

BEFORE THE HON'BLE NATIONAL GREEN TRIBUNAL
EASTERN ZONE BENCH AT KOLKATA
ORIGINAL APPLICATION NO. 101/2025/EZ

In the mater of :

Ankur Sharma

..... Applicant

Versus

The State of West Bengal & Ors.

..... Respondents

**AFFIDAVIT-IN-REJOINDER ON BEHALF OF THE APPLICANT TO THE
AFFIDAVIT FILED ON BEHALF OF THE RESPONDENT NO. 6**

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Ankur Sharma

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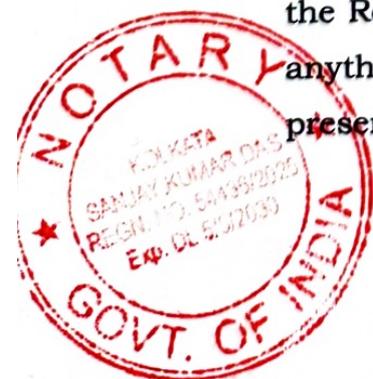
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**AFFIDAVIT-IN-REJOINDER ON BEHALF OF THE APPLICANT TO THE
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I, Ankur Sharma, the Applicant aged about - 28 years by occupation - Advocate residing at 13/3, Dr. P. K. Banerjee Road, Howrah, West Bengal, PIN - 711101 do hereby solemnly affirm and state as under :

1. I am the Applicant in the abovementioned Original Application. I have received a copy of the Affidavit filed on behalf of the Respondent no. 6 affirmed on 31.07.2025. I have gone through the contents and purports of the Affidavit (hereinafter for the sake of brevity referred to as the 'said Affidavit'), and I am making the present Affidavit in Rejoinder thereto.
2. I deny the contents and averments made in the Affidavit on behalf of the Respondent no. 6 those are contrary to and/or inconsistent with anything stated in the abovementioned Original Application and the present Affidavit in Rejoinder.



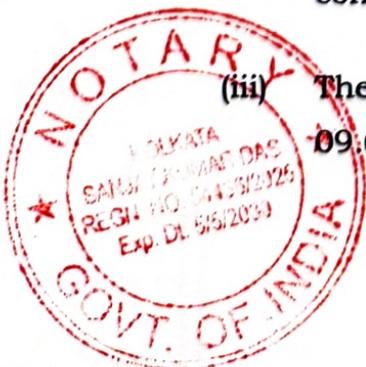
3. At the outset I say the following :

- (i) Uniqueness of the case is that the Applicant lodged complaint against the subject project before the competent authorities on 30th December, 2024. Subsequently, the Original Application was filed on 23rd May 2025 and was admitted on 30th June, 2025, and only thereafter the Private Respondent no. 13 filed an application for grant of Environmental Clearance (EC) before SEIAA, West Bengal on 2nd July, 2025 (proposal no. SIA/WB/INFRA2/535611/2025) for the subject project submitting thereto that the total built-up area of the project is 26,070 square meters. This subsequent act of the Project Proponent is a clear and categorical admission that the project is a stand-alone construction project falling squarely within the scope and ambit of the EIA Notification, 2006, and that no prior Environmental Clearance (EC) had been obtained at the time of commencement. Instead of taking corrective action, the West Bengal Pollution Control Board has now chosen to shield the Project Proponent and carry the cross on its behalf rather than discharging its statutory duty to protect the environment.

A screenshot of the Parivesh portal showing built-up area of the subject project is annexed herewith and marked by the letter and figure 'A-1'.

- (ii) The Applicant served copy of the Original Application and solemn order dated 30.06.2025 to the Learned Counsel for the West Bengal Pollution Control Board represented by the part time Member Secretary who is also the Member Secretary, SEAC, West Bengal and others on 01.07.2025 through email, meanwhile construction continued at the project site.

- (iii) Thereafter, SEAC, West Bengal in its 77th meeting dated 09.07.2025 appraised the project and directed the project



proponent to submit certain documents before the SEAC, West Bengal for further consideration.

- (iv) It is clear from the above that the project is an Environmental Clearance (EC) attracting project and that it is violation project but the WBPCB and SEAC, West Bengal is trying to save the project by whatever means but for the reason/s underlying in engaging the present part time Member Secretary illegally by the Government of West Bengal for evident reasons of late that has become subject of common men's discussion all over the state. Wherever, people of West Bengal lend their ears are subjected "corruption", "corruption", "corruption". But your Applicant refrains from placing those matters before this Hon'ble Tribunal which are actually required to be investigated by appropriate investigating agency of the Central Government and adjudicated under various other laws on anti-corruption.

4. Now I shall deal with Affidavit in seriatim :

5. As regard paragraph no. 1 and 2 of the said Affidavit I say that the same does not require any specific reply.

6. As regard paragraph no. 3 of the said Affidavit I say that the WBPCB allegedly caused an inspection at the project site by one Mr. N. Das Assistant Environmental Engineer, WBPCB who merely relied on the words of the representatives of the project proponent for preparing the inspection report and did not dealt with the averments made in the Original Application instead attempted to save the project proponent by making false statements in his inspection report which are elaborated hereinbelow. This Hon'ble Tribunal vide solemn order dated 01.08.2025 observed, inter alia, that :



"The Inspection Report which has been filed by the West Bengal Pollution Control Board is silent with regard to the specific allegation of the Applicant as to whether the construction made by the private respondents is legal or illegal. This is a wholly frivolous and irresponsible inspection report.

7. We find that the Inspection Report bears the signature of one N. Das, Assistant Environmental Engineer, Salt Lake Regional Office, that too on internal page no.2 of the Inspection Report. It appears that the Assistant Environmental Engineer, West Bengal Pollution Control Board does not know how to carry out an inspection and does not know what is required out of an inspection."

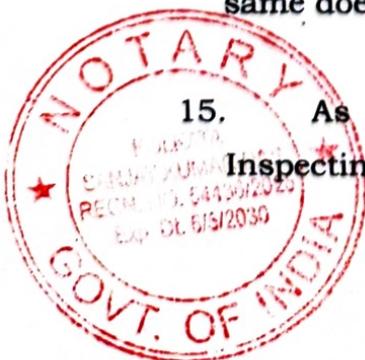
7. As regard paragraph no. 4(a) of the said Affidavit I say that the inspecting official indicated that he has no personal knowledge of the total land area as stated therein since the statement made therein is not authenticated by any document but as indicated by the Representative of the project proponent.
8. As regard paragraph no. 4(b) of the said Affidavit I say that the same does not require any specific reply.
9. As regard paragraph no. 4(c) of the said Affidavit I deny and dispute all contents, contentions, averments statements and allegations made therein save and except those which are matters of record. On contrary, I say that the statement is utterly false that vacant/agricultural land is situated on the southern side but the map as annexed hereinabove in paragraph no. 3 (i) shows that there is a canal on the southern side of the project.

10. As regard paragraph no. 4(d) of the said Affidavit I say that the same does not require any specific reply.



11. As regard paragraph no. 4(e) of the said Affidavit I deny and dispute all contents, contentions, averments statements and allegations made therein save and except those which are matters of record. On contrary, I say that the Inspecting official has mentioned that construction work for 67 nos. bungalows was either under progress or on the verge of completion and foundation of two is complete but the mention of the words "construction of two more has not yet started" are only indications given by the representatives of the project proponents which shows that the Inspecting official has no personal knowledge at the time of inspection or otherwise hence the said Affidavit hardly thus, has any merit.
12. As regard paragraph no. 4(f) and 4(g) of the said Affidavit I say that those are only indications of the violation of EIA Notification, 2006 on the date of inspection.
13. As regards paragraph no. 4(h) of the said Affidavit I deny and dispute all contents, contentions, averments statements and allegations made therein save and except those which are matters of record. On contrary, I say that the statement made therein itself controverts the statement made by State Water Investigation Directorate (SWID) i.e. Respondent no. 8 in its Affidavit dated 29.07.2025 wherein SWID disclosed that an illegal borewell was present within the project site. This also confirms that the inspecting official merely relied upon the words of the representatives of the project proponent to mislead this Hon'ble Tribunal and thereby extended undue favour to the project proponent.
14. As regard paragraph no. 4(i) of the said Affidavit I say that the same does not require any specific reply.

15. As regards paragraph 4(j) of the said Affidavit I say that the Inspecting official relied on the words of the project proponent in toto.



16. As regards paragraph no. 5(i) of the said Affidavit I say that it is true that the project proponent applied for grant of Environmental Clearance on 02.07.2025 i.e. after the Application lodged a complaint with the authorities on 30.12.2024 and after the instant Original Application was filed on 23.05.2025. The words "they have already applied for Environmental Clearance for the entire project" canvasses that the subject project is an Environmental Clearance (EC) attracting project, and that it is being constructed illegally without obtaining prior Environmental Clearance. Only thereafter as a protective measure against possible adverse orders of this Hon'ble Tribunal the project proponents made an Application for grant of Environmental Clearance (EC) well after the instant Original Application was admitted by the Hon'ble Tribunal on 30.06.2025 in presence of the Learned Counsel for the WBPCB and others.

17. As regards paragraph no. 5(ii) of the said Affidavit I say that neither the Inspecting official nor the deponent of the said Affidavit disclosed the date of Application for Grant of Consent to Establish for only part of the project as alleged or at all nor stated that the project is going on without obtaining Consent from the WBPCB. The application for grant of Consent was made on 08.07.2025 and was rejected on 05.09.2025 by WBPCB.

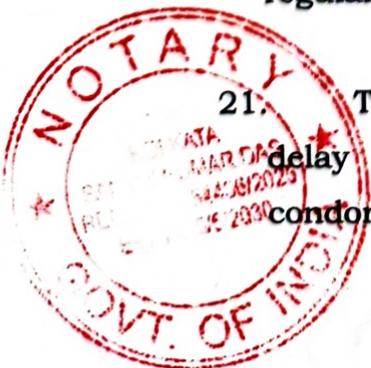
Screenshot of the Online Consent Management & Monitoring System of WBPCB showing rejection of the abovementioned application is annexed herewith and marked by the letter and figure 'A-2'.

18. As regards paragraph no. 6 of the said Affidavit I say that meaning and purport of importing the word "feedback" during pendency of the matter before this Hon'ble Tribunal is dicey in nature. Hence, any comment is reserved.



19. As regards paragraph no. 7 of the said Affidavit I say that it is true that project proponent applied for grant of Environmental Clearance (EC) only on 02.07.2025 not only well after filling of the Original Application on 23.05.2025 but also after an order was passed by this Hon'ble Tribunal on 30.06.2025.
20. As regards paragraph no. 8 of the said Affidavit I say that the SEAC, West Bengal ought to have rejected the proposal for grant of Environmental Clearance (EC) in view of the solemn judgment of the Hon'ble Supreme Court but instead it resorted to appraise the proposal and sought additional details from the project proponent. I also say that it is true that the SEAC, West Bengal headed by the Member Secretary of West Bengal Pollution Control Board appraised the proposal for grant of Environmental Clearance for the project though the project is an Environmental Clearance (EC) violation project, and that the Hon'ble Supreme Court in the case of Vanashakti & Anr. vs. Union of India & Ors. Writ Petition (C) no. 1394 of 2023, inter alia, struck down two office memorandums issued by the Ministry of Environment, Forest and Climate Change (MoEFCC) that allowed ex post facto environmental clearances for projects that commenced without prior Environmental Clearance (EC). The Hon'ble Court held, inter alia, that the concept of ex post facto clearance is in derogation of the fundamental principle of environmental jurisprudence and is alien to environmental law and that requirement of prior Environmental Clearance (EC) cannot be substituted by post facto approvals. The Hon'ble Court further restrained the Central Government from issuing circulars/orders/OMs/notifications providing for grant of ex post facto Environmental Clearance (EC) in any form or manner or for regularising the acts done in contravention of the EIA Notification.

21. The Applicant humbly prays for unconditional apology for the delay in filing this Affidavit-in-Rejoinder which may kindly be condoned.



22. In view of the above, the Applicant most respectfully prays that this Hon'ble Tribunal may be pleased to pass such orders as may be deemed fit and proper in the interest of justice.

Solemnly affirmed at Howrah

On this 6th day of October, 2025

Ankur Sharma

Applicant

Identified by me
Anushi Katarania
F/498/371/2021

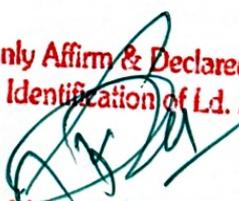
VERIFICATION

I, Ankur Sharma, the abovenamed Applicant do hereby verify that the contents of the above Affidavit in Rejoinder are true and correct to the best of my knowledge, no part of it is false and nothing material has been concealed there from.

Verified at Howrah on this day of 6th day of October, 2025.

Ankur Sharma
Applicant

Solemnly Affirm & Declared Before
me on Identification of Ld. Advocate


SANJAY KUMAR DAS
NOTARY GOVT. OF INDIA
REGN. NO. 54436/25
Chief Judicial Magistrate
Kolkata-700001

06 OCT 2025



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parivesh.nic.in/newupgrade/#/report/ec?proposalId=125753878&legacyApplicationId=0

16.1. Major Project Requirement in terms of the land area, built up area, green belt, parking needs etc.

	Existing	Expansion
16.1.1. Green belt Area (sq. m)	7713.23	N/A
16.1.2. Bungalows: G+1 Club: G+2 storied	26070.24	N/A
16.1.3. Paved Area (sq. m)	10395.21	N/A
16.1.4. Unpaved Area (sq. m)	7713.23	N/A
16.1.5. Number of parking Required	140	N/A
16.1.6. Surface Parking Area (sq. m)	48.02	N/A
16.1.7. Maximum number of floors	3	N/A
16.1.8. Open Area (sq. m)	23709.49	N/A
16.1.9. Build up area (sq. m)	26070.24	N/A
16.1.10. Total Land/plot area (sq. m)	35799	N/A
16.1.11. STP & Solid Waste Area (sq. m)	1020.76	N/A
16.1.12. Proposed FAR	0.728	N/A

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MINISTRY OF INDIA

Sl. No.	Enterprise Name	Address	Activity	Color	Category	Medium	Pin	Start Date	Status	End Date
280	M/S R.S ENTERPRISE	Plot No.-12, Zone-11, Calcutta Leather Complex, P.O.-Bhojerhat, P.S.-KLC, Dist-24-Prgs(South), Pin-743502.	Tanneries	RED	CTO	both	7151209	09/07/2025	Approved	12/08/2025
281	Putul Bakery and Confectionery	Ambalhara	Bakery / confectionery / sweets products (with production capacity <1tpd (with oil, gas or electrical oven)	GREEN	CTE	both	7148160	09/07/2025	Rejected	02/09/2025
282	Amaya Exports Private Limited	Dag No.-1165, Kh. No.-1173, JI No.-116, Mouza- Tengarberia, Baruipur Road, Vill: Kalabaru, P.O. Chhayani, P.S. Baruipur, Dist- 24-Pgs.(S), Pin 743376	Silk screen printing, sari printing by wooden blocks	ORANGE	CTE	both	7150180	09/07/2025	Approved	14/07/2025
283	CASTONIK ENTERPRISE	S. K. Industrial Plaza. Sankharipta Road, (in Dag no. - 217, Kh. no. - 1916, Vill + Mouza - Kalagachia, J.L. no. - 40), P.O. - Thakurpukur, P.S. - Kalitala Ashuti (Maheshtala), Dist - South 24 Parganas, PIN - 700063	Ferrous and Non-ferrous metal extraction >1 MT/hr involving different furnaces through melting, refining, reprocessing, casting and alloy making and including metal extraction from Lead [including gold and silver smithy using greater than 1.0 litre sulfuric acid / nitric acid per month, forging with coal fired boilers and smelting, lead, zinc and other metals]	RED	CTE	both	7148201	08/07/2025	Approved	17/07/2025
284	Shrachi Keventer Abasan Pvt. Ltd.	J.L. No.8,Mouza-Chanda kathalberia,Dist-24 PGS(S)	Building and Construction Projects, having Built-up area up to 20,000 m2 and waste water Generation >= 50KLD	ORANGE	CTE	both	7147108	08/07/2025	Rejected	05/09/2025
285	MAA LAXMI ENTERPRISE	BOINCHBERIA, P.O.- KAIKHALI BOINCHBATI, P.S.- FALTA	Polythene and plastic processed products manufacturing (virgin plastic)	GREEN	CTE	both	7147336	08/07/2025	Rejected	08/08/2025
286	OXFORD SHOES & SAFETY PRODUCTS	VILL. & P.O- MALANCHA PS- BHANGHAR, DIST- SOUTH 24 PARGANAS, PIN- 743502, WEST BENGAL. MOUZA-MALANCHA, JI-87, KHATIAN-3141, PLOT NO-4.	Leather foot wear and leather products (excluding tanning and hide processing except cottage scale)	GREEN	CTE	both	7144701	08/07/2025	Approved	22/09/2025
287	Uday Timber Mart	Vill- Nandabhanga, PO- Kanganberia, PS- Bishnupur, Dist South 24 Pgs, Pin- 743503	Saw mills	GREEN	CTO	both	7143221	08/07/2025	Rejected	24/08/2025
288	EASTERN PNEUMATICS PVT. LTD.	303, JHEELPAR ROAD MAHAMAYATALA, GARIA, KOLKATA-700084	Spray painting, paint baking, paint shipping	ORANGE	CTO	both	7142906	08/07/2025	Rejected	13/08/2025
289	M/S NIRMAN CONCRETE PRIVATE LIMITED	Vill & PO- Amgachia,PS- Bishnupur,Dist.- South 24 Pgs.Pin-700104, Mouza- Amgachia, Khatian-13214, JI-93,Dag-454,455	Ready mix cement concrete	GREEN	CTE	both	7141508	07/07/2025	Approved	01/09/2025
290	New Shatabdi Diagnostic Centre(Unit1)	rented premise in Canning Town, (Dag no. - 4884, Kh. no. - 9984, Mouza - Matla, J.L. no. - 68), P.O. + P.S. - Canning, Dist - South 24 Parganas, PIN - 743329	Health care establishment (as defined in BMW Rules) having waste water generation less than or equal to (=) 100 KLD and without incinerator	ORANGE	CTO	bulk	7141523	07/07/2025	Approved	08/08/2025
291	Drakt International	62, Diamond Harbour Road, P.S. Thakurpukur, P.O. Joka, Dist. 24 Parganas (S),	Pharmaceutical formulation and	ORANGE	CTO	both	7125968	07/07/2025	Rejected	09/09/2025

