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**BEFORE THE HON'BLE NATIONAL GREEN TRIBUNAL
EASTERN ZONE BENCH, KOLKATA**

IN

OA. No. 07/2023/EZ

IN THE MATTER OF:

VIJAY KUMAR BURMAN

...APPLICANT

VERSUS

**THE CENTRAL POLLUTION
CONTROL BOARD & ORS.**

...RESPONDENTS

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Sl.No.	Particulars	Annexure	Page No.
1.	Counter Affidavit on behalf of Central Pollution Control Board, Respondent No. 01		

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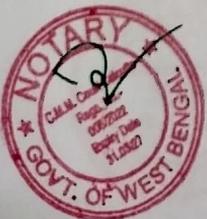
Mrinal Kanti Biswas

Regional Director & Scientist E,
CPCB, Kolkata

Filed through Counsel

Dated: 30/08, 2023

Place: Kolkata



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**COUNTER AFFIDAVIT ON BEHALF OF THE RESPONDENT NO. 01
i.e., CENTRAL POLLUTION CONTROL BOARD**

I, Mrinal Kanti Biswas S/o Shri Saroj Kumar Biswas, aged about 41, by Religion-Hindu, by Occupation-Service, having office at the Regional Directorate, Central Pollution Control Board, 1582, Rajdanga Main Road, Kolkata-700107 do hereby solemnly affirm and declare as under:

1. That I am working as Regional Director in the Central Pollution Control Board (hereinafter referred to as 'CPCB'), Regional Directorate Kolkata and have been authorized to file the present affidavit on behalf of the Respondent No. 01 i.e. the Chairman of CPCB. I am well conversant with the facts of the application from the records maintained by the offices of the CPCB hence, I am competent to swear this independent response on behalf of the CPCB.



2. That I have read and understood the contents of the present Counter Affidavit. The contents thereof are true and correct and nothing material has been concealed therefrom.

Para-wise Reply to the Original Application

3. That the averments made in Paras 1 and 2 of OA, is the details of the applicant and are matters of record and do not warrant any reply from this answering Respondent No. 01, Central Pollution Control Board.
4. That the averments made in sub-paras (a to b) under Para 3 of OA, is the details of the land property and are matters of record and need no comments from this answering Respondent No. 01.
5. That with regard to the averments made in sub-para (c) under Para 3 of OA, it is submitted that stone crushing unit should not operate without obtaining Consent to Establish (hereinafter referred to as 'CTE') and Consent to Operate (hereinafter referred to as 'CTO') from the concerned State Pollution Control Board (hereinafter referred to as 'SPCB') or Pollution Control Committee (hereinafter referred to as 'PCC'). Since the matter pertains to SPCB hence can be suitably replied by them.
6. That in reply to averments made in sub-paras (d and e) under Para 3 of OA is regarding environmental pollution caused due to operation of stone crushers in the vicinity of residential houses including the residential area of applicant. In reply, it is submitted that stone crushing unit should operate with valid Consent to



Establish and consent to operate by SPCB. Stone Crushing unit need to comply with the conditions of the CTE & CTO besides other norms as stipulated under the Environment (Protection) Rules, 1986.

7. That with regard to the averment made in sub-para (f) under Para 3 of O.A, is regarding the reference of lodging of compliant dated 15.10.2021 through applicant's Counsel to Respondent No. 4 i.e Regional Office, Durgapur, West Bengal Pollution Control Board (hereinafter referred to as 'WBPCB'). It is submitted that the matter pertains to WBPCB.

8. That with regard to the averment made in sub-para (g) under Para 3 of OA regarding verbal intimation by Respondent no. 4 to applicant that no CTE and CTO was issued to respondent no. 7 for operation of stone crusher at the said spot. It is submitted that the matter pertains to WBPCB and hence should be replied by SPCB.

9. That with regard to the averments made in sub-paras (h to j) under Para 3 of OA, is related to reference of information sought under RTI through learned counsel of applicant and information provided by Respondent No. 2, i.e. WBPCB and transfer of application to concerned authorities. It is a matter of record and hence need no comments from this answering Respondent No. 01.

10. That with regard to the averment made in sub-para (k) under Para 3 of OA, regarding concerns raised for illegal operation of



stone crusher by respondent no. 7, it is submitted that CPCB reiterates the same as mentioned in Para 6 of this Affidavit.

11. That with regard to the averments made in Grounds (I) to (IV) of the OA, it is submitted that the same have been replied in the Paras above and need no further comments from CPCB. However, CPCB reserves its right to deal with the said Grounds properly at the time of hearing of this Original Application.

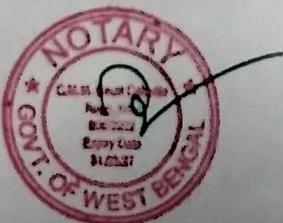
12. In view of the above facts indicated in earlier paras, it is respectfully prayed that this Respondent No. 01 shall abide by any order or direction, passed by this Hon'ble Tribunal.


DEPONENT

VERIFICATION

I, Mrinal Kanti Biswas, the above named deponent do hereby verify that the contents of the above affidavit are true and correct to my knowledge based on official records no part of it is false and nothing material has been concealed there from.

Signed and verified on this 30th day of March, 2023 at Kolkata.




NIRMALYA DASGUPTA
Advocate Cum Notary
REGN NO.-008/2022
C.M.M. Court Calcutta


DEPONENT

SOLEMNLY AFFIRMED
&
Declared Before me
on Verification Adv.

NOTARY
N. DAS GUPTA
C.M.M. Court
Govt. W.B.

30 MAR 2023