

25 DT. 15.03.2024

**BEFORE THE NATIONAL GREEN TRIBUNAL  
EASTERN ZONE BENCH, KOLKATA**

M.A. No.22/2023/EZ  
IN  
O.A. No. 06/2016/EZ

In the matter of:  
Subhas Datta

..... Applicant

-Versus-

State of West Bengal and Others

.....Respondents

Affidavit-in-reply on behalf of the Respondent No.3 to the Affidavit of the Respondent No.1, the Chief Secretary, Government of West Bengal.

**INDEX**

Sl. No.	Particulars	Page Nos.
1.	Affidavit in reply of the Respondent No. 3 Against the Affidavit of the Chief Secretary/respondent no.1	1-7
2.	Annexure letter -'A'	8

Filed by:

*Santosh K. Pandey*  
Santosh Kumar Pandey  
Advocate  
Calcutta High Court  
Mob. No. 9433182985



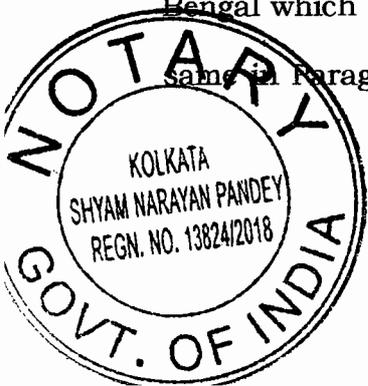
15 MAR 2024

I, Shri Saket Kumar, Son of Shri Janardan Roy, aged about 35 years, by faith Hindu by occupation Railway Service, working for gain in the office of Divisional Railway Manager, South Eastern Railway, Kharagpur, Pin: 721301 do hereby, solemnly affirm and say as follows:

1. I am Sr.Divisional Engineer, South Eastern Railway, Kharagpur. The Respondent No.3 has been served a copy of the Affidavit of the Ld. Chief Secretary of West Bengal affirmed on 03.02.2024. The Respondent No.3 has perused the said Affidavit of the Ld. Chief Secretary of West Bengal.

2. The Respondent No. 3 by this Affidavit-in-Reply submits about the compliance of the Order dated 05.02.2024 passed by this Hon'ble Tribunal as well the Statements and/or allegations of the various stake holders in respect of compliance of the Orders dated 19.10.2023 and 05.02.2024 of the Hon'ble National Green Tribunal, Eastern Zone Bench, Kolkata.

3. I most humbly submit that in pursuance of the order dated 19.10.2023 of the Hon'ble NGT, Eastern Zone Bench, Kolkata, the Ld. Chief Secretary of West Bengal held a meeting on 01.11.2023 at 05.00 pm in the Conference Hall, 13<sup>th</sup> Floor, Nabanna, Kolkata. One Minutes of meeting was drawn wherein, certain directions for action was issued to various stake holders. A copy of the said Minutes has already been annexed in the Affidavit dated 03.02.2024 of the Ld. Chief Secretary of West Bengal. On perusal of the decisions taken by the Ld. Chief Secretary of West Bengal which have been stated in Paragraph 5 of the said Affidavit and quoted the same in Paragraph 2 of the said order dated 05.02.2024, I most humbly submit



15 MAR 2024

Saket Kumar

that the Respondent No.3 in terms of the decisions taken in the Joint Meeting held by the Ld. Chief Secretary of West Bengal, has taken the following steps:

(a) The decision of the meeting that "Bio-diversity Board will provide technical guidance as and when required for Vegetation Management of Santragachi Jheel. However, regular monitoring will be done by Howrah Municipal Corporation (HMC) and Urban Development and Municipal Affairs (UD & MA) in field".

In this regard, it is submitted that the Railway will assist and attend Joint Survey, if any, required for vegetation Management of Santragachi Jheel.

(b) The decision and direction that "Railway Authority shall provide land and allow State Government to construct Sewage Treatment Plant (STP), Waste Stabilization Pond (WSP) type".

In this regard, it is submitted that South Eastern Railway by a letter dated 12.03.2024 has granted 'No Objection Certificate' (NOC) to the Respondent No.2 being Urban Development and Municipal Affairs for construction of Sewage Treatment Plant (STP) Waste Stabilization Pond (WSP) type.

(c) The decision regarding providing "Minimum requirement of land is to be assessed and conveyed to the Railway Authority by Kolkata Metropolitan Development Authority (KMDA) through the online portal of Railway".

In this regard, it is submitted that the South Eastern Railway by its said letter dated 12.03.2024 to the Senior Special Secretary, Department of Urban Development and Municipal Affairs, The Respondent No.2 herein, apprised that the application No.SER-KGP-2023-LS-21 dated 02.11.2023 for



*Sankar Kumar* 15 MAR 2024

leasing of Railway land of 14,962 sqm. for construction of STP and application No.SER-KGP-2024-LS-09 dated 05.03.2024 for leasing of Railway land of 3020 sqm. for construction of Garland Drain, necessary NOC has been issued to the respondent no.2.

A Xerox copy of the said letter dated 12.03.2024 is annexed hereto and marked with the letter "A".

It is further submitted that the cost of lease of Railway land for the purpose of setting of Sewage Treatment Plant, (STP), Waste Stabilization Pond (WSP) type has been communicated through online portal and which has been accepted by KMDA on 05.03.2024. It is agreed that the KMDA being the Concerned Respondent shall pay the cost of leasing of Railway land at Rs.2, 07,283/- for setting of Sewage Treatment Plant (STP) Waste Stabilization Pond (WSP) type and cost of leasing of Railway land for the purpose of Garland Drain of Rs.1, 63,07,657/- which has been accepted by the KMDA on 07.03.2024 through online portal.

(d) The decision and direction of the said Joint Meeting in respect of funding of installing Sewage Treatment Plant which has been decided that the Railway Authority and State shall bear the cost as per the direction of the Hon'ble National Green Tribunal made in original application No.06/2016/EZ. It is pertinent to mention that the Hon'ble National Green Tribunal in original application No.06/2016/EZ vide its order dated 15.09.2017 mentioned that the Howrah Municipal Corporation generates about 81.93% of sewerage while the Railway generates about 18.7% sewerage. Further, it was directed that cost of STP may be first borne by



*Saket Kumar* 15 MAR 2024

the State Government and its claim in respect of share of liability of railway may be sorted out separately.

(e) The decision and direction made in Clause-‘f’ of the Minutes of the Joint Meeting that “Roads in and around the Jheel need to be repaired by the Railway Authority”.

In this regard, it is submitted that the road in South side is under Howrah Municipal Corporation and as such, the same should be repaired by the Howrah Municipal Corporation Road in North and East side of the Jheel have already been repaired and in West side repairing work is in progress.

(f) The decision and direction made in Clause ‘h’ of the Minutes of the said meeting that “mass awareness programme including information, education and communication (IEC) may be conducted for protection and abatement of pollution in Santragachi Jheel”.

In this regard, it is submitted that the Railway will take necessary action for mass awareness programme for protection and abatement of pollution in the Santragachi Jheel.

The decision and direction made in Clause-‘i’ of the Minutes of the said joint meeting regarding Eco-Tourism Project.

It is submitted that all necessary assistance will be provided to the State Government for Eco-Tourism Project by the Railway.

(k) The decision and direction made in Clause-‘k’ of the said Minutes dated 01.11.2023.



Saket Kumar

15 MAR 2024

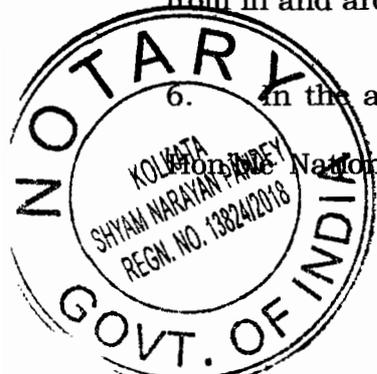
It is submitted that Railway is taking all necessary steps to stop further encroachment. Further, the Railway had been requesting the State and Police Authorities for providing necessary Police assistance for eviction of unauthorized occupants encroaching the Railway land in and around Santragachi Jheel. It is further submitted that necessary directions should be given to the State and all Concerned Authorities for eviction of unauthorized occupants, encroaching the Railway land in and around Santragachi Jheel, if necessary by use of force at the earliest.

4. With respect to Paragraph 13 of the order dated 05.02.2024 passed by the Hon'ble National Green Tribunal, Eastern Zone Bench, Kolkata, directing the General Manager, South Eastern Railway, Kolkata to take a decision with respect to the online application submitted by the KMDA as stated in Paragraph 5, (d) & (e) and Paragraph 7 of the Affidavit dated 03.02.2024 submitted by Chief Secretary, Government of West Bengal.

It is submitted that the online application of the KMDA has already been processed and cost of lease has been determined and accepted by the concerned State Authority, but the same is yet to be received by the Railway.

5. I most humbly submit that the Railway on several occasions had requested for providing necessary Police help for removal of unauthorized encroachments to the State and Police Authorities. On all the occasions State/Police Authority avoided to provide necessary assistance for removal of unauthorized encroachment from in and around Santragachi Jheel.

6. In the aforesaid facts and circumstances, it is most humbly prayed to this Hon'ble National Green Tribunal for passing necessary order directing the State,



Saket Kumar.

15 MAR 2024

Police and all Concerned Authorities to provide necessary assistance for removal of unauthorized encroachment from in and around Santragachi Jheel at the earliest to protect and abate pollution.

7. In the facts and circumstances, stated above, I, on behalf of the South Eastern Railway most humbly submit to the Hon'ble National Green Tribunal, Eastern Zone, Kolkata to pass necessary and suitable order as deem fit and proper.

8. The statements made in paragraphs 1 to 5 of the foregoing affidavit are based on record which I verily believe to be true and correct and those made in paragraphs 6 and 7 thereof are my humble submissions before this Hon'ble Tribunal

Prepared in my office

*Santosh Kr. Pandey*  
Advocate

*Saket Kumar*  
Deponent

Identified by me

*Santosh Kr. Pandey*  
Advocate

*Sk. No. WB/753/2008*

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

*Sudh*

SHYAM NARAYAN PANDEY  
NOTARY, GOVT. OF INDIA  
REGN. NO. 13824/2018

15.03.2024

15 MAR 2024



8

Annexure - "A"

S. E. Railway

Office of the  
Divl. Rly. Manager (Engg)  
KGP Dt. 12.03.2024

No. W/L. Cell/SRC/Jheel/STP

To  
The Senior Special Secretary  
Department of Urban Development and Municipal Affairs  
Govt. of West Bengal  
DF-8, Sector -I, Salt Lake City, Kolkata- 700064

Sub: NOC for construction of Waste Stabilization pond at the SRC  
Jheel in compliance with the order passed by Hon'ble NGT.

Ref: (i) This office earlier letter dated 01.03.2024  
ii) New Land License fee calculation sheet as per KMDA request.

\*\*\*\*\*

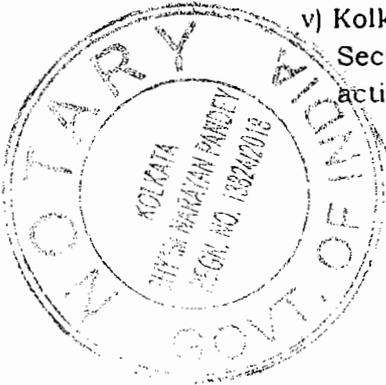
In connection with the above subject and with reference to this office letter under reference (i), it is stated that the Application No -SER-KGP-2023-LS-21 dated 02.11.2023 for leasing of Railway land of 14,962 Sq.Mtr for construction of STP and Application No SER-KGP-2024-LS-09 dated 05.03.2024 for leasing of Railway Land of 3,020 Sq.Mtr for construction of Garland Drain are already under process after acceptance of the charges by State Govt. Authority in online portal .

Therefore in view of the urgency and to comply the Hon'ble NGT's order for construction of STP, 'NOC' is being granted for using of Railway land subject to execution of Agreement between Railway Authority and State Govt Authority and depositing of amount as accepted in IR-LSPS portal .

In view of the above you are requested to take necessary action and intimate to the undersigned for further necessary action please.

  
✓ Sr. Divisional Engineer (East )  
S. E. Railway, Kharagpur

- Copy to :- i) OS(G)to DRM/KGP for kind information of DRM  
ii) District Magistrate /Howrah, New Collect orate Building ,7 Rishi  
Bamkim Chandra Road ,Howrah, 711101 for kind information please.  
iii) Chief Engineer(Genl.) / SER,GRC for kind information please  
iv) Sr.DEN/CO/KGP for kind information please.  
v) Kolkata Metropolitan Development authority , Unnayan Bhvan,DJ-11  
Sector -II ,Salt Lake , Kolkata,700091. for information and necessary  
action please



  
✓ Sr. Divisional Engineer (East )  
S. E. Railway, Kharagpur

*detached*  
*12/3/2024*  
*etc*

*detached*  
*12/3/2024*  
*etc*

**BEFORE THE NATIONAL GREEN TRIBUNAL  
EASTERN ZONE BENCH, KOLKATA**

M.A. No.22/2023/EZ  
IN  
O.A. No. 06/2016/EZ

In the matter of:  
Subhas Datta

..... Applicant

-Versus-

State of West Bengal and Others

.....Respondents

Affidavit-in-reply on behalf of the  
Respondent No.3 to the Affidavit  
dated 03.02.2024 of the  
Respondent No.1, the Chief  
Secretary, Government of West  
Bengal.



Advocate-on-Record  
Santosh Kumar Pandey  
Advocate  
High Court, Calcutta  
Room No.3, ground Floor,  
City Civil Court,  
2 & 3, K.S. Roy Road,  
Kolkata-700001  
M:9433182985  
Email:skp35663@gmail.com