 1991-1992.

C.M.A. (F.S.)

No. A
Form No. 70

This permission is issued to Sri Tibetan Delight
Cedry Nunkhia Partners/Proprietors

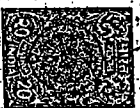
for carrying on Sweet Shop for sale & preparation for sale of food (other than those which are specified under Rule 50 of the Prevention of Food Adulteration Rules, 1956) for one year from 1st April, 1991 to 31st March, 1992 on the premises situated at 66/1

Chowringhee Rd on payment of Rs. 50/- subject to the following terms and conditions: (Rupees fifty only)

Initial of Assistant [Signature] Licence Officer.

GENERAL ADMINISTRATIVE OFFICE

Dated 28.4.91



- It does not confer liability to take out a license under any other section of the Calcutta Municipal Act or any other Act which is for the time being in force in Calcutta.
- It shall be valid only for the premises, godown, manufactory, workshop or place specified in the licence (in the case of itinerant vendor, the place specified in the licence).
- This licence is not transferable either as regards the person to whom or place or premises for which it is granted.
- If the licensee vacates or gives up possession of the premises, godown or place for which the licence has been granted during the period of licence, he shall inform the Licence Officer and the Health Officer forthwith.
- Every premises, godown or place where food for human consumption is prepared or kept for sale shall be provided with sufficient means of efficient drainage and adequate supply of filtered water as may be necessary to the satisfaction of the Health Officer or any other person authorised by him in this behalf. In no case there shall be any stoppage of water supply inside the rooms of such premises.

Annexure.....'P'.....
to in paragraph.....4.....
foregoing Petition affirmed
by.....C. Sen.....
on this.....28/04.....Day of..

Commissioner of Appeal
High Court, Appellate
Calcutta

- 7 -

Type copy

Permission Under Section 421 of the Calcutta Municipal Corporation Act,
1980

Is permission for issued as sanctioned by the Mpl)
1991-1992

O.M.A (P.S.)
Word No. 70

This permission is issued to Tibetan Dulight , Uday Mukhia Partner Same by Sanach Dar for each of preparation for sale of food (other than those which the applied rule 60 of the Prevention of Food Adulteration Rules, 1955) for the year from April 1991 to 31st March, 1992 on the premises without 66/1 Chowringhee Road, on patents of Rs.50/- subject to the following terms and conditions (Rupees Fifty Only).

Licensor Assistant

License Officer

Date 28.12.91.

1. It does not corer liability to take out a order any other of the Calcutta Municipal Act of any other which is for the being in force in Calcutta.
2. It shall be valid only for the premises godown, sanctuary vendor the has supplied in the Hence.
3. This is nor trainable other as regard the person to window or place or premises for which it is granted.
4. One Hence caution or gives up possession of the premises, Goodwin or place for which the license has been granted during the period of hence to shall inform the license officer and the health officer for with.
5. Every premises go down or place where food for human conspirator in prepared or kept for sale be provided with sufficed of effected dings and adequate empty of filtered water no be necessary to the establishment of the Health Officer or part why up keeping the temporary the room of south premises.

Form No. I

C. P. - 1518 - 20-7-92 - 20,000.

CE No. A. 7

O.T.

Dt. 17.9.92

No. 020224

Ward 70



Municipal Licence under Section 435 of The Calcutta Municipal Corporation Act, 1980. Year 1992-93.

The Municipal Commissioner, The Calcutta Municipal Corporation grants unto, Tibetan Selipt (Waj Mukha) this licence under Section 435 of the Calcutta Municipal Corporation Act, 1980, for the use of or part of premises No. 66/1 Chansingher Road as defined below* for the purpose of (Smoker Bar) subject to the terms and conditions noted overleaf and acknowledges to have received in consideration thereof a fee of Rs. Two hundred only only.

	Rs.	P.
Licence fee	200	
Notice of Demand fee		
Penalty		
Warrant fee		
Misc. charges, if any		
Total	200	

This licence will be in force until the 31st March, 1993

- *Bounded on the North by
- South by
- East by
- West by

For conditions of Licence please see overleaf.

Taking out of such Licence shall not absolve a person from any liability to take out any Licence/Permission under this Act or any other law for the time being in force.

The Calcutta Municipal Corporation Licence Department



By Order, Municipal Commissioner

Dated 17/9/1992

N.B.—This Licence will be liable to cancellation for any of the conditions.

9

Form No. L. T. 101A

Ward No. 70

Assessee No.



T. P.
A.

No. 176376

Previous Certificate No. B. 11285 dt. 30.7.91 for 19.9.2 19

CERTIFICATE OF ENLISTMENT

Year 1992-93

The Municipal Commissioner, The Calcutta Municipal Corporation hereby grants unto T. B. Tam. Dillight (Uday Mukhia) this certificate of enlistment under Section 200 of the Calcutta Municipal Corporation Act, 1980 for being engaged in the profession, trade or calling as Shop Keeper (Snacks) 66/1 Chandrajyoti Road and acknowledges to have received application fee of Rs. 10/- (Rupees ten) only.

This Certificate will be in force till the 31st March, 1993 and is to be produced at the time of renewal.
To be renewed by 1-7-1993

[Signature]
By Order
For Municipal Commissioner

LICENCE DEPARTMENT
The Calcutta Municipal Corporation

Dated 17.9.1992

N. B.—This Certificate is granted without any prejudice to the right of the Municipal Corporation to proceed for any penalties already incurred or for arrear dues and does not cover liabilities under any other section of the Act.
Payment of such tax shall not absolve the holder of any liability to take out any licence or permission under this Act or any other law for the time being in force.

C. P.—1527—12-2-92—120,000

AHO Answer - 'Aio' - 14-

OD-2

ORDER SHEET

WPO No. 3031 of 2022
IN THE HIGH COURT AT CALCUTTA
Constitutional Writ Jurisdiction
ORIGINAL SIDE

ASHOK R. MANSATA
-VS-
THE KOLKATA MUNICIPAL CORPORATION & ORS.

BEFORE:
The Hon'ble JUSTICE AMRITA SINHA
Date: 28th November, 2022.

Appearance:
Mr. Aniruddha Mitra, Adv.
... for the petitioner.
Mr. Avirup Chatterjee, Adv.
Mr. Soumo Roy, Adv.
..for Private Respondent.
Mr. Gopal Chandra Das, Adv.
Ms. Manisha Nath, Adv.
... for KMC.

The Court:- The petitioner alleges that his next door neighbour is illegally drawing water from his overhead tank and using the same for commercial use. The petitioner alleges that the complaint filed before the Kolkata Municipal Corporation objecting to the above has not been taken into consideration till date.

Learned advocate representing the private respondent submits that initially the petitioner permitted the private respondent to draw water but presently is standing in the way.

Learned advocate representing the Kolkata Municipal Corporation submits that the Corporation is entitled to commercial charges, if water is used for commercial use.

Having heard the submissions made on behalf of the parties, it appears that water meant for domestic use is being used for commercial purpose. The same is impermissible. Representation filed by the petitioner is pending consideration.

In view of the above, the instant writ petition is disposed by directing the Executive Engineer (Water Supply) (West), Kolkata Municipal Corporation to consider the representation filed on behalf of the petitioner on 1st November, 2022 strictly in accordance with law after giving a reasonable opportunity of hearing to all the necessary parties and pass a reasoned order and communicate the same to the parties. Consideration shall be made at the earliest, but positively within a period of ten weeks from the date of communication of this order.

Learned advocate for the petitioner is directed to forward a copy of the representation received by the respondent authorities on 1st November, 2022 at the time of communicating the order of the Court.

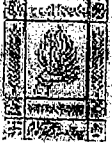
The writ petition stands disposed of.

Leave to file affidavit of service in course of the day.

Leave granted to the learned Advocate-on-record of the petitioner to correct the designation of the respondent no.2 in the cause title of the writ petition.

Urgent photostat certified copy of this order, if applied for, be supplied to the parties upon compliance of all legal formalities.

(AMRITA SINHA, J.)



The Kolkata Municipal Corporation
Office of Executive Engineer Water Supply West
212, Rashbehari Avenue, Kol.-700019

Memo No. EEWS(W)/33/2022-23
Dated :01/02/2023

To
Smt. Nima Mukhiya
67, Chowringhee Road
Kolkata 700020

Re :WPO 3031 of 2022 with High Court of Calcutta

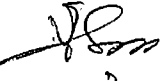
Sub : Complaint against Tibetan Delight (Restaurant) situated at 66/1, Chowringhee Road, Kolkata 700020, Ward 70, Borough – VIII. P.S. Bhowanipore for illegally drawing of water for commercial use from a domestic line of 67, Chowringhee Road.


On the basis of the order of Hon'ble Justice Amrita Sinha dated 28.11.22, your representatives and Mr. Ashok R Mansata, have attended the hearing called by Executive Engineer (WS/West) along with the Consulting Engineer (WS) on 28.01.2023 in the Chamber of Executive Engineer (WS/West) at 212, Rashbehari Avenue, Kolkata 700019, in compliance of the said order of Hon'ble Justice.

During discussion in the said hearing on instruction, your representatives have agreed to disconnect the existing illegal overhead water connection line from one premises to another premises within 07 days from the date of hearing (i.e. within 04/02/2023) through which the water is collected from premises no. 67, Chowringhee Road to 66/1, Chowringhee Road for commercial purpose. In support of collecting water for commercial purpose you could not produce any satisfactory documents. In that hearing your representative had also agreed to submit an undertaking duly certified by any 1st Class Magistrate for not to collect water from 67, Chowringhee Road to 66/1, Chowringhee Road by any other means by 2nd February, 2023 to Executive Engineer (WS/West)

So, you are being instructed to comply with the requisitions to be followed as agreed by your representatives within specified period otherwise the KMC authority will take legal action for cutting the said domestic line of 67, Chowringhee Road as per law.

✓ Copy to : Ashok R. Mansata


01/02/23
Consulting Engineer
Water Supply Department
Kolkata Municipal Corporation


01/02/23
EEWS (WEST)
K. M. C

Annexure - 'Aii' - 17 -

ATT

Annexure - 'Pg' - 20

CONCERN FOR CITIZENS

(A Voluntary Consumer Organization)

67, Chowringhee Road, Kolkata 700 020
Ph: 033 2287-0627, Mobile : 98300-54660, Email: concern17@gmail.com

RECEIVED
Contents Not Verified
[Signature]
20/06/22
Office of License Officer
Licence
Kolkata Municipal Corporation

20/06/22

From:

Ashok R. Mansata

C/o Concern for Citizens

1A, Ashutosh Mukherjee Road, Kolkata 700020

Mobile: 98300-54660

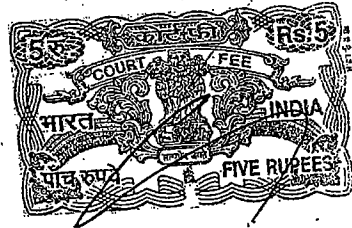
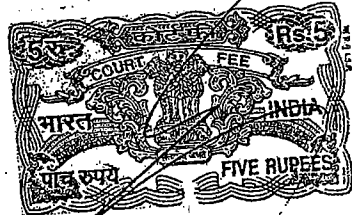
To:

The State Public Information Officer (License)

Kolkata Municipal Corporation

5, S.N. Banerjee Road,

Kolkata 700013



Dear Sir,

Re.: Information sought under the provisions of the Right to Information Act, 2005/
Trade Licence

I had made a complaint to the Deputy License officer, Kolkata Municipal Corporation, Gariahat Unit about Tibetan Delight, a restaurant located at 66/1 Chowringhee Road, Kolkata 700020, P.S. Bhawanipur, Ward 70, Borough VIII by my complaint letter dated 3/6/22, delivered to you on 7/6/22. A copy of my complaint is enclosed herewith. I was informed that an inspection of the Restaurant was carried out by an Inspection team from Gariahat Unit of KMC.

Please give me the following information under the Right to Information Act, 2005:

1] Please give me a copy of the inspection report of the inspection that was carried out.

Please give me the information sought at the earliest.

The application fee of Rs.10/- is enclosed herewith by Non Judicial stamp.

Thanking you,

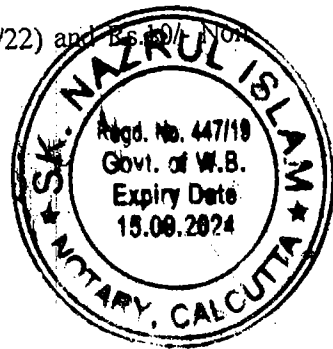
Yours truly,

[Signature]

Ashok R. Mansata

Enclosed: Copy of my complaint letter dated 3/6/22 delivered on 7/6/22) and Rs.10/- Non

Judicial Stamp, as above



-21-18-



The Kolkata Municipal Corporation
Office of the Dy. Licence Officer
Licence Department
Gariahat Unit
212 Rash Behari Avenue, Kolkata-700 019

A.L.O (G.H.U)

Inspection report

(A) Inspection date: 16 / 06 / 2022
(B) Premises No. 66/1 Chowringhee Road
Kolkata-700 020, KMC Ward No. 070.

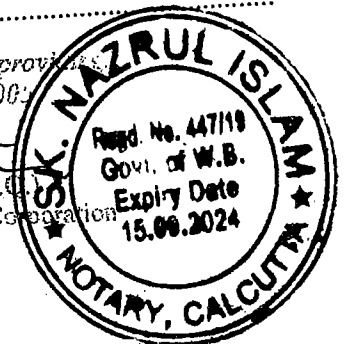
(C) Reason for such inspection: Complaint of Astor R Mansata
at 07.06.2022
66/1 Chowringhee Road
Kolkata - 700020
ward no - 070.

(D) Report: A spot enquiry of 66/1 Chowringhee Road
Kolkata - 700020.
There is a restaurant business availing more
than 300 Sq ft in the name of M/S TIBETANT
DELIGHT" runs from two room and also open
space. One of them is used as kitchen using
L.P.G. It is a residential Premises.
As per our available data base record C.F. NO.
- 0039 3401 7303 was issued on 04.07.2017 in
the name & style of M/S Tibetant Delight at
for the business of "Fast food center" and the
is found reviewed up to current financial year
(2022 - 2023)
Hence, the report is being placed before you
for kind perusal & further opinion in the
regard Pl.

Report submitted by
[Signature]
22-06-22
Desgn. Inspector.
ward - 070

Document Certified for provision
Under RTI Act, 2005

[Signature]
13/7/22
Licence Deptt. (H.O.)
The Kolkata Municipal Corporation



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KOLKATA MUNICIPAL CORPORATION
Office of the S.P.I.O. (Licence)
C.M.O. Buildings
5, S.N. Banerjee Road
Kolkata- 700 013

Memo No: S/869

Date: 13/9/22

To
Ashok R. Mansata
C/o. Concer For Citizens
1A Ashutosh Mukherjee Road
Kolkata-700020

Sir.

Re: Information under RTI Act 2005 read with WBRTI Rules 2006 for Inspection Report against M/s. Tibetan Delight at premises no. 66/1 Chowringhee Road, Kolkata-700020.

Ref: Order of Chief Manager (Licence) vide Memo No.: S/869, Dated: 07/09/2022.

With reference to the Order vide above stated memo no. issued after a hearing was held by Chief Manager (Licence) & 1st Appellate Authority (RTI/Licence). KMC on 07/09/2022. copy of Inspection Report certified under RTI Act. 2005 as sought for is enclosed herewith.

Yours faithfully.

Mansata
13/9/22

S.P.I.O.(Licence)
S.P.I.O. (Licence)
Licence Department
Kolkata Municipal Corporation

Copy to : 1) Chief Manager (Licence) &
1st Appellate Authority (RTI/Licence). KMC.

S. App.
12/09/22
L.I.

S. App.
13/9/22
A.L.O

