

*Tijubly  
Tijubly  
Tijubly*

**Before the National Green Tribunal, Eastern Zone Bench, Kolkata**

**Original Application 105/2023/EZ**

Sanjoy Kumar Ghosh

...Applicant

Versus

The Chairman, West Bengal  
Pollution Control Board and  
others.

....Respondents

**INDEX**

Sl. No.	PARTICULARS	Annexure No.	PAGE No.
1.	Affidavit		
2.	License dated 17.11.2022 and letter dated 25.07.2022	<b>R1</b>	

Rajib Ray

Advocate

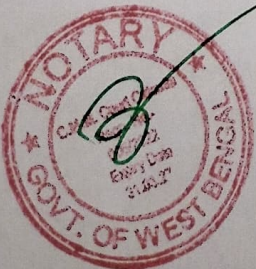
Bar Association Room No. 13,

High Court, Calcutta

Mob-9830132729

Cham: 28, Fakir Chand Mitra Steet, Kolkata- 700009.

Email: [rajib.ray23@gmail.com](mailto:rajib.ray23@gmail.com)



**Before the National Green Tribunal, Eastern Zone Bench, Kolkata**

**Original Application 105/2023/EZ**

Sanjoy Kumar Ghosh

...Applicant

Versus

The Chairman, West Bengal  
Pollution Control Board and  
others.

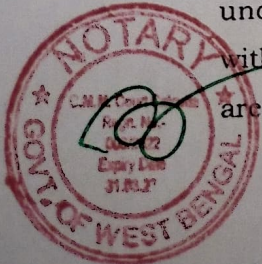
...Respondents

**Affidavit in Opposition on behalf of the Respondent No. 6 above named.**

I, Shri Satyabrata Dasgupta, son of Lt Kanti Bhusan Dasgupta, aged about 49 years, by faith: Hindu, by occupation- Government Service, now posted as the Officer in Charge of Bhowanipore Police Station, at 42, Shyama Prasad Mukherjee Road, District: Kolkata, Pin No. 700026, do hereby solemnly verify and say as follows:-

1. I am the Inspector of Police, presently posted as the Officer in Charge of Bhowanipore Police Station at 42, Shyama Prasad Mukherjee Road Kolkata-700026 within the State of West Bengal competent to affirm this affidavit and I have made myself acquainted with the facts and circumstances of this case and also duly authorized by Commissioner of Police, Kolkata Police to affirm this affidavit on his behalf.

2. That I have read a copy of the application purported to have affirmed by the applicant in this Application and on perusal of the same I have understood the purports and contents thereof. I have been advised to deal with and/or traverse only those allegations of the said application which are material for the proper adjudication of the case, which I hereby do.



Save and except what are specifically admitted herein and what appears from the relevant records of the case, each and every allegation contained in said petition shall be deemed to be denied and disputed by me.

3. That this affidavit is being affirmed in pursuant to the solemn order passed by the Hon'ble Tribunal on 11.09.2023.

4. That with regard to the statements made in the paragraph nos. 1 and 2 of the said application, I deny and dispute each and every statement which is contrary to and/or inconsistent with the records and need no comment from this answering Respondent.

5. That the statement made in paragraph nos. 3 to 6 of the said application are matter of record and anything contrary thereto are denied and disputed. I state that the Respondent Number 12 submitted requisite license dated 17.11.2022 under the West Bengal Fire Services Act, 1950 issued from the Respondent Number. 8 wherein it has been stated that "*License is hereby granted to Ghoshs Gaswelding Cutting Fitting Shop under Section 12 of the West Bengal Fire Services Act, 1950...*". I further state that the Respondent Number 12 submitted letter dated 25.07.2022 issued by the Senior Environmental Engineer, In-charge, Kolkata Regional Office, West Bengal Pollution Control Board wherein it is mentioned that "*There is no necessity of obtaining consent for White Category of industries and an intimation to WBPCB is sufficient.*"

The photocopies of the license and letter are annexed herewith and marked as Annexure-'R/1'.

6. That the statement made in paragraph nos. 7 to 11 of the said application are matter of record and anything contrary thereto are denied and disputed hence need no comment from this answering Respondent.



7. That the statement made in paragraph nos. 12 to 15 of the said application are matter of record and anything contrary thereto are denied and disputed. I state that for any violation with respect to the environmental pollution matters, if occurred, appropriate action may be taken by concerned Pollution Control Board.

8. That the statement made in paragraph nos. 16 to 17 of the said application are matter of record and anything contrary thereto are denied and disputed. I state that since the incidents were of non-cognizable in nature the fact was indexed in Bhowanipore Police Station General Diary Entry Number 2138, Date. 28.02.2021, General Diary Entry Number 1675, Date. 20.08.2021 and Bhowanipore Police Station General Diary Entry Number 1419, Date. 20.10.2021.

9. That with regard to statement made in the paragraph nos. 18 to 21 of the said application, contains allegations against the West Bengal Pollution Control Board, hence, I do not want to make any comment and nothing is admitted which are not borne on record.

10. That with regard to statement made in the paragraph no. 22 of the said application, I submit that the Grounds mentioned therein are misconceived, and denied. I however, reserve my right to deal with the said grounds properly at the time of hearing of the said application.

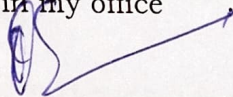
11. That with regard to the averments made in paragraph 25 to 28 of the said application, it is denied that that the present application is made bona-fide or for the ends of justice. I further state that sharp vigil is being maintained so that Environment of this area is not polluted and/or the basic environmental elements namely Air, water and soil is not disturbed.



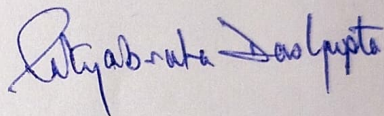
12. It is therefore prayed that the Hon'ble Tribunal may pass necessary order or further orders as it deem fit and proper in the interest of justice.

13. The statements made in paragraph 1 to 11 are based on information derived from the record which are usually kept and maintained by the answering respondents in the ordinary course of business and which I believe to be true and rest thereof are my humble submission before this Hon'ble Tribunal.

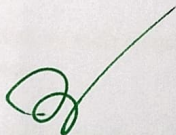
Prepared in my office



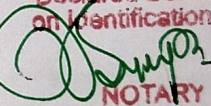
Advocate



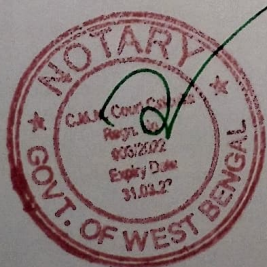
Deponent



**N. DASGUPTA**  
Notary  
Regn. No. 009/2022  
3, Bankshal Street  
Calcutta-700001

**SOLEMNLY AFFIRMED**  
&  
Declared Before me  
on Identification Adv.  
  
**NOTARY**  
**N. DAS GUPTA**  
C.M.M. Court  
Govt. W.B

**09 OCT 2023**





**Government of West Bengal**  
**West Bengal Form No. 393Z (28)**  
**License under the West Bengal Fire Services Act, 1950**

License no.:FL0125182228702033

Date: 17-11-2022

License is hereby granted to GHOSHS GASWELDING CUTTING FITTING SHOP under Section 12 of the West Bengal Fire Services Act, 1950, to use the building or place being No. (a) 19 NO, 19 NO, SAKHARAM GANESH DAUSKAR SARANI, KOLKATA- 700025, Kolkata, Pincode - 700025, P.S. - Bhowanipur, Nearest Fire Station - Kalighat as a warehouse/workshop for storing or processing or keeping (b)

1. Gas Cylinder(Oxygen or Acetylene or Hydrogen) - 90 Ltr.
2. Calcium Carbide - 10 Kg.

subject to the conditions noted below and such other conditions as may be prescribed.

It is hereby acknowledged that a sum of Rs. 8000 being the license fee due by the said GHOSHS GASWELDING CUTTING FITTING SHOP for the period from 17/11/2022 to 16/11/2023 in respect of the aforesaid license has been received @Rs. 8000 per annum.

**CONDITIONS ABOVE REFERRED TO:**

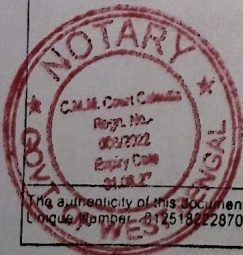
- (1) The warehouse/workshop shall at all times be open to inspection by such officer or officers, being member or members of the Fire Brigade, as may be appointed by the Director General of Fire Service.
- (2) The warehouse/workshop shall confirm to the conditions prescribed under Section 12 of the West Bengal Fire Services Act, 1950.
- (3) No article referred to in the Clause (l) of Section 12 of the West Bengal Fire Services Act, 1950, shall be made, prepared, dried or treated in any manner on the top or roof of any building constituting or forming a part of a warehouse.
- (4) No person shall be allowed to use as residence any part of the warehouse or to bring into the warehouse any match-boxes or match-sticks or any artificial light not duly and thoroughly protected or to smoke within the warehouse while jute or cotton is stored therein.
- (5) Needs to renewed within next 1 Year

Signature valid

Digitally Signed  
Name: Pampa Talukder  
Date: 17-Nov-2022 11:19  
Reason: Approved  
Location: West Bengal

Collector

Fire License Section,  
13D, Mirza Ghalib Street, Kolkata - 16



The authenticity of this document can be verified by accessing the URL: [edistrict.wb.gov.in](http://edistrict.wb.gov.in) and then clicking on the 'Verification of Digitally Signed Document' link and keying in the Unique Number: 0125182228702033



- 7 -

**WEST BENGAL POLLUTION CONTROL BOARD**  
(Department of Environment, Govt. of West Bengal)  
Kolkata Regional Office, Mani Square, 8<sup>th</sup> floor  
Block /Space-8IT on Western side  
164/1 Manicktala Main Road, Kolkata-700054  
Website : [www.wbpcb.gov.in](http://www.wbpcb.gov.in)

Memo No: 7 SG/WBPCB-RO-I/GEN/69/2012 (Part-1)

Dated: 25/07/2022

To  
M/s Abhoy Ghosh  
19 Townsend Road  
P.S.: Bhawanipur  
Kolkata 700025

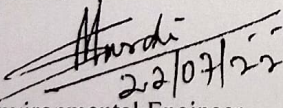
Ref: Your letter dated 17/06/2022

Sir

With reference to the above, this is to inform you that the activity of your unit falls under White category (Industry type : Engineering and fabrication units [dry process without any heat treatment / metal surface finishing operations / painting]).

There is no necessity of obtaining consent for White Category of industries and an intimation to WBPCB is sufficient.

Yours faithfully

  
22/07/22  
Senior Environmental Engineer  
In-charge, Kolkata Regional Office

