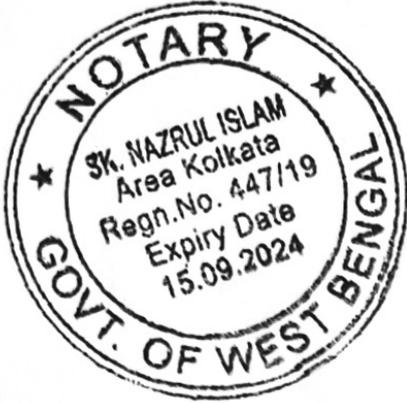


SL.No. 28

BEFORE THE HON'BLE NATIONAL GREEN TRIBUNAL
EASTERN ZONE BENCH AT KOLKATA
ORIGINAL APPLICATION NO. 152/2022/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 AFFIDAVIT BEHALF OF RESPONDENT NO. 07.**

SL.	PARTICULARS	ANNEXURE	PAGE
1	Rejoinder		1-6

Ankur Sharma
Ankur Sharma
(Applicant in person)
Mob: 9433883322
Email:
Adv.ankursharma9@gmail.
com

12 APR 2023

BEFORE THE HON'BLE NATIONAL GREEN TRIBUNAL
EASTERN ZONE BENCH AT KOLKATA
ORIGINAL APPLICATION NO. 152/2022/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 AFFIDAVIT ON BEHALF OF RESPONDENT NO. 07.**

I, Ankur Sharma, the Applicant aged about 26 years by occupation Advocate residing at 13/3, Dr. P.K. Banerjee Road, Howrah - 711101 do hereby solemnly affirm and state as under :

- 1. I am the Applicant in the abovementioned Original Application. I have read the Affidavit on behalf of Respondent No. 07 (hereinafter 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. 07 that are contrary to and/or inconsistent with anything stated in the abovementioned Original Application and the present Affidavit in Rejoinder.

At the outset, I say the following :

Twenty-five suggestions have been submitted by the Applicant in his Rejoinder dated 02.03.2023 to the Affidavit on behalf of Respondent no. 4.

(ii) The Deponent of the said Affidavit instead of taking assistance of the Kolkata Municipal Corporation and/or

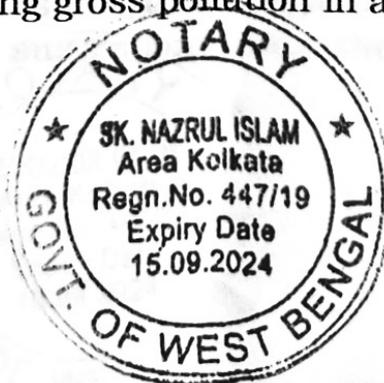


12 APR 2023

West Bengal Pollution Control Board to curb pollution caused by its Fish Market instead made baseless and false statements in its Affidavit including "...the Applicant mostly functions in New Delhi". This shows the irresponsible behavior of the Deponent in dealing with the matter.

(iii) That the Deponent of the said Affidavit has also admitted that there will always be menace in and around the fish market by stating that ".....fish as a product is watery in nature and there will always be water left in the surroundings.....". The Deponent once again canvassed its rigidity in curbing the menace of pollution.

4. I shall now deal with the Affidavit in seriatim :
5. As regard paragraph 1, I say that the same does not require any specific reply.
6. As regard paragraph 2 of the said Affidavit, I deny and dispute all contentions, averments made therein save and except what are matters of records. On contrary, I say that the Applicant also filed similar Application against pollution by Howrah Wholesale Fish Market. The outcome of the matter will not just curb pollution but will enable traders of the Fish Market to work under hygienic conditions.
7. As regard paragraph 3 of the said Affidavit, I deny and dispute all contentions, averments made therein save and except what are matters of records. On contrary, I say that the Deponent himself stated in paragraph 13 of the said affidavit that "...inside the market, which is in the control of the answering respondent...". The Deponent has made contradictory statements in his Affidavit. The Applicant hurriedly filed this Original Application due to sheer negligence and irresponsible acts of the traders of the fish market causing gross pollution in areas in and around said fish market.



12 APR 2023

8. As regard paragraph 4 of the said Affidavit, I deny and dispute all contentions, averments made therein save and except what are matters of records. On contrary, I say that it the pictures annexed in Original Application and Affidavit filed by the Kolkata Municipal Corporation are sufficient to prove the pollution caused by the Fish Market.

9. As regard paragraph 5 of the said Affidavit, I deny and dispute all contentions, averments made therein save and except what are matters of records. On contrary, I say that due to irresponsible and unscientific operation of the fish market the area in and around Fish Market stinks badly and remains littered with thermocol, garbage, mud etc.

The Deponent of the said Affidavit has also admitted that the area in and around the fish market will remain watery. The deponent of the affidavit ought to understand that public pathways cannot be littered to fulfil any individual's commercial interests. It is not a fact that no business can be carried on without polluting the environment.

10. As regard paragraph 6 of the said Affidavit, I deny and dispute all contentions, averments made therein save and except what are matters of records. On contrary, I say that the allegations against the Kolkata Municipal Corporation ought to be addressed by the Kolkata Municipal Corporation.

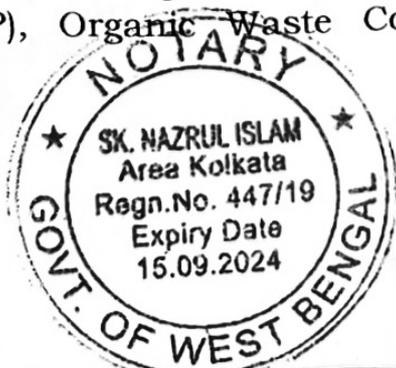
11. As regard paragraph 7 of the said Affidavit, I deny and dispute all contentions, averments made therein save and except what are matters of records. On contrary, I say that the Deponent is put to strictest proof to show that the Applicant has preferred the instant application for publicity and that the applicant mostly functions in New Delhi. It is also irrelevant whether the Applicant lives in the vicinity of the market or not since any damage to the environment will cause harm to the entire society. The Deponent instead of raising baseless allegations against the Applicant ought to have invited suggestions from the Applicant to curb the



12 APR 2023

menace of pollution by its market instead of stretching the matter on grounds of *locus standi*.

12. As regard paragraph 8 the same does not require any specific reply.
13. As regard paragraph 9 of the said Affidavit, I deny and dispute all contentions, averments made therein save and except what are matters of records. On contrary, I say that the pictures annexed in Original Application and Affidavit filed by the Kolkata Municipal Corporation are sufficient to prove the pollution caused by the Fish Market
14. As regard paragraph 10 the same does not require any specific reply.
15. As regard paragraph 11 of the said Affidavit, I deny and dispute all contentions, averments made therein save and except what are matters of records. On contrary, I reiterate the statements made in paragraph 11 of Original Application. The pictures annexed in Original Application and Affidavit filed by the Kolkata Municipal Corporation are sufficient to prove the pollution caused by the Fish Market
16. As regard paragraph 12 of the said Affidavit, I deny and dispute all contentions, averments made therein save and except what are matters of records. On contrary, I say that there are strong allegations against Kolkata Municipal Corporation regarding open dumping of garbage.
17. As regard paragraph 13 of the said Affidavit, I deny and dispute all contentions, averments made therein save and except what are matters of records. On contrary, I say that it is the duty of the waste generator to segregate waste and dispose accordingly. The statement of the deponent "The answering respondent does not have power under any law to process their own waste" is absolutely baseless. The Deponent ought to have installed Sewage Treatment Plant (STP), Organic Waste Composters and taken steps to



12 APR 2023

handover non-biodegradable wastes to waste recycling companies.

18. As regard to paragraph 14 of the said Affidavit, I state that the same does not require any comments.

In view of what is stated herein above, I humbly pray before this Hon'ble Tribunal to do justice to this Applicant.

Solemnly affirmed at Kolkata

On this 12th day of April, 2023

Ankur Sharma

Applicant

[Signature]
F1091/2015

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

[Signature]
Notary

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

VERIFICATION

12 APR 2023

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 Kolkata on this day of 12th April, 2023.

Ankur Sharma

Applicant

